

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2007/0268/DM APPLICATION DATE: 23 April 2007

PROPOSAL: **OUTLINE APPLICATION FOR B1 (BUSINESS), B2 (GENERAL INDUSTRY) AND B8 (STORAGE & DISTRIBUTION) USES (COMPRISING A MAXIMUM OF 131,540 SQUARE METRES OF FLOOR SPACE) AND ASSOCIATED CAR AND LORRY PARKING FACILITIES, ACCESS AND DISTRIBUTION ROADS, RENEWABLE ENERGY FACILITY, LANDSCAPING AND ASSOCIATED ENVIRONMENTAL MITIGATION MEASURES**

LOCATION: **LAND SOUTH OF HEIGHINGTON LANE NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Merchant Place Developments  
c/o Agent

#### CONSULTATIONS

1. GREAT AYCLIFFE TC
2. Cllr. J.P. Moran
3. Cllr. W.M. Blenkinsopp
4. Cllr. Mr. J.K. Piggott
5. One North East
6. Network Rail
7. North East Assembly
8. Rodger Lowe
9. DCC (PROWS)
10. POLICE HQ
11. LANDSCAPE ARCH
12. DESIGN
13. ECONOMIC DEV
14. L.PLANS
15. Lee White
16. ENV. HEALTH
17. Heighington Parish Council
18. ENV AGENCY
19. RAMBLER
20. BUILDING CONTROL
21. ENGLISH NATURE
22. NORTHUMBRIAN WATER
23. DARLO BORO
24. HIGHWAYS AGENCY
25. DCC (TRAFFIC)
26. DCC (PLANNING)
27. VALUER
28. Colin Holm

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**NEIGHBOUR/INDUSTRIAL**

Locomotion One Eastfield Farm Dormerstiles Twin Oaks Stables Dynea Formica  
Uponor Waste Transfer Station Travik Chemicals Ltd Inkland Ltd Unit 1  
Unit 2 Millennium Way:1 Hall Farm Cottage  
Hall Farm Station Road:22,20,18,S C A Pack,PWS Distributors  
Bracks Cottage Brakkes Farm  
New House Farm Houghton Bank Farm  
Beech Crescent:1,2,3,4,5,6,7,8,9,10,6a,Pendle  
Healy House Stonycroft The Arches  
Alexander Cottage Jepson Cottage Trafalgar House

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**THE PROPOSAL**

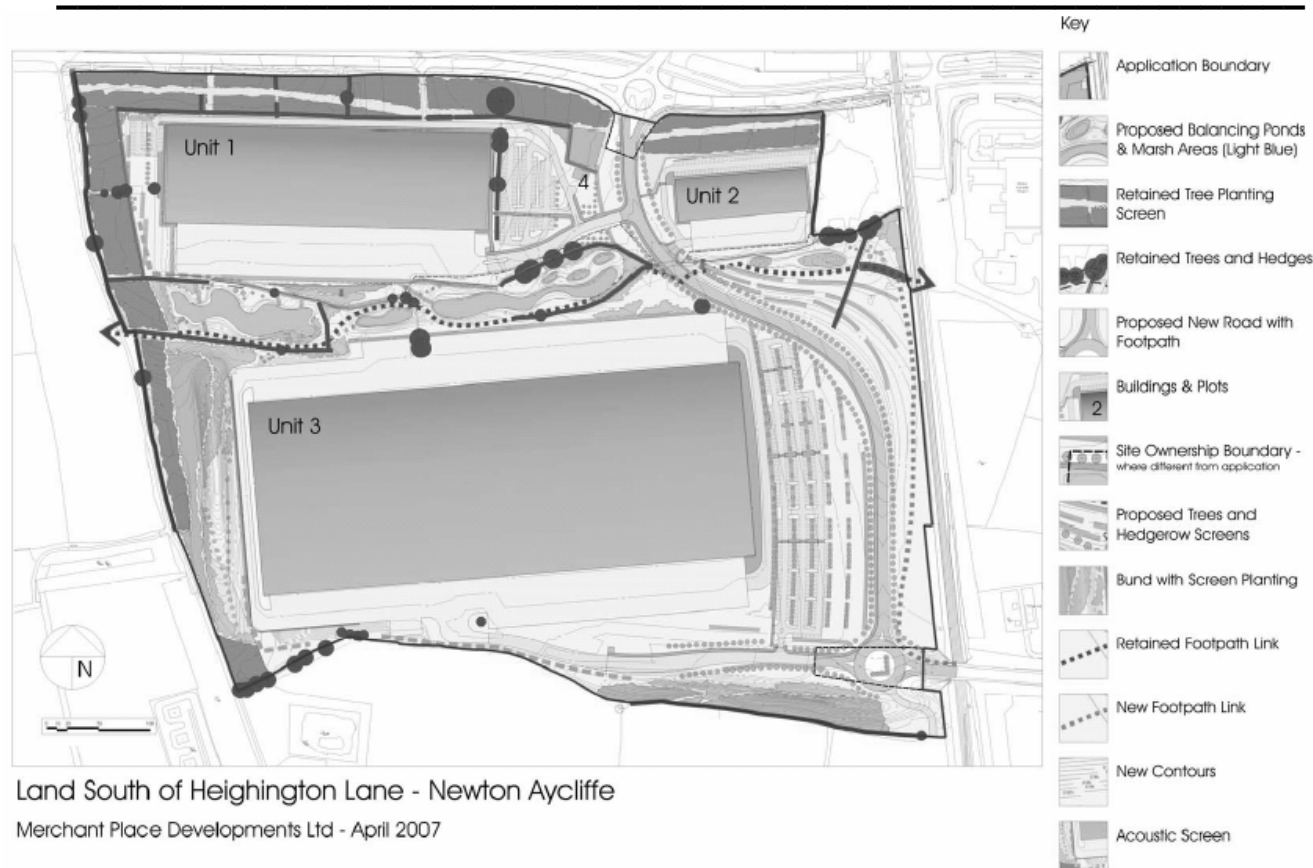
Outline planning approval is being sought to develop 42.1 hectares (104 acres) of land south of Heighington Lane, Newton Aycliffe for a mixed development comprising the following elements:

- B8 Warehouse and Distribution facilities.
- B2 industrial premises,
- Ancillary B1 office space
- Associated lorry and car parking facilities
- Renewable energy facility.
- Landscaping and associated environmental mitigation measures.

The application has been accompanied by a Design and Access Statement, Environmental Statement and Transport Assessment. The detailed layout, scale, appearance and landscaping are to be considered as “reserve matters” with only the means of access to be established at this outline application stage. A detailed planning application for the road is to be considered separately under planning application No. 07/2007/0324. However, the applicant is seeking to establish a series of development parameters within which subsequent detailed or ‘reserved matter’ applications can be made. Accordingly, an illustrative master plan has been produced including a potential site layout.

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It is envisaged that the site will be developed in two phases. It is likely that the first stage will comprise 19.74 hectares at the northern part of the site. Three units are proposed at this part of the site with access being taken from the existing roundabout at Heighington Lane, as follows:-

\* **Unit 1**, which would be located on the western part of Phase 1, proposes the construction of a building up to 29,800 sq. m for B8 use at ground floor with ancillary offices totalling 1,730 sq.m. This unit would be a maximum of 16m high to eaves level and 20 m to ridge height.

\* **Unit 2** is located on the eastern part of Phase 1 and would comprise up to 5,270 sq. m of B2 or B8 floor space, which will have the potential to be split into up to 6 individual units. This unit will be up to a maximum of 6m in height to eaves and 9.6m to ridge.

\* **Unit 4** will be located centrally within Phase 1 and will house the proposed energy centre for the site. It is envisaged that this will include a biomass boiler with fuel storage silo. The energy centre will cover an area of 150 sq. m with a maximum height of 6m to eaves and 8m to ridge.

It is anticipated that a maximum number of 327 car parking spaces would be provided to serve this phase of development.

Land to the south of the three units along Demon Beck will also be developed in Phase 1. This work will include earth and construction works relating to the proposed retention ponds / flood mitigation and utility services for Phases 1 and 2.

Phase 2 would comprise 22.36 hectares in the southern part of the site and would provide for a new road link between the Phase 1 access at Heighington Lane and the existing New

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Millennium Way bridge access to the east of the site. The proposed link road is considered under a separate planning application (App. No. 07/2007/0324/DM). This phase would provide for a single large warehouse building (**Unit 3**) of up to 89,800 sq. m – (approximately the same foot print as 20 junior football pitches) of B8 warehouse together with 4,100 sq. m of ancillary B1 office floor space. This unit would be up to a maximum of 20 m in height to eaves and 27m in height to ridge from floor level. It is anticipated that a maximum of 575 car parking spaces would be provided to serve this phase of development.

Phase 1 and 2 will provide a combined floor area of up to 131,540 square metres.

Bunding is proposed on the western and southern boundaries of the site together with additional tree planting in order to minimise the height of the proposed buildings. It is anticipated that up to 250 people could be employed during the construction phase of this development with up to 1000 employees based on site when the scheme is fully operational.

### **LOCATIONS OF THE PROPOSED DEVELOPMENT**

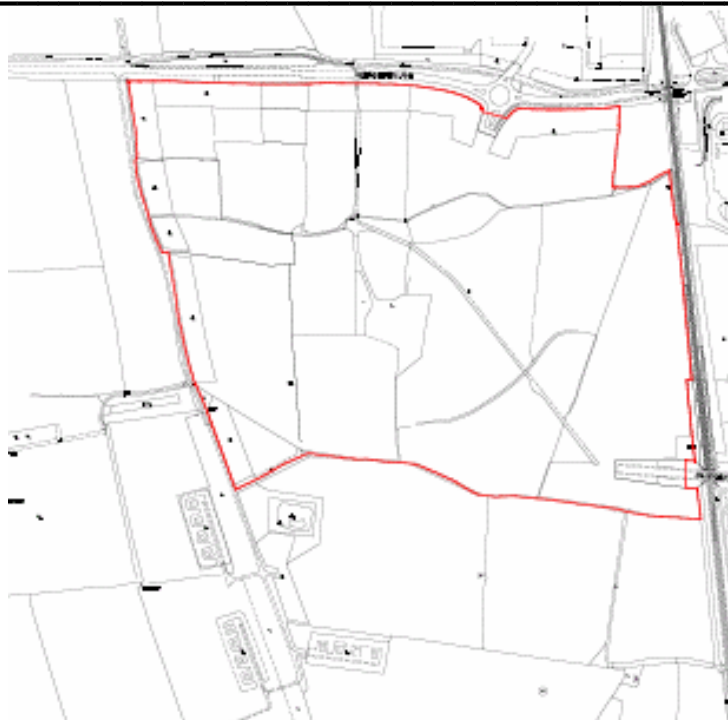
The planning application site, which measures a total 42.1 hectares, is located to the south west of Aycliffe Industrial Estate, as illustrated on the location plan below. The site falls within the administrative boundaries of both Sedgfield and Darlington Borough Councils. The majority of the site (36.3 hectares) falls within Sedgfield Borough whilst the remainder of the site at the north west corner of the site lies within the Darlington area. As such, a separate planning application has been submitted to Darlington Borough Council (App. No. 2007/00445/OUTE).

The application site is bounded to the north by Heighington Lane with a spur from the existing roundabout providing one of two vehicular accesses into the site. The Darlington to Bishop Auckland railway forms the eastern boundary and a second access road is provided via the New Millennium Way bridge over the railway line. The western boundary is formed by mature mixed woodland and an un-surfaced track. The southern boundary follows the existing hedge line approximately 150-300 metres north of a small stream overlooking the small settlement of Whiley Hill to the south. The area immediately to the south of the application site has been set aside for mitigation purposes. This area has been specifically designed to form a Great Crested Newt Receptor Area including the creation of new ponds, tree, shrub and hedge planting so as to enable further development of the industrial park whilst securing the long-term future of protected species and other flora and fauna within this area.

The site is currently used for a mix of agricultural / woodland use although this has long been identified for new employment development. Public Footpath Number 6 runs in a north-south direction along the western boundary of the application site. Public Footpath Number 5 runs in an east- west direction across the application site adjacent to Demon's Beck. Cumby's Plantation SNCI is located approximately 200 metres to the south west of the application site.

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**Planning History**

The development of the application site for the purposes of a significant employment use has been envisaged for some time with significant infrastructure works including the construction of a new bridge over the railway to the site from New Millennium Way and the roundabout at Heighington Lane being constructed in the 1990's. A summary of the relevant planning history for the site is outlined below.

Planning Application 7/1990/0228/DM

Grantham Developments Limited submitted a planning application for an 'Industrial Park (Outline Application) on 30 Acres of agricultural land at Whitworth Farm, Heighington Lane – this planning application was withdrawn prior to determination.

Planning Application 7 /1990/0227/DM

Grantham Developments Limited submitted a planning application for an 'Industrial Park' on 81 Acres of agricultural land at Whitworth Farm, Heighington Lane' – this planning application was withdrawn prior to determination.

Planning Application 7/1995/0334/DM

Durham County Council submitted an outline planning application for 'Business and Industrial Development (Classes B1, B2 and B8) of 68.5 hectares which was approved in December 1995.

Planning Application 7/1998/0547/DM

Durham County Council submitted an application for 'Variation of the terms of Planning permission 7/95/0334/DM to allow an extended period for the submission and approval of reserved matters

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#### CONSULTATION RESPONSES

##### External Consultees

A summary of the consultation responses received has been outlined below for Members' consideration full details are, however available for review within the planning application file.

**Great Aycliffe Town Council** has raised no objection regarding this proposal.

**Durham County Council's Highway Engineer** stated that the indicative level of on site car parking was considered satisfactory. It was also stated that the proposed access road would need to be constructed under a combined Section 38/278 Agreement under Highways Act and that the applicant would need to fund changes to highway classification. It was initially stated that the submission lacked a commitment to a Travel Plan to encourage access and egress of staff / visitors via a range of transport modes rather than relying solely the private car. However, additional information and detail has now been received and this is now considered satisfactory.

**Durham County Council's Public Rights of Way Officer** has stated public footpath No.5, Great Aycliffe parish bisects the application site. The proposed development of the site, as submitted in the indicative master plan, would require the footpath to be re-aligned. This matter would need to be resolved under Section 257 of Town and Country Planning Act 1990. It was also pointed out that the Order making process should be substantially complete before any development takes place on site. The developer would need to liase with the Rights of Way officer regarding the specification of the re-instated footpath, if outline planning approval is granted.

**Durham County Council's Archaeologist** has raised no objection subject to the imposition of two planning conditions requiring the applicant to submit and carry out an agreed programme of archaeological works and requiring a programme of hedgerow recording analysis within the development site.

**Durham County Council's Policy Officer** has confirmed that this proposal complies with Structure Plan Policy 3 because of the location of the development site on the edge of the existing industrial estate at Newton Aycliffe. It is also stated that Policy 20 of the Durham County Structure Plan requires comprehensive development of the site. As such, the Local Planning Authority needs to be satisfied that the site will not be developed in a piecemeal manner with appropriate landscaping carried out in those phases not immediately developed. It was identified that a range of modes of transport should be encouraged to service this scheme and that bus services would need to be re-instated in this part of Heighington Lane employment site and bus waiting facilities provided on the new link road. Although the proposal does not involve the use of the adjacent railway line for the movement of freight it was recommended that the site be developed in such a way so as not to preclude freight transport in the future.

**The Highways Agency** was of the opinion that the proposed level of car parking for each unit was towards the higher range of car parking provision and scope existed to reduce both on site parking and the number of vehicle trips to and from the development via encouraging a range of alternative modes of transport. It was therefore, recommended that further assessment be carried out to identify available capacity of the existing bus and rail facilities and the likely level of improvements required to accommodate the proposed developments. It was also stated that additional work was required to demonstrate how the interim travel plan would manage to help reduce vehicle trips to and from the site. *This additional work has now been undertaken and the Travel Plan arrangements are now considered satisfactory.* It was, however, concluded that 'the

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development traffic is not considered to be such that it will have a significant impact on road safety'.

**Natural England** are of the opinion that' this proposal is 'unlikely to have an adverse affect in respect of species especially protected by law' subject to the imposition of a planning condition requiring the proposed works to be carried out in accordance with mitigation measures outlined in developers Environmental Statement.

**One NorthEast**, as the Regional Development Agency for the North East, seeks to encourage regional economic growth and regeneration and, as such, has previously provided funding to provide the provision of the vehicular access into this site and has been involved in negotiations for the sale of the land to the applicant. One NorthEast supports the view that this site should be retained for employment use including potential distribution uses. One NorthEast have welcomed the applicant's intention to incorporate a system of sustainable drainage within the site and also welcomes the commitment towards buildings which are energy efficient and the introduction of an energy centre within the site using renewable bio-mass fuel.

**The Planning and Economic Strategy Board** of Tees Valley Unlimited has stated that the application site could play a key role in meeting logistics requirements and supporting the continuing role of Aycliffe Industrial Estate as a regionally important employment site. It is pointed out that the application site is identified in the current Regional Spatial Strategy (RPG1) as a strategic employment site. However, it is also stated that the Borough Council should be satisfied that alternative sites, particularly previously developed sites, cannot accommodate the proposed development and that any environmental impacts can be minimised via mitigation.

**The Environment Agency** have raised no objection to this proposal 'in principle' but has been suggested that a number of planning conditions be attached relating to flood risk, regarding the protection of Demon's Beck and the disposal of foul drainage, if planning permission is granted.

**Durham Constabulary's Police Architectural Liaison Officer** has raised no objection to this scheme but has made a range of recommendations regarding security within this scheme. Key recommendations include the formation of a defined entrance to the estate, the height and style of security fencing and the need to safeguard visibility and provide suitable lighting in and around ancillary car parking areas.

**Network Rail** has raised no objection to the scheme but has commented that whilst the existing pedestrian crossing to the south of Heighington Station is currently acceptable for existing levels of usage if development leads to an increased usage of crossing this may need to be up graded at developers expense. It was also stated that a secure 1.8m high fence would be required along the full length of the site adj. to the railway line and that all drainage from the site should be diverted away from the railway line.

**Northern Gas** has not raised any objection to this proposal but has provided details of their site apparatus within this area.

Internal Consultees

**Landscape Architect** initially raised concern regarding the lack of detail provided in the initial submission and raised concern [regarding the visual impact of proposal and its detrimental impact upon the landscape in this area. A summary of these comments is outlined below.](#)

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Notwithstanding the outline nature of this proposal it was felt that the lack of detail provided made it difficult to accurately assess the potential visual impact of the proposed buildings. It was suggested, therefore, that detailed landscaping proposals should be submitted at this stage rather than this matter being left to be considered as a “reserve matter”. It was stated that the density of built development outlined within the proposed master plan (i.e. the footprint of the buildings and the associated roads and car parking areas) left little room for on site planting and bunding to screen the buildings or to adequately mitigate for the loss of habitat elsewhere within the site. This was exacerbated by the lack of a roof incorporating natural vegetation, which had previously been suggested prior to the submission of the planning application. *These matters has been considered in depth and the applicant has demonstrated that substantial planting can be incorporated within the scheme in order to mitigate for the loss of planting within the site and to provide screening in sensitive locations along the perimeter of the site.*

**Countryside Officers** also carried out a through assessment of the planning application and Environmental Statement. A [summary of these views is outlined below](#).

The countryside officers were generally satisfied with methodology of the Environmental Statement but felt that additional survey work was required to enable reasonably accurate assessments of appropriate mitigation / compensation measures to be proposed in relation to protected species including bats and badgers. A bird breeding survey was also considered essential. The use of a natural green roof within the development was suggested in order to safeguard and improve bio diversity within the scheme. Details of the phasing of the mitigation measures and future monitoring of mitigation measures proposed would be required during and after construction. *Additional survey work has subsequently been carried out and it is felt that the proposed on site works, together with additional off site planting at the Great Crested Newt Receptor Area to the south and the funding of off site hedgerow provision would mitigate for the loss of habitat within the application site.*

**Tree Preservation Officer** reviewed the submitted planning application and supporting Environmental Statement. A summary of these views is outlined below.

The site was found to contain 55 mature trees within the existing hedgerows on site. Had the site not been allocated for development as an employment site thirty of these trees would have been considered to be worthy of protection via a Tree Preservation Order. Whilst there are no woodlands on the site a 10-year-old screening belt of trees is located around the northern and western perimeter of the site. The proposal will require the removal of some trees along the northern boundary to accommodate adjustments to the northern access road. *It has subsequently been demonstrated that proposals to remove some of the western tree belt to facilitate the construction of bunding, as initially proposed, will not be required and this can be safeguarded within the development of the site.*

Concern was also expressed that the proposed development would result in the loss of 2185 metres of hedgerow within the site, a significant proportion of which were considered to be of high value. The loss of these hedgerows was considered to have a significant impact upon the visual amenity of the area. It is also pointed out that new hedgerow planting would take a substantial period of time in order to mature to compensate for the loss of this ecological value and visual interest.

However, in recognition of the importance of the hedgerows it is proposed to plant in excess of 3500 m of hedgerow within the application site. It is also proposed to carry out off site works consisting of the planting of 1300m of new hedgerow in the Great Crested Newt Mitigation Area



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(GCNMA). A further mitigation measure cited included the setting up of a hedgerow improvement fund for off site hedgerow management.

**Environmental Health Officer** has recommended that a range of measures be undertaken to minimise dust generation during construction works including the installation of a wheel washing facility at the site entrance, that a dust management plan be submitted to and approved by the Local Planning Authority and no waste materials are burnt on site during construction. It was also identified that the construction works may unacceptably increase noise levels to noise sensitive receptors off site. It was, therefore, recommended that working hours during construction be restricted and that when excavation works are taking place within close proximity to sensitive receptors, temporary screening of noise sources shall be undertaken. It was also suggested that an acoustic barrier be installed along the southwestern boundary of Units 1 and 3 to mitigate noise levels resulting from the nighttime operation of these units. It was also suggested that planning conditions be attached requiring a ground investigation to be carried out prior to the commencement of works and that during construction works any bulk containers used for storage of oil, fuel or chemicals are stored in a suitably designed impervious bund.

**Energy Officer** raised no objection to the scheme but requested additional clarification requested regarding energy output for development, type and output of biomass facility etc

**Waste Management Officer** has recommended that a site waste management plan be implemented for this development including the construction phase of this scheme.

**The Ramblers Association** (Darlington Group) have formally objected to this proposal. They have expressed detailed concerns that this proposal would detrimentally affect the enjoyment of the public footpath network in this area because of noise, pollution from vehicles and the visual environment which would be created when walking between the high buildings proposed within this scheme.

It has been also been stated that at the time of the original development proposals for this site in 2000 the whole of this area of land was to be used for a single large employer, which is not the case now, and that agreement was reached for the diversion of footpath No. 5 in conjunction with improvements to the footpath network in and around the site. The respondent states that these improvements have not been incorporated within the proposed master plan.

Concerns were also raised regarding the highway safety implications of the additional traffic upon the users of the public footpath network in the area.

Other issues of concern related to traffic generation, doubts were also raised that the proposal would be unlikely to provide levels of employment forecast, that other brown field sites should be developed in preference to this site. They also stated this proposal would have a detrimental impact upon this area of high ecological importance and would detract from the natural visual appearance of this undeveloped area. The Ramblers Association also request that because of the proposal to delete this site from the Regional Spatial Strategy (RSS) as a 'reserved' site either the Borough Council reject this planning application or delay any decision until the results of the review of the RSS are known.

#### Publicity Responses

This planning application was advertised via a press notice, the posting of several site notices around the application site and in Heighington Village and by direct neighbour notification. As a

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result **five letters** of objection have been received regarding this proposal. A summary of the representations received is outlined below for Members' consideration.

**Campaign to Protect Rural England** (Durham Branch) object to this proposal. It is stated that the existing road network in the area is already under strain and to permit this development will add to this existing pressure. It is suggested that the Borough Council liaise closely with Darlington Borough Council because the application site overlaps the common boundary of the two Councils. The Borough Council is also urged to defer any decision until the future of this site under Regional Spatial Strategy has been formally decided. It is also felt that this development should be located on vacant industrial land within the existing Newton Aycliffe rather than being situated on this greenfield site.

**Heighington Parish Council** has formally objected to this proposal. A summary of these objections is outlined below for Member's consideration.

\* the Parish Council re-iterate that there is a strong presumption against development in the Countryside unless exceptional circumstances exist, the Parish Council do not consider this to be the case. They also feel that this proposal would have a detrimental effect on the character and appearance of the area.

\* it is stated that given the timing of the local development framework any decision on an application for such a large development would be premature. It is stated that Regional Planning Guidance refers to the need to adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings and not, as here, on green fields. It is also suggested that other alternative sites are available for this type of development in the Darlington Borough at Faverdale.

\* that this proposal would detrimentally affect the natural environment and quality of life for local residents and that this proposal should be located elsewhere as part of town centre enhancement or improvement to an existing industrial site.

\* that the proposal is not located in a sustainable location and this will lead to significant additional traffic generation which the road network is not capable of accommodating, particularly bearing in mind the recent approval of the Lidl warehouse on an adjacent site.

### **LOCAL RESIDENTS**

Three further letters of objection were received from the occupants of Dormerstiles and Houghton Bank Farm, Heighington (Check latest letter for new issues)

The key issues of concern are outlined below:

\* that this proposal should be located on a brownfield rather than a Greenfield site and that this type of development should be located within derelict sites located within the existing industrial estate or elsewhere such as Wynyard and Darlington Old Torrington's site.

\* that the scale of the buildings is so large these would be unsightly and the proposed screen planting would take many years to be effective.

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- \* the proposal would detrimentally affect wildlife value of this area (including protected species such as badger) and despite the proposed mitigation measures these would not be compensated for, particularly bearing in mind the operational nature of the proposal.
- \* the volume of traffic generated by the scheme is so significant both itself (and considering this in conjunction with recently approved Lidl distribution warehouse nearby) that the existing infrastructure would be unable to cope.
- \* the proposal could detrimentally affect drainage / water table of the adjacent farmland and this would also cause an overshadowing in the adjacent area.
- \* the proposal would lead to additional noise both during construction and operationally caused by traffic movements, heating, and ventilation.
- \* that this proposal would lead to an unacceptable loss of mature trees and hedgerows and habitat and detrimentally affect the character of Heighington village.

#### **Supplementary information provided by Applicant**

Following detailed assessment of the planning considerations and the consultation responses received in relation to the initial round of consultations detailed discussions were held between the applicant, his agent and planning staff. As a result of these discussions additional supplementary information has been received including improved drawings and photographic information and a revised Transport Assessment, which was received in August 2007 in support of this planning application.

This additional information includes the following details:

- \* Additional clarification regarding why this development cannot be located within an existing brown field location
- \* Confirmation that estimates of the proposed employment figures are based upon established employee - density figures further supported by past experience of similar schemes developed by the applicant.
- \* An improved interim travel plan which includes measures to prevent HGV traffic routing via Heighington and includes preferred routes for freight being transported in and out of the site.
- \* measures have been incorporated to improve public transport links to the site and build in the opportunity to encourage greater use of rail, bus and cycling.
- \* The Landscape Master Plan has also been revised with additional plans and cross sections provided to demonstrate that additional landscaping can be incorporated within the site to assist screening along the western boundary of the site without the need to cut into the existing tree belt in this area.

This further information was forwarded to key consultees and their comments in response to this additional information is outlined below.

The Highways Agency has confirmed that the updated Transport Assessment is generally acceptable and that the agent had added further detail to satisfy several of its previous comments. The Highways Agency has recommended a planning condition be attached to any approval to ensure that if traffic flow from the site leads to additional traffic building up at the A1 (M)/A167 junction in future then the applicant will bear the costs of installation of part time traffic lights at this location to manage traffic flow in this area.

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The Highways Agency support the measures identified in the Interim Travel Plan (ITP), but have suggested a range of additional measures to further strengthen this including, measures to ensure each building should have at least one male and one female shower to encourage employees to cycle to work and that 10% of the total car parking spaces within the scheme be reserved for car share spaces;

**Landscape Architect** has welcomed the additional information provided and he is of the opinion that significant improvements have been made, including the relocation of the western bunding so as to safeguard the existing tree planting.

However, he remains of the opinion that a potential exists for green roof / walling technology should be incorporated within the design of the proposed buildings in order to mitigate for the change in land use, both from a visual perspective, as well as for wildlife, particularly birds. The incorporation of hedgerow improvements off site both in the Great Crested Newt Receptor Area to the south and in the wider area is widely supported.

**Countryside Officer** has confirmed that many of the issues previously highlighted have now been addressed and the survey data is now considered satisfactory. Support is given to the provision of off site mitigation at both the Great Crested Newt Receptor area and on neighbouring farmland.

The introduction of a green roof within the development was fully supported and it has been suggested that a feasibility study be carried out to fully establish the potential use of this technology within the proposed development scheme.

A range of species and habitat mitigation measures have been suggested including that the siting of alternative roost sites (bat boxes) be made available to bats ahead of the construction phase and these were welcomed.

**Natural England** has re-iterated their earlier views that this proposal is 'unlikely to have an adverse affect in respect of species especially protected by law' subject to the imposition a planning condition requiring the proposed works to be carried out in accordance with mitigation measures outlined in developers Environmental Statement.

The Ramblers Association (Darlington Group) have re-iterated that they are totally opposed to this to any diversion, closure or change of grade of footpath No. 5 which bisects the site. Their earlier concerns regarding pedestrian safety whilst crossing the internal link road because of the increase in traffic movements, reduction in amenity for footpath users caused by noise, pollution from vehicles and the detrimental impact of the proposal in terms of visual amenity remain. The Ramblers Association also stated that whilst opposed to the scheme they would welcome improvements to the footpath network in and around the application site.

### **PLANNING CONSIDERATIONS**

#### **Planning Policy**

##### **Borough Local Plan and County Durham Structure Plan**

The application site is allocated for prestige employment uses within both the Sedgfield Borough Local Plan, and the County Durham Structure Plan, and that business, general industry and warehousing are acceptable uses on such sites.

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The proposal would therefore meet the development strategy of these two development plans, which aim to promote and facilitate development opportunities for employment in the Borough through an attractive range of employment sites to assist economic regeneration and attract inward investment. By directing new investment and encouraging major new development to locate into the Borough, this proposal would meet some of the Local Plan and County Durham Structure Plan aims, including promoting the Borough's major towns, including Newton Aycliffe

Policies IB1, IB3 and IB5 support the proposal. Policy IB1 suggests planning applications that maintain industry and business within a Prestige Business Area will normally be approved. Policy IB3 designates parts of Aycliffe Industrial Park that includes Heighington Lane West as a Prestige Business Park and Policy IB5 identifies business, general industry and warehousing as acceptable uses in a Prestige Business Area.

The site is identified in the emerging Local Development Framework as a Prestige Business Area (Core Strategy – Preferred Options and Major Allocations Alternative Options report Aug 2007).

#### **National Planning Policy Guidance**

Central Government guidance contained within PPG4 (Industrial, commercial development and small firms) has been in existence since 1992 and is now somewhat dated. It does however contain the locational factors for development of this nature to be considered against. This being the following:

- 1 Encourage new development in locations which minimise the length and number of trips, especially by motor vehicles;
- 2 Encourage new development in locations that can be served by more energy efficient modes of transport (this is particularly important in the case of offices, light industrial development, and campus style developments such as science and business parks likely to have large number of employees);
- 3 Discourage new development where it would be likely to add unacceptably to congestion;
- 4 Locate development requiring access mainly to local roads away from trunk roads, to avoid unnecessary congestion on roads designed for longer distance movement.

PPG4 emphasises that sites for such developments are best located away from urban areas, where the nature of the traffic is likely to cause congestion. This location, which represents an extension to Newton Aycliffe Industrial Estate and with excellent adjacent transport links to regional and national routes, performs well against the locational requirements, set out in PPG4 and is therefore an ideal location for new industrial and business development.

#### **Regional Planning Guidance**

Regional Planning Guidance (RPG1) seeks to facilitate the economic renaissance of the region by encouraging inward investment opportunities and the growth of indigenous businesses. The provision of an effective employment land portfolio of good quality attractive employment and business sites and premises to meet the needs of business is required.

Policy DP1 of RPG1 sets out the sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations. Policy DP2 establishes the

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sustainability criteria under which the suitability of sites can be assessed in accordance with the sequential approach as set out in DP1. All sites should be in locations that are, or will be, well related to homes, jobs and services by all modes of transport, in particular public transport, walking and cycling. Whilst the land in question is not previously developed, it is recognised as a strategic employment site within RPG1, and there is therefore a strong presumption in favour of its development for such uses. The submission of this application demonstrates that there is clear and continuing demand for sites of significant scale, which are suitable for a single user. The proposal is in accordance with RPG1.

The Regional Spatial Strategy for the North East sets out the long-term strategy for the spatial development of the North East. The vision, strategy and general policies within the Submission Draft RSS are intended to guide development over a longer timescale. The strategy also provides the spatial context for other regional strategies. Once adopted, the RSS will form part of the statutory Development Plan as described in the Planning and Compulsory Purchase Act 2004. The Submission Draft RSS released in June 2005 also identified Heighington Lane West as a reserve site (Policy 20). The supporting text to the policy recognised that whilst it is important to make optimum use of existing employment land to accommodate emerging small-medium enterprises developments, it is necessary to have a small number of key strategic greenfield sites in reserve to ensure that the NE region can respond quickly to the potential needs of large-scale inward and mobile investors. Heighington Lane West is identified as one of three key strategic Greenfield sites in the NE, and which should be reserved to accommodate large-scale developments and which should not be used in a piecemeal manner.

The Panel Report (released in July 2006) into the EiP however, recommended that Heighington Lane West, along with the two other reserve allocations, be deleted from the RSS. The Panel were firmly of the opinion that with so much land available with planning permission at Wynyard, there is no justification for retaining Heighington Lane West as a reserve site over the RSS Plan period. The Panel justified their decision by referring to their recommended changes to Policy 18 (c), which states a presumption in favour of regenerating and upgrading existing employment sites, before bringing forward new employment land.

In May 2007 the Secretary of State (SoS) released its proposed changes to the RSS. This latest draft of the RSS has accepted the changes recommended in the Panel Report and consequently Heighington Lane West has been deleted as an allocation. **This raises a pertinent question of how much weight should be attached to this document. Whilst it has been subject to extensive public consultation, an examination, and the proposed changes have been published by the SoS; it is not yet the adopted RSS for the NE. Whilst considerable weight can be attached to the document, at this moment in time, it is considered that more weight must be attached to the adopted development plans, namely RPG1, County Durham Structure Plan and the Borough Local Plan. Moreover the emerging LDF for Sedgefield continues to identify the site as a Prestige Business Area**

Moreover a letter sent from Baroness Andrews to the North East Assembly, at the start of the consultation on proposed changes on the NERSS, stated that before making final decisions on whether to de-allocate the reserve employment sites, the SoS would allow further information to be supplied relating to local circumstances. Consultees including Sedgefield Borough Council were invited to supply information on matters relevant to those aspects of Policies 19 and 20 which the Panel have recommended be changed. Such matters might include the current status of the sites in development plans, existing planning permissions, and previous public investment in the sites.

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The Borough Council has made representations to SoS in support of the retention of this designation being retained as an employment site. The EiP panel were informed of the growth of logistics companies within the Tees Valley City Region but they dismissed the notion that these need to be located in close proximity to the motorway network. Sedgfield consider that it is unreasonable to suggest that these companies are not sensitive to motorway locations. These companies operate within a free market and will seek to maximise their economic competitiveness. The A1 (M) is the key intra-regional motorway linking Yorkshire with the North East and Scotland, and it is understandable why Heighington Lane West is an attractive proposition.

The site at Heighington Lane West has been subject to significant public investment to enable the site to be marketed and developed. A preferred developer for the site has been appointed and this has culminated in this planning application.

Whilst we acknowledge the revisions to Policy 18(C) and the need to regenerate and refurbish the existing industrial estate at Newton Aycliffe, given the multitude of different landowners on the existing industrial estate, and the magnitude of this proposal, it is considered impractical to create a site of 1 million ft<sup>2</sup> without a compulsory purchase order coupled with the closure or relocation of affected business and necessary remediation works without significantly more public investment. This process would be fraught with difficulties and there is no guarantee of a successful outcome.

The de-allocation of the Heighington Lane West site will nullify the committed public expenditure that has already been spent to make the site viable. To create a brownfield site capable of hosting such a logistics company would require significantly more public expenditure. The Borough Council is committed to the continued development of Aycliffe Industrial Park through a process of regeneration and refurbishment but strongly contend that the Panel and subsequently the SoS have not given any weight to the prevailing market conditions. These factors have formed the basis of the Council's representations to the SoS, in its efforts to have Heighington Lane West re-included in the finalised version of RSS.

Part (C) of Policy 40 of the emerging RSS stipulates that renewable energy generation should be embedded in the design and implementation of new developments. A wide range of renewable technologies and design approaches are available and can be readily embedded into many forms of development. The emerging RSS requires major new developments to have embedded within them a minimum of 10% energy supply from renewable sources, and it is pleasing that this applicant has factored this into their proposal via the incorporation of a bio mass boiler within the scheme.

In conclusion, in advance of having an adopted Regional Spatial Strategy, it is necessary to refer to the conformity of this planning application with the adopted development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 dictates that when determining planning applications, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the adopted development plan comprises:

- 1 Regional Spatial Strategy (formerly Regional Planning Guidance for the NorthEast RPG1 (November 2002));
- 2 County Durham Structure Plan 1991 – 2006; and
- 3 Sedgfield Borough Local Plan (Adopted October 1996)

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The principle of developing the site for an industrial/business developed in fully enshrined within these three development plan documents, and it is the opinion of Planning staff that notwithstanding the concerns raised regarding the status of the RSS this proposal can be approved on account of its compliance with these documents.

#### **Economic benefits**

The site has been identified for a number of years as a strategic employment site of regional importance in the adopted regional planning guidance for the northeast and within both Sedgefield and Darlington Borough Local Plan. This proposal would represent an extension of the Aycliffe Industrial Area and would utilise the infrastructure improvements already in place, which has been secured via European Union funding.

It is anticipated that the proposal would provide a significant investment in the area and would provide new employment opportunities within both the local area and on a regional level. The construction phase will provide for the equivalent of 250 full time jobs and when operational up to 1000 new full time jobs could be created directly on site. This would additionally provide new opportunities to safeguard existing employment and create more jobs in other support services and businesses already operating in this area.

The applicant has stated that they are confident that there is a strong occupier demand for the format, use and size of development proposed. In respect of the larger warehouse – Unit 3 it is stated that there is a limited supply of such facilities in the region and it is anticipated that a national logistics or retail business would be attracted. The growing demand for this type and scale of floor space has been demonstrated at other similar schemes such as Argos at Faverdale in Darlington Borough Council's area.

Demographic information from the 2001 census shows that 22% of the working population of Sedgefield and Darlington were employed in the manufacturing sector, compared with a national average of 14.8%. The proposal, if implemented, would help diversify the local economy away from traditional manufacturing, which has been shown to be in decline in recent years.

If this scheme is implemented in full this development offers the potential to provide a significant level of much needed employment for the residents of Sedgefield and Darlington Borough Council, in particular and the wider region in general.



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### **Lack of Other Alternative Brownfield Sites**

Several respondents have stated that the proposed development should be located on an existing brownfield site within an existing industrial estate rather than being sited on this greenfield site.

However, the sheer size and functional requirements of this proposal essentially precludes the use of brown field sites. This development involves the construction of up to 131,500 square metres of floor space, with the largest warehouse units requiring single warehouse building up to 89,800 square metres. Because of the nature of these operations any proposal requires a level site with excellent access to the existing highway system. It should also be noted that because of the nature of the operations which operate on a 24 hour basis this type of operation couldn't be located unduly close to residential properties.

As such, the Local Planning Authority is satisfied that no alternative brown field sites of sufficient size, shape or topography or location are available elsewhere within the existing Industrial estate at Newton Aycliffe or within the Borough as a whole.

Because of the infrastructure requirements including the provision of the new link road, wide scale planting and landscaping works to form the co-ordinated and comprehensive development of the site, the smaller units identified within Phase One of this development (which could potentially be located within existing industrial areas) form an integral part of this larger scheme.

### **Landscape and Visual Impact**

Whilst this application is in outline only with the siting, design and landscaping of the site being "reserved matters" for later consideration the Design and Access statement and Environmental Statement prepared in support of this planning application have been useful in assessing the potential visual impact of the future proposal.

The development of the site can be seen to have two distinct affects upon the character and appearance of the area.

Firstly, the initial phases of the development of this site will inevitably affect and detract from the existing landscape character of this area which is currently made up of a range of agricultural fields sub divided by a patchwork of hedgerows and hedgerow trees. As has been outlined earlier within this report because of the functional requirements of the proposed development a significant length of established hedgerow would need to be removed to facilitate the comprehensive development of this site.

A key factor, therefore, will revolve around what compensatory measures are included both within the development site itself and in the adjacent countryside in order to mitigate for the removal of the existing trees and hedgerows and also to help integrate the new buildings into the adjacent countryside.

The development proposals will be particularly noticeable from the footpath network which bisects the site and links into the wider public footpath network to the west of the application site, from the transport corridors along Heighington Lane to the north and from the railway to the east. As such, the landscape treatment along the perimeter of the site and from the public footpath, which bisects the application site, is considered to be of particular importance.

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Secondly, the development of the site including the construction of the industrial warehouse buildings themselves together with the associated parking areas, access roads and changes to ground levels would have a significant impact upon the character and appearance of the site. However, the Landscape Master Plan has demonstrated that the site can be developed in such a way that the existing tree planting along the western boundary of the site can be retained and supplemented by additional bunding and planting. Similarly, although some of the existing planting at the shelter belt to the north would be lost to make way for the improved access from Heighington Lane, opportunities exist to carry out additional planting adjacent to the entrance and within the existing planting belt.

It is recognised that the character of the landscape adjacent to the existing public footpath which currently bi-sects the site will be altered as a result of these development proposals. The inter relationship of the existing footpath and the proposed development of the site has been a key design consideration within the proposed development of the site. As such, the Landscape Master Plan illustrates that potential will exist to develop a high quality landscape adjacent to this footpath which crosses the centre of the site from west to east alongside Demons Beck. Detailed consideration will need to be given regarding the planting and maintenance of this area at the “reserved matter” stage as will the need to provide for appropriate forms of screening within this area, in order to safeguard the amenity of public footpath users.

The loss of the existing hedgerows and resultant field pattern within the site is regrettable, however, opportunity does exist for compensatory planting within the site and off site via the sponsorship of a hedgerow replanting scheme. It should also be noted that substantial hedge and tree planting is to be carried out within the site, which will in time help compensate for the loss of hedge and tree planting arising from the development proposals. The provision of off site planting both at the Great Crested Newt Receptor site immediately to the south and potential for further off site planting would also help improve the visual appearance of the wider landscape.

#### **Visual impact / Design and Layout of the Proposed Buildings**

Because of the height and scale of the proposed buildings it should be noted that it would not be possible to fully screen the buildings in question. The view of proposed buildings will be contained to the north east and east by the existing large scale industrial development at Aycliffe Industrial Park and to the north by the topography and vegetation. The proposals will be visible from the west including Heighington Lane, with middle distance views from the upper floors of some of the properties on the eastern edge of Heighington village and the public footpath network to the west of the site. Views from the south are limited by topography and intervening vegetation, which partially screens the site, visual receptors are therefore limited to individual farmsteads including Sockburn Farm and Whiley Hill Farm. The upper elevations of the proposed buildings will be visible from these locations.

However, a range of measures are proposed in order to minimise the bulk of the proposed buildings, as outlined below:

- the largest of the buildings, Unit 3, is to be located on the lowest part of the application site.
- the indicative master plan shows that bunding and additional tree planting can be accommodated within the site boundary along the western and southern boundaries of the site. The western bund could be designed to rise to 13.5 m above the floor height of the proposed building, thereby screening approximately 50% of the gable of Unit 3 when

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viewed from the west of the application site. This bunding could be further supplemented by additional tree planting, which in time would further screen the building in question.

- The proposed roof design with the curved roofs and lowered eaves level than the central section of the main roof space also helps reduce the bulk of the buildings particularly when viewed from the east and west of the application site.
- Significant potential exists to vary the colour of the walls of the proposed building with a darker colour banding at the lower level and a lighter band colour at the higher level. Sensitive use of materials and colouring on the roof would also reduce light reflection and minimise the height of the building.
- The retention of existing tree and hedge planting with additional planting within the site would also assist in minimising the local and long-term views.
- The site's prominent location adjacent to the existing railway line also means that the visual appearance of the buildings and adjacent landscaping is particularly important. As such, good quality screening will be required adjacent to the external parking areas whilst the eastern gable of the main units could be specially designed to add architectural interest and provide a high quality vista to show case the development from the rail corridor. This is an important consideration bearing in mind the ever increasing number of visitors using the line to access "Locomotion" the National Railway Museum at Shildon.
- In addition to the buildings careful consideration will also need to be given to the external appearance of the hard standing areas required to service the proposed warehouse / industrial buildings. As such, the means of enclosure and sensitive introduction of bunding and planting will be important consideration at 'reserved' matter stage in order to safeguard the visual amenity of the area particularly when viewed from the public footpath and key vistas outwith the site.

It is felt that the combination of the above features, which will be examined in detailed as part of any subsequent planning application, will ensure that the bulk and mass of the buildings is minimised so that this does not appear unduly prominent within the landscape.

#### **Ecological impact**

As a result of the existing undeveloped nature of the site and the nature of the proposed use which would require the construction of several large warehouse / industrial buildings and associated parking areas and access roads etc. the proposed development would lead a direct loss of habitat which would detrimentally affect flora and fauna within the development site. This would have a particular affect upon existing hedgerow and tree cover and lead to a significant reduction in pastureland.

The applicants have carried out a comprehensive habitat survey and undertaken survey works in relation to bats, badger, great crested newts and breeding birds. The Environmental Statement includes a comprehensive range of measures both within the development site and off site in order to compensate for the loss of these habitats in the medium to long term.

Natural England has been consulted on this scheme and the proposed mitigation works and have commented that this proposal is 'unlikely to have an adverse affect in respect of species especially protected by law' subject to the imposition of two planning conditions requiring the

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proposed works to be carried out in accordance with mitigation measures outlined in developers Environmental Statement and that the second phase of this scheme at the southern boundary of the site adjacent to the Great Crested Newt Receptor site including the erection of the amphibian fence.

#### **Sustainability**

Although the warehouse and distribution element of this scheme requires the site to be well located in terms of the highway network the application site is also well located so that employees and visitors can travel to the site via a range modes of transport rather than relying only upon the private car. This site is located in walking distance of the existing Heighington railway station. The site can be accessed by public transport and measures have been incorporated to physically provide bus-stopping facilities within the site as part of the associated access road. The Transport Assessment provided also includes a range of initiatives within the Interim Travel Plan in order encourage cycling, car sharing and to promote the use of public transport.

Although this application is in outline only, key elements of the scheme have been designed to maximise sustainability. These include the construction of a biomass energy unit within the site and the use of Sustainable Urban Drainage (SUDs) within the scheme.

A comprehensive range of mitigation measures including significant tree and hedgerow planting both within the development site and off site are also proposed to compensate for the loss of habitat resulting from the development of this site.

#### **Highway Implications**

The Highways Agency and Durham County Council, as Highway Authority, have assessed the highway implications of this proposal in detail.

The cumulative impact of this scheme and that of the Lidl warehouse site located to the south and east of the proposed development site has now been assessed at the A1 (M) / A167 Interchange. The development is predicted to add 304 and 329 vehicles to the A1(M) / A167 junction during the morning and afternoon peaks respectively

The revised road scheme now includes provision of bus stopping facilities as part of the planning application for the associated access road so as to facilitate the use of public transport. Provision will be made, via the imposition of a planning condition to incorporate a crossing point along the line of the public footpath, in order to improve highway safety for footpath users.

Following concerns from local residents regarding HGV traffic using routes via Heighington the applicant has agreed to identify preferred routes in and out of the site to use routes via the A1(M) /A167 Interchange in order to minimise any potential adverse impact upon residential amenity.

#### **Air Quality**

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The applicant has assessed Air Quality for the proposed site and has focused on the construction phase, operational phase and the proposed biomass boiler heating system relating to the proposed development.

The Air Quality assessment has been carried out using appropriate standards and guidance. This assessment indicates that the impact on air quality of the construction phase of the development is likely to have some adverse impacts on air quality in relation to dust generation. A range of planning conditions were therefore suggested including the installation of a wheel washing facility at the site entrance, that a dust management plan be submitted to and approved by the Local Planning Authority and no waste materials are burnt on site during construction.

The assessment indicates that the impact on air quality of the operational phase of the development is likely to be negligible and significantly below National Air Quality objectives. The installation of the proposed biomass boiler has been assessed and it was concluded that both the long and short-term air quality objectives would not be breached by its operation.

#### **Noise**

The noise assessment for the proposed development has been carried out using appropriate guidance and methodology. The assessment identifies potential noise effects from the construction phase, operational phase and road traffic noise associated with the development.

It was also identified that the construction works may unacceptably increase noise levels to noise sensitive receptors off site through increased HGV movements and heavy plant being used at the site. The assessment has indicated that one location 'Twin Oaks' may experience noise levels in excess of 70 dB(A), however, it is anticipated that site works will progressively move away from this location and noise levels will therefore decrease. However, the Environmental Health section have recommended that working hours during construction be restricted and that when excavation works are taking place within close proximity to sensitive receptors, temporary screening of noise sources shall be undertaken.

The operational phase of the development may have the potential to increase site noise through increased traffic movement and general on site activities. It has been established that the closest noise sensitive receptor would be Brakes Farm, day time levels are not anticipated to be elevated, however, it was found that night time levels may increase by 7.5 dB(A). The applicant aims to mitigate this increase by installing a 4m high acoustic barrier along the south western boundaries of Units 1 and 3, this was found to be acceptable by this Council's Environmental Health team.

The assessment of Road Traffic noise identified that they would be no perceptible increase in noise from traffic associated with the development.

#### **Archaeology**

There are no designated or undesignated sites of national archaeological, architectural or historic importance within the application site.

A historic boundary exists between Heighington and Great Aycliffe, in the north west corner of the application site and the existing hedgerows within the site are important in defining a 17<sup>th</sup>/18<sup>th</sup> century field system. The proposed development would, however, result in the loss of the majority of this field pattern.

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In terms of mitigation, the ES identifies that within the Phase 1 area archaeological monitoring of all topsoil and subsoil stripping and any excavation works undertaken prior to stripping or as part of the habitat creation programme. If archaeological remains were to be found, stripping operations would cease until these had been adequately investigated and recorded.

Mitigation measures for the loss of the proposed hedgerows would take the form of a written and photographic survey of each field boundary to supplement the existing ecological survey; identify any sections that require more detailed survey prior to removal and identify and representative sample of field boundaries for further archaeological investigation.

This section of the ES has been considered by Durham County Council's Assistant Archaeology Officer who has advised that she has no objection to the proposed development subject to the imposition of two planning conditions requiring the submission and implementation of a programme of mitigation works in respect of archaeological remains and hedgerows, as detailed above, prior to the commencement of any development on site.

#### **Water Resources (including flooding)**

The effects of the proposed development on the water regime at the site have been examined within the Environmental Statement and Flood Risk Assessment (FRA). These elements cover the potential effects on surface and groundwater during construction and operation, as well as addressing drainage and flooding issues. None of the application site lies within a flood zone. A small area of the north east of the wider application site lies within Flood Zone 3a, where the risk of flooding is 1 in 100 (1%) or greater. A Flood Risk Assessment (FRA) for the site has therefore been undertaken.

The FRA concludes that the extreme north east corner of the proposed development site is situated in an area at moderate risk from flooding. The Environment Agency's river model predictions estimate that the site will flood once every 100 to 200 years. However the majority of the site as a whole is above the 200 year probability flood level. The 1% probability flood water level has been calculated by the Environment Agency to be 93.2m AOD. Finished flood levels for the lowest building are 93.8m AOD, which is 600mm above the 100-year flood level.

Part of the proposed development will be constructed in the floodplain of the Demon's Beck watercourse and the diversion of the upper reaches of Demon's Beck to facilitate the construction of Phase 1 of the development will be required. The proposed development will remove 4,500m<sup>3</sup> of storage from the floodplain whilst a volume of 5,840m<sup>3</sup> will be provided in mitigation to the south of this area to replace the volume lost from the Beck as a result of the proposed development.

The majority of the site will be developed from open fields into hard surface areas. This could potentially change the hydrology of the site and that of Demon's Beck if flow from the developed area is not correctly regulated. To mitigate for this, the surface water drainage system for the development has been designed to be sustainable so that surface water run-off from roofs and paved areas will be directed to the existing culverted watercourses through swales and retention ponds prior to being discharged to the watercourse. This discharge will be regulated by hydraulic control to maintain the green-field run-off rate, determined to be 4.5l/s/ha. The integration of SUDS elements within the proposed development will assist in surface water quality control and will reduce flood risk.

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During the construction phase a number of measures for the provision of bunding and storage facilities around oil, fuel and chemical tanks, drip trays for plant and machinery and the regular maintenance of vehicles as proposed to prevent pollution of the watercourses. In terms of land drainage, temporary drainage systems may be used during the early stages of the construction process to maintain larger drains and culverts, until such time as they are replaced by permanent drainage systems. As a result of the proposed mitigation measures the significance of the impact on all these matters is reduced.

During the operational phase, the ES identifies that any residual impact from the discharge of contaminated surface water run-off would be negligible due to the nature of the proposed site use and the integration of interceptors to control the quality of run-off from access routes within the development. Although changes to the land drainage from the site will be extensively altered, provided that good land management techniques are employed and existing land drainage systems are re-connected when they are disturbed, overall the proposal will have a limited impact. The proposed SUDS system has been designed primarily to protect against flood risk, however this will also keep land drainage changes to a minimum. Provided the mitigated measures recommended in the FRA are implemented the residual effects of flood impact on both the development and downstream is considered to be of minor adverse significance. Residual impacts on on-site water usage/disposal and impact on groundwater during the operational phase are once more considered to be negligible.

The FRA has been considered by the Environment Agency who advises that they have no objection, subject to the imposition of a number of planning conditions. A number of conditions are also suggested relating to groundwater and contaminated land and with regard to environment protection.

### **CONCLUSIONS**

In conclusion, the proposal would involve the development of a greenfield site, which has been allocated for a number of years in both the adopted local plans for Sedgefield and Darlington as a key strategic economic site and a major development opportunity to provide new employment space.

The site has also been identified for a number of years as a strategic employment site of regional importance in the adopted regional planning guidance for the northeast and this would represent an extension of the Aycliffe Industrial Area and would utilise the infrastructure improvements, which has been secured via European Union funding. If implemented, this scheme could generate upto 250 construction jobs and upto 1000 jobs when operational.

The proposal would inevitably affect the character and appearance of this particular site and the proposed buildings could not by virtue of their height and scale be fully screened from view. However, it is considered that the Landscape Master Plan and supporting documentation have demonstrated that the site is capable of hosting a development of this size whilst still retaining a satisfactory level of planting along the western and northern boundaries of the site which could then be further supplemented by additional planting and bunding which over time would reduce the bulk of the new buildings.

The proposal would have a short term detrimental impact upon the ecology value of the site because of the loss of habitat arising from this development. However, it has been demonstrated that significant hedgerow and tree planting can be carried out within the site including the potential to use green roofs. It is felt, that this works together with a financial package to support additional habitat creation off site will compensate for these losses.

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It has been demonstrated that residential amenity can be adequately safeguarded via the imposition of planning conditions to limit dust and noise from the site during both the construction and operational phase of the works, It has also been demonstrated that road noise arising from vehicular traffic movements from the site would not be so significant so as to detrimentally affect residential amenity.

The proposal would alter the characteristics and potentially the amenity value of the existing public footpath, which bisects the site. However, this scheme would allow the existing footpath corridor along Demon's Beck to be retained and a high quality planting scheme together with appropriate acoustic measures could be utilised to provide visual screening between the footpath and the proposed development.

In conclusion, it is considered that on balance the potential economic benefits of the proposed scheme on this allocated site together with suitable landscaping and habitat mitigation works would outweigh those concerns relating to the short term ecological impact of development and the visual impact of the proposal.

**RECOMMENDATION: Approve subject to the following conditions:**

1. Before any works are commenced detailed drawings and/ or other specifications of the following reserved matters shall be submitted to and approved by the Local Planning Authority: (Delete the following as required)

- a) the siting of the building(s)
- b) the design & external appearance of the building(s)
- c) the means of access to the building(s)
- d) the landscaping of the site

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

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

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

3. The development of the site shall be carried out in substantial accordance with  
I ) the layout included within the Land at Heighington Lane, Newton Aycliffe Environmental Statement

Further Information Submission August 2007 submitted as part of the application and shown on the drawing entitled Development Parameters Plan (1.5 Rev. A) contained

ii) The development parameters set out at page 2 of the letter dated 15th October 2007 from Drivers Jonas which specifies the mix of uses, floor areas, car parking provision and the maximum ridge heights of the buildings and the correspondence dated 24th October which specifies that the site coverage of the buildings would equate to 31.25% of the site area.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact, which has not been assessed by that process



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4. No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved plans.

Reason: In order to control the level at which development takes place in order to protect the visual amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan.

5. Notwithstanding the provisions of Class A and C of Part 8 of the Town and Country Planning (General Permitted Development) Order 2005 (or any Order revoking or re-enacting that Order) any extension or alteration to the buildings hereby approved shall be approved by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure that the buildings retain a high quality of design in this prestige location and to comply with Policy IB5 of the SBC Local Plan.

6. Prior to the 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 by the Local Planning Authority.

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

7. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area and to comply with Policy IB5 of the SBC Local Plan.

8. Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.

Reason - In the interests of visual and/or residential amenity and to comply with Policy IB5 of the SBC Local Plan

9. No development shall take place unless in accordance with the mitigation detailed within Chapter 6 (and its supporting appendices) of the Environmental Statement including, but not restricted to obtaining Natural England licences; adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods; provision of bat boxes and establishment of the Great Crested Newt Receptor Site.

Reason: To conserve protected species and their habitat and to comply with Policy E11 of the SBC Local Plan.

10. Prior to the commencement of development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented in full during the construction phase of the development.

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Reason: To avoid any adverse impact on Cumby's Pond during the construction phase of the development and to comply with Policy E11 of the SBC Local Plan,

11. Prior to the commencement of development a management plan for the Demon's Beck be submitted to and approved in writing by the Local Planning Authority.

Reason: in order to ensure that a high quality landscape is retained adjacent to the footpath link through the site and to comply with Policy D1 of the SBC Local Plan.

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

Reason: To prevent the increased risk of flooding.

13. Floor levels should be set at least 600mm above the modelled flood level of 93.23 metres above Ordnance Datum.

Reason: To prevent the development from flooding.

14. Flood warning notices shall be erected in numbers, positions and within wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction at all times.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

15. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plan, are submitted to and agreed in writing by the Local Planning Authority. This route must be in place before any occupancy of the building(s).

Reason: To provide safe access and egress during flood events and reduce reliance on emergency services.

16. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To alleviate the increased risk of flooding.

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

(i) A desk study identifying:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors;
- Potentially unacceptable risks arising from contamination of the site.

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

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

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

(iv) A verification report of completion of the works set out in (iii) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON: This condition has been recommended as the Environment Agency is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed.

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

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters. The condition preceding this condition above should ensure that controlled waters are protected. However, no investigation can completely characterise a site. Some parts of the site may be less well characterised than others or contamination may be found in areas where it was not expected and therefore not included in the remediation proposals.

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

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

20. No development approved by this permission shall be commenced until a scheme for the protection and enhancement of Demon's Beck has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be completed in accordance with the approved plans.

Reason: To protect and enhance wildlife habitats associated with watercourses and to comply with Policy E11 of the SBC Local Plan.

21. No development shall be commenced until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent pollution of the water environment.

22. No development shall commence until the applicant has submitted and carried out an agreed programme of archaeological works, to include mitigation as detailed in Section 11.8 of the Environmental Statement, in accordance with a written statement of investigation. The scheme of investigation must be submitted by the applicant and approved by the Local Planning Authority. Development (including groundworks) must not commence until agreed

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archaeological works are completed. However the site may be released on an area-by-area basis subject to approval in writing from the County Archaeologist on behalf of the Local Planning Authority. The condition will not be discharged until any required publication has been agreed in writing.

Reason: The site is in an area of high archaeological potential as shown by the Environmental Statement and comply with guidance contained within PPG 16 Planning and Archaeology.

23. No site works shall be undertaken until an appropriate programme of hedgerow recording/analysis on the hedgerows identified in Figure 11.2 of the Environmental Statement has been agreed in writing with the Local Planning Authority, in accordance with a written statement of investigation. This must be submitted by the applicant and approved by the Local Planning Authority.

Reason: These hedgerows have been identified as 'important' in terms of archaeology and history under criteria 5(a) of the Hedgerow Regulations 1997 Schedule 1 Part II. The works are required to record features of interest, inform works to mitigate impact and comply with guidance contained within PPG 16 Planning and Archaeology.

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

Reason: To protect the amenities of the neighbouring properties and other road users.

25. Prior to the commencement of the development hereby permitted, full details of the proposed acoustic barriers shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the barriers shall be installed in accordance with the approved details prior to the first occupation of the units and thereafter be so maintained.

Reason: To protect the amenities of residential properties adjacent to the site from noise.

26. The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

(a) A desk top study, carried out by a suitably qualified person, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. The scope of the study shall be agreed with the Local Planning Authority before it is commenced and the report shall conform to any such agreed requirements. Two copies of the desktop study and non-technical summary shall be submitted to the Local Planning Authority upon completion of the development.

(b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

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(ii) A desk top study has been completed satisfying the requirements of paragraph (a) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established; and

(iii) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two copies of the report on the completed site investigation shall be submitted to the Local Planning Authority on the completion of the development.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be determined through risk assessment and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Reclamation Method Statement shall be implemented and completed in accordance with the agreed method statement by a competent person, no alterations to the method statement or associated remediation works shall be carried out without the written agreement of the Local Planning Authority.

(d) Two copies of a completion report (the 'Validation Report') confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority within 2 months of completion of the development.

(e) Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

Reason: The site may be contaminated as a result of or current

27. uses and/or is within 250 metres of a site which has been land filled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

28. 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 remain available for the intended use and be used for such purposes at all times during the construction period.

Reason: In the interest of amenity during the construction of the development.

29. Prior to the commencement of any on site works (including site clearance), details of a wheel washing facility for construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Such a facility shall be provided, used and maintained on-site until the development is completed.

Reason: To ensure that adequate measures are available to prevent the depositing of soils and debris on the adjoining position of the highway and in the interests of road safety.

30. Prior to the commencement of the development hereby permitted details of all external lighting to be provided within the development, including during the construction period and once operational, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be provided in accordance with the approved details and thereafter so maintained.

Reason: To minimise lighting overspill from the site, in the interests of visual amenity.

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31. Construction works (including deliveries and temporary site generators) shall only be carried out during the following hours to prevent disturbance to neighbouring residents:

Monday - Friday 08:00 to 18:00 hours

Saturday 09:00 to 1400 hours

Sunday and Bank Holidays Noisy work audible at the site boundary should not be permitted.

Reason: In the interest of amenity during the construction of the development.

32. During construction works any bulk containers used for the storage of oil, fuel or chemicals shall be stored within an impervious bund. Storage shall be as specified in Environment Agency guidance 'Pollution Prevention Guidelines PPG 2: Above ground oil storage tanks'.

Each bunded area shall have a minimum capacity of at least 110% of the volume of the largest tank within that bund and shall accommodate any spillages from fill or draw pipes.

Reason: To prevent any contamination of land or water resources.

33. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 1.2m high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition works to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection.

Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

(a) The raising or lowering of levels in relation to the existing ground levels;

(b) Cutting of roots, digging of trenches or removal of soil;

(c) Erection of temporary buildings, roads or carrying out of any engineering operations;

(d) Lighting of fires;

(e) Driving of vehicles or storage of materials and equipment.

Reasons: To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area and to comply with Policy E15 of the SBC Local Plan.

34. Prior to the commencement of development a details phasing plan for development including the provision of road access shall be submitted to and approved in writing by the Local Planning Authority. The development shall progress in accordance with this plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory standard of development and to comply with Policy D1 of the SBC Local Plan.

35. The office floor space contained within the development hereby approved, shall be used only as offices ancillary to the main use of the premises as a storage and distribution warehouse / general industrial use and shall not be used for any other purpose.

Reason: To ensure that no independent office use commences for which there is inadequate on-site parking and to ensure the primary use of the premises is for storage and distribution / general industrial purposes in accordance

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36. Prior to the commencement of the development, details of parking (including spaces for people with disabilities and multi-occupancy spaces) shall be submitted to, and approved by, the Local Planning Authority and the spaces, shown on the approved drawing, shall be available for use prior to the first occupation of any part of the development.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to ensure that parking spaces are available in accordance with Policy D3 of the Sedgefield Borough Local Plan.

37. Prior to the commencement of works the details of an interim Travel Plan - including details of the funding / provision and frequency of bus services to the application site (to be secured for a period not less than 5 years from occupation of the units) is to be submitted to the Highway Agency and Local Planning Authority and agreed in writing by the Local Planning Authority. The details of the Interim Travel Plan will then be implemented in full within a detailed time scale submitted to and agreed in writing by the Local Planning Authority. Within one year of the first units hereby approved being occupied, a Final Travel Plan shall be prepared and submitted to the Local Planning Authority for approval, and shall include a timescale for the implementation of the Final Travel Plan. Thereafter the Final Travel Plan shall be implemented in full in accordance with the approved timescale.

Reason: To encourage the use of more sustainable and integrated modes of transport and to ensure that infrastructure works required in conjunction with the increased traffic flow resulting from the development hereby approved are in accordance with adopted planning policy.

38. Prior to the commencement of the development hereby permitted a Traffic Management Plan relating to the management of construction traffic associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Traffic Management Plan shall be implemented in full throughout the construction period.

Reason: To ensure that the approved development does not adversely impact upon the operation of the local highway and strategic highway networks during the construction phase.

39. Prior to the commencement of the development hereby permitted details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a. A scheme for the improvement and maintenance of the existing footpath link and crossing points off the B6444 via the existing roundabout to the north of the site;
- b. Details of proposed footpath links through the site to the individual units to include details of surfacing, lighting and crossing points; and
- c. Details of the proposed shared cycle/pedestrian link along the western side of the proposed link road to include details of surfacing, lighting and crossing points.

None of the units or phases thereof hereby approved shall be occupied until such time as all of the above facilities relevant to each phrase have been provided in accordance with the approved scheme.

Reason: To ensure that adequate facilities exist for cyclists and pedestrians at the site and to reduce reliance on the use of the private car and to comply with Policy D1 of the SBC Local Plan,.

40. Green roof / walling technology shall be utilised to an extent (in accordance with details to be submitted to and approved in writing by the Local Planning Authority) on Unit Nos. 1 and 2 referred in the design parameters set out in page 2 of the correspondence from Drivers Jonas dated 15th October 2007 unless it can be demonstrated via a detailed feasibility study that either the financial viability of the scheme and/or occupier/end user can not support the additional costs (including maintenance) or the technical requirements of the end user would prohibit this on structural / technical / health and safety grounds.

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Reason: To ensure that if possible additional areas of grassland are incorporated within the scheme to supplement the ecological and landscaping mitigation measures already identified in the Environmental Statement to address impacts on existing habitats resulting from the development of the site and in order to ensure that as far as possible the buildings can be integrated into the existing landscape and to comply with Policy E11 of the SBC Local Plan.

41. 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 £15,000 for the provision of off site hedgerow enhancement works to be administered via the Durham hedgerow partnership scheme. No development shall commence until the applicant, or subsequent developer has received written confirmation from the Local Planning Authority that payment has been received by the local Planning Authority.

Reason: In order to ensure that a suitable level of mitigation, to supplement that already identified within the application proposals and the Great Crested Newt Receptor Area to the south is carried out to compensate for the loss of hedgerows resulting from the development of this site and to comply with Policy E11 of the SBC Local Plan.

42. 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.

Reason: In the interests of visual amenity and to ensure that this proposal complies with Local Plan Policy D1

43. 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) of the Sedgefield Borough Local Plan.

44. Notwithstanding the development parameters set out at page 2 of the letter dated 15th October 2007 from Drivers Jonas which specifies the mix of uses and floor areas where the cumulative impact of the development generates in excess of 250 trips during the weekday AM Peak hour between 0730 and 0830 using the formula set out below

$$\frac{0.99 \text{ B1 Office}}{100} + \frac{0.99 \text{ B2 General Industrial}}{100} + \frac{0.29 \text{ B8 Warehouse Distribution}}{100} = <250$$

Where:

B1 = GFA in sq.m of any B1 Office Development Under Class B1

B2 = GFA in sq.m of any B2 General Industrial Development under Use Class B2

B8 = GFA in sq.m of any B8 Warehouse/Distribution Development under Class B8

The development will require either the implementation of the highway works shown in principle on the Wardell Armstrong drawing NT03815/146B, or demonstration to the satisfaction of the Highways Agency that the level of the proposed development will not result in any material impact at junction 59 of the A1(M).



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Reason: To ensure that the A1 trunk road continues to serve its purposes as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of highway safety.

45. Prior to the commencement of works precise details of the footpath crossing over the proposed link road and details of access arrangements on the embankment along the route of the existing public footpath No. 5 are to be submitted to and approved in writing by the Local Planning Authority, in the interests of highway safety and to safeguard public access along the footpath link.

Reason: in the interests of highway safety and to safeguard public access along the existing footpath link and so that this proposal complies with Policy D3 of the Sedgefield Local Plan.

#### **INFORMATIVE**

Natural England

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

#### **INFORMATIVE**

All works to junction 59 of the A1(M) would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 1 (preliminary design), a Stage 2 (detailed design), a Stage 3 (completion of construction) and a Stage 4 (monitoring) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority and Highways Agency

#### **INFORMATIVE**

Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.

#### **INFORMATIVE**

The term 'ordinary watercourse' describes all watercourses that do not form part of a designated Main River. Demon's Beck is deemed an 'ordinary watercourse'. Whilst the Agency has certain regulatory powers, it has no authority to carry out work on 'ordinary watercourses'. Local Authorities have permissive powers relating to flood prevention, maintenance of flow and the making of byelaws.

#### **INFORMATIVE**

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risks to other receptors, e.g. human health.

#### **INFORMATIVE**

Any re-alignment of the public footpath No.5 would have to be carried out under Section 257 of the Town and Country Planning Act 1990. It is important to note that the Order making process should be substantially complete before any development takes place on site. The developer

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will need to liase with Mike Murden DCC Rights f Way section direct - Tel. 0191 3833381 regarding the design specification of the reinstated footpath, if outline approval is granted (Durham County Council Public Rights of Way).

**INFORMATIVE**

Durham County Council's Highway Engineer has stated that the proposed access road would need to be constructed under a combined Section 38/278 Agreement under Highways Act and that the applicant would need to fund changes to highway classification.

**INFORMATIVE**

Details of chimney height for the biomass boiler shall be supplied to the Local Planning Authority; this shall be carried out according to the procedure outlined in HMIP Technical Guidance Note D1. The height of the chimney shall, thereafter be maintained at the calculated level.

**INFORMATIVE**

Network Rail has commented that whilst the existing pedestrian crossing to the south of Heighington Station is currently acceptable for existing levels of usage if development leads to an increased usage of crossing this may need to be up graded at developers expense. It was also stated that a secure 1.8m high fence would be required along the full length of the site adj. to the railway line and that all drainage from the site should be diverted away from the railway line.

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

In the opinion of the Local Planning Authority the proposal represents acceptable development on this site allocated for prestige employment use within Sedgefield Borough Local Plan and County Durham Structure Plan.

**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.  
IB2 Designation of Type of Industrial Estate  
IB5 Acceptable Uses Within Prestige Business Areas

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2. 7/2007/0324/DM APPLICATION DATE: 29 May 2007

PROPOSAL: **CONSTRUCTION OF LINK ROAD FROM MILLENNIUM WAY TO  
HEIGHINGTON LANE**

LOCATION: **LAND SOUTH OF HEIGHINGTON LANE NEWTON AYCLIFFE CO  
DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Merchant Place Developments Ltd  
c/o Agent

**CONSULTATIONS**

1. Cllr. W.M. Blenkinsopp
2. Cllr. Sarah Jane Iveson
3. Cllr. Alan Warburton
4. GREAT AYCLIFFE TC
5. Network Rail
6. DCC (PROWS)
7. LANDSCAPE ARCH
8. ECONOMIC DEV
9. L.PLANS
10. Lee White
11. VALUER
12. ENGINEERS
13. ENV AGENCY
14. Heighington Parish Council
15. RAMBLER
16. ENGLISH NATURE
17. NORTHUMBRIAN WATER
18. DARLO BORO
19. HIGHWAYS AGENCY
20. DCC (TRAFFIC)
21. DCC (PLANNING)
22. WILDLIFE TRUST
23. Helical Properties and Investments

**NEIGHBOUR/INDUSTRIAL**

Locomotion One  
Eastfield Farm  
Dormerstiles  
Twin Oaks Stables  
Dynea  
Formica  
Uponor  
Waste Transfer Station  
Travik Chemicals Ltd  
Inkland Ltd

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Unit 1  
Unit 2  
Bracks Cottage  
Brakkes Farm  
New House Farm  
Millennium Way:1  
Houghton Bank Farm  
PWS Distributors

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**THE PROPOSAL**

Detailed planning permission is being sought for the construction of a link road from Millennium Way to Heighington Lane, Newton Aycliffe. The application has been accompanied by a Design and Access Statement and a supporting Environmental Statement which explain how the alignment of the proposed road has been designed to meet the physical characteristics of the site, including the existing access points, and to consider the key impacts of this proposal on the landscape, ecology and archaeology.

The design of the link road forms part of an overall master plan for the development of a larger development to the south of Heighington Lane which is to be considered separately under planning application No. 07/2007/0268/DM.

The route of the road has been developed in consultation with Durham County Council, as Highway Authority, and is intended to minimise disruption to the larger development site to the south of Heighington Lane, to maintain a service easement adjacent to the railway line and to provide an appropriate road geometry in the context of the nature of the road. The originally submitted road design has subsequently been revised in order to facilitate the provision of bus stopping facilities and to facilitate pedestrian access across the proposed link road along the line of the existing public footpath. The key aim of the proposal is to service the larger development site and to provide a bypass to alleviate existing traffic congestion at the railway level crossing at Heighington Station.

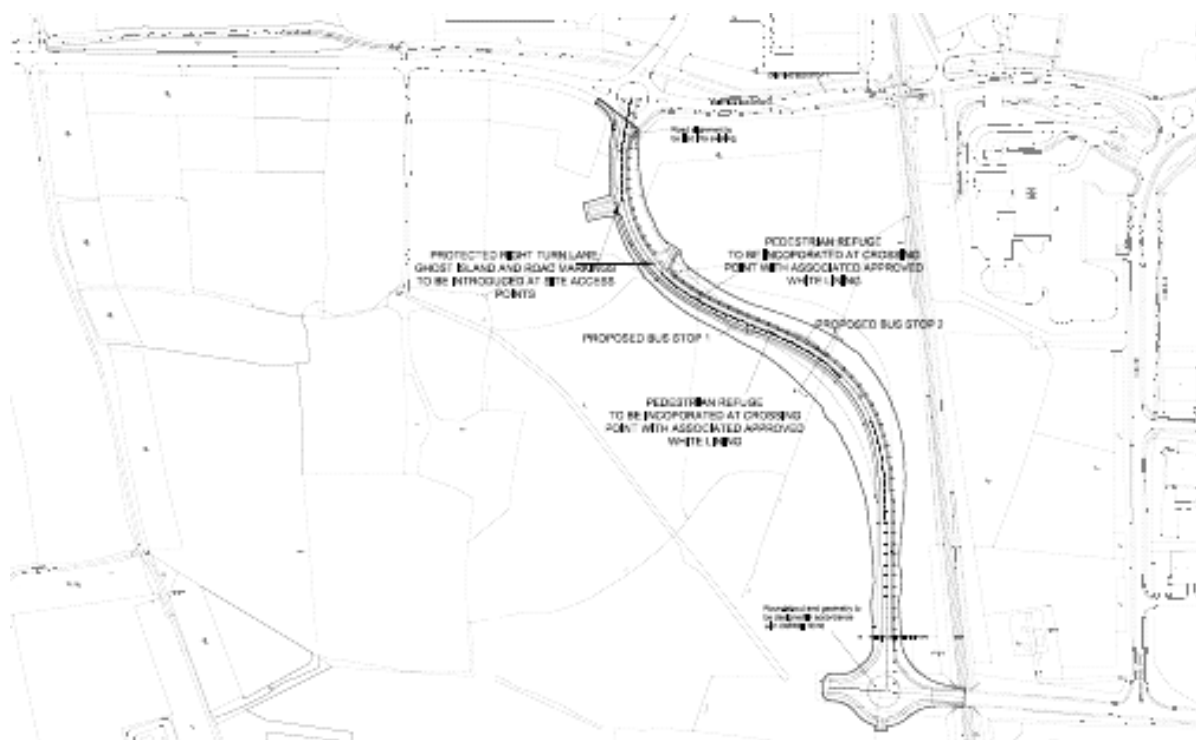
***SITE DESCRIPTION***

The proposed link road measures approximately 300 metres in length and this forms a direct link from a spur off the existing roundabout at Heighington Lane to the existing bridge over the railway line connecting with New Millennium Way.

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### PLANNING APPLICATIONS - TO BE DETERMINED

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The site is currently used for a mix of agricultural / woodland use although the site has been allocated for new employment development for over 11 years.

### PLANNING HISTORY

The development of the application site for the purposes of a large employment use has been envisaged for some time with significant infrastructure works having been carried out in the 1990's including the construction of a new bridge over the railway to the site from New Millennium Way and the roundabout at Heighington Lane.

### CONSULTATION RESPONSES

#### External Consultees

A summary of the consultation responses received has been outlined below for Members' consideration.

**Great Aycliffe Town Council** has raised no objection regarding this proposal.

Durham County Council's Highway Engineer **has stated that whilst the northern section of the roundabout to the B6444 Heighington Lane could be built in isolation to serve Units 1 and 2, the full link road including the roundabout to the western end of the railway bridge would need to be constructed to serve all of the four units proposed for the full development site outlined in planning application 7/2007/0268/dm. If the link road is to be constructed in two phases the design will need to be agreed with the Highway Authority.**

**It was also stated that the access road would need to be constructed under a combined Section 38/278 Agreement under Highways Act and that the applicant would need to fund changes to highway classification, which would result after the link road was completed**

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**Durham County Council's Archaeologist** has raised no objection subject to the imposition of two planning conditions requiring the applicant to submit and carry out an agreed programme of archaeological works and requiring a programme of hedgerow recording analysis within the development site.

Durham County Council's Policy Section **has confirmed that this proposal is clearly an essential and integral part of the longstanding allocation for employment use, which has the general support of the County Council. The proposed link road will specifically assist in accommodating the additional traffic, especially lorry traffic that will be generated by the new employment developments as required by Structure Plan Policies 1 and 38.**

**Although the proposal does not involve the use of the adjacent railway line for the movement of freight it was recommended that the site be developed in such a way so as not to preclude freight transport in the future.**

**It was also stated that the Local Planning Authority should be satisfied in granting approval that the road should only be built if the employment site goes ahead in full, so as to avoid piecemeal development of the link road.**

**The Highways Agency** has offered no objection to the proposed link road.

**Natural England is of the opinion that this proposal is unlikely to have an adverse affect in respect of species especially protected by law subject to the imposition of a planning condition requiring the proposed works to be carried out in accordance with mitigation measures outlined in developers Environmental Statement.**

**The Environment Agency** has raised no objection to this scheme but has suggested that two planning conditions be attached to prevent an increased risk of flooding and to protect and enhance Demon's Beck.

**Network Rail has raised no objection to the scheme but has commented that where the new road is planned in the vicinity of the railway bridge at the south end of the application site an asset protection agreement may be required if piling, excavation work etc. are planned within 10m of the railway boundary. As such, a method statement should be agreed between the parties concerned - these details have been forwarded to the applicant direct.**

**Darlington Borough Council** has no comments regarding this proposal.

**The Ramblers Association (Darlington Group)** has formally objected to this proposal, on the grounds outlined below:

- The proposal does not include provision of a safe pedestrian crossing for users of public footpath No.5. Concern was expressed that the footpath will be severely disrupted by the link road in terms of traffic, noise, pollution and safety
- The Ramblers Association are totally opposed to any diversion, closure or change of route or changed grade to the existing public footpath Great Aycliffe No. 5.
- Concern was raised that the provision of the roundabout at the southern part of the link road could act to service further future development to the south.
- The need for the proposed access road was questioned and it was feared that this would lead to additional traffic, including extremely noxious and hazardous chemicals transiting the site from the adjacent chemical works

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

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- Concerns were expressed that the ecological impact of this proposal had been underestimated particularly if the mitigation proposals were lost as a result of additional development in the future.
- It was also stated that determination of this application should be withheld until the future designation of the wider area of land in the Regional Spatial Strategy is decided by the Secretary of State.
- A range of potential footpath improvements in the area has been suggested, however, these do not relate directly to the proposed link road itself.
- In conclusion, this proposal is little short of an act of ecological, archaeological and environmental vandalism.

#### ***Internal Consultees***

Highways Engineer has no objections on highway grounds to the proposal.

#### **Publicity Responses**

The application has advertised via a press notice, the posting of several site notices around the application site and direct neighbour notification. As a result one letter of objection has been received regarding this particular proposal. The respondent queried how the planning department could accept a planning application for the road when the outline application for the development of the site as a whole was outstanding. This respondent also raised concern that the existing road network in the area is already under strain and could not accommodate the additional traffic which would be generated from the development of the site. This matter, however, is related to the outline application for warehouse and distribution use / industrial use considered under planning application 07/2007/0268).

#### **PLANNING CONSIDERATIONS**

##### **Planning Policy**

The proposed link road is considered acceptable in Policy terms. A new road linking New Millennium Way with Heighington Lane West has long been earmarked to come forward, since the construction of the existing bridge.

It is considered that the proposal is compliant with Theme 3D (Improving Connectivity & Accessibility within and beyond the Region) of the emerging RSS and the aspirations of Policies 51, 52, 53A & 55 contained within that chapter.

##### **Highway Implications**

***As mentioned above the principle of the new road is considered acceptable. The detailed design also meets the requirements of Durham County Council, as Highway Authority.***

The traffic assessments has indicated that the proposed link road will change the number of vehicles on Heighington Lane between the link roads access point and Long Tens Way junction i.e. they will be a reduction in the number of vehicles as they are redistributed on the link road. This factor is reflected in the response of the Highway Authority which states that "on the opening of the completed new link between Heighington Lane and Millennium Way through traffic, the B6444 road classification will be diverted over the rail bridge, along Millennium Way

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and up to the B6444 St. Andrews Way / Millennium Way roundabout. This proposal is considered to be a positive measure in highway terms.

The completed link road will also promote the attractiveness of the site in terms of it being accessed by public transport, as a completed link road would appeal to public transport providers.

*It is accepted that the construction of the new road (and the associated development of the site) will affect pedestrians travelling along the route of footpath No.5, which crosses the road in an east – west direction. Although the route of the footpath will not need to be amended the gradient of the access may need to be changed to take into account the road embankment works. Highway safety can be safeguarded for footpath users via the formation of a suitable crossing point along the line of the existing footpath and any proposed changes in gradient of the footpath would need to take into account legislation and best practice to safeguard accessibility to a range of footpath users. It is, therefore, recommended that a planning condition be attached to any subsequent approval requiring precise details of the crossing to be submitted to and agreed in writing by the Local Planning Authority.*

#### **Landscape Impact**

As a result of the linkage of the proposed road and the existing bridge over the railway line the road and its embankment will be approximately 4m above ground level at the southern section of the site leading to a gradual fall to the north. The key visual impacts of the road will be the vistas from Millennium Road and the footpath No.5.

However, a range of tree and shrub planting is proposed both along the embankment itself and within the wider area, which will help mitigate for the construction of the link road.

Whilst the road itself will represent an urban intrusion into agricultural land, the landscape mitigation works will reduce the visual impact of this proposal. The visual impact of the proposed road would also be minimised when viewed in the context of wider the development of the site, as proposed under planning application 2007/0268,

#### **Ecology**

A detailed Environmental Assessment has been carried out in relation to the construction of the link road. The proposal would affect the existing habitat in the area including the loss of pastureland, trees and hedgerows and would potentially affect bat, nesting birds and newts. A culvert would be introduced over Demon's Beck. However, bearing in mind the series of mitigation works proposed including both on and off site mitigation, this proposal is considered acceptable subject to the imposition of the condition suggested by Natural England.

#### **Archaeology**

This proposal has been considered by Durham County Council's Assistant Archaeology Officer who has advised that she has no objection to the proposed development subject to the imposition of two planning conditions requiring the submission and implementation of a programme of mitigation works in respect of archaeological remains and hedgerows, as detailed above, prior to the commencement of any development on site.



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**Noise**

The noise assessment for the proposed development has been carried out using appropriate guidance and methodology. The assessment of Road Traffic noise identified that they would be no perceptible increase in noise from traffic associated with the development.

**Other Matters raised**

Concern was raised that the provision of the roundabout at the southern part of the link road could be used to access further future development to the south. It should be noted that the road has been designed to meet the requirements of Durham County Council, as Highway Authority. Any further development of the site would, of course, be the subject of a new planning application.

The road itself would not lead to any additional traffic (the development of the wider site is considered separately under planning application 07/2007/0268). It is anticipated that traffic flows within the area will, however, alter. As such, any chemicals transported from the adjacent chemical works would simply be transferred from one existing public highway to another. As such, any risk, however, minimal, would not be increased.

Notwithstanding the suggestion that determination of this application should be withheld in abeyance until the future designation of the wider area of land in the Regional Spatial Strategy is decided by the Secretary of State this proposal is considered satisfactory in Planning Policy terms and is deemed to accord with Theme 3D (Improving Connectivity & Accessibility within and beyond the Region) of the emerging RSS and the aspirations of Policies 51, 52, 53A & 55 contained within that chapter.

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

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

**CONCLUSION**

In conclusion, it is considered that this proposal is satisfactory in planning Policy terms and, if implemented, this scheme would provide access to and facilitate the development of this important employment site, which is considered under planning application 2007/0268/DM.

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: received 30th October 2007.

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

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

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

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

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

5. Prior to the commencement of development a detailed phasing plan for development shall be submitted to and approved in writing by the Local Planning Authority. The development shall progress in accordance with this plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of development and in accordance with Policy D1 (General Principles for the Layout and Design of New Development) of the Sedgefield Borough Local Plan.

6. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.

Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

7. No development shall take place unless in accordance with the mitigation detailed within Section 9 and Appendix 2 of the protected species report (An Ecological Appraisal of the proposed link road, Heighington Lane Industrial Estate by E3 Ecology) including but not restricted to obtaining a Natural England Development Licence and compliance with the Bats and Trees Method Statement).

Reason: To conserve protected species and their habitat and to comply with Policy E11 of the Sedgefield Local Plan

8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including the attenuation proposed in the Environmental Statement has been approved by the Local Planning Authority. Such scheme

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shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

Reason :To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Planning Policy Statement 23.

9. No development approved by this permission shall be commenced until a scheme for the protection and enhancement of Demon's Beck has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be completed in accordance with the approved plans.

Reason: To protect and enhance wildlife habitats associated with watercourses to comply with Policy E11 of the Sedgfield Local Plan.

10. No development shall commence until the applicant has submitted and carried out an agreed programme of archaeological works, to include mitigation as detailed in Section 5. 0 of the supporting Environmental Statement submitted by the applicant. in accordance with a scheme of investigation. The scheme of investigation must be submitted by the applicant and approved by the Local Planning Authority. Development (including ground works) must not commence until agreed archaeological works are in place. However the site may be released on an area-by-area basis subject to approval in writing from the County Archaeologist on behalf of the Local Planning Authority. The condition will not be discharged until any required publication has been agreed in writing. Reason: The site is in an area of high archaeological potential as shown by the Environmental Statement. This requirement is in line with Policy E17 of the Sedgfield Borough Local Plan and Policy 66 of the Durham County Structure Plan.

11. No site works shall be undertaken until an appropriate programme of hedgerow recording/analysis of the hedgerows within the development area has been agreed in writing with the Local Planning Authority, in accordance with a written scheme of investigation. This must be submitted by the applicant and approved by the Local Planning Authority.

Reason: These hedgerows have been identified as 'important' in terms of archaeology and history under criteria 5(a) of the Hedgerow Regulations 1997 Schedule 1 Part II. The works are required to record features of interest, inform works and mitigate impact.

12. Prior to the commencement of works precise details of the footpath crossing over the proposed link road and details of access arrangements on the embankment along the route of the existing public footpath No.5 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard public access along the existing footpath link and so that this proposal complies with Policy D3 of the Sedgfield Local Plan.

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

Reason: In the interests of residential amenity.

14. Site works during development, including the operation of construction plant, machinery and vehicles, and vehicle movements for the purpose of deliveries and removals shall not be carried out outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 Saturdays, except

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where on Sundays and Bank Holidays, site works that do not generate noise that is audible at the site boundary is permitted.

Reason: In the interests of residential amenity.

INFORMATIVE: Planning permission, if granted, does not absolve the applicants from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV of the circular.

INFORMATIVE: The proposed link roads will need to be constructed under a combined Section 38/278 Agreement Highways Act 1980 and the applicant will need to contact John Collins of Durham County Council's Highways Adoption Section, Tel. No. 0191 3834091.

INFORMATIVE: Network Rail has commented that where the new road is planned in the vicinity of the railway bridge at the south end of the application site an asset protection agreement may be required if piling, excavation work etc. are planned within 10m of the railway boundary. As such, a method statement should be agreed between the parties concerned.

INFORMATIVE: The applicant will need to commission Durham County Council's Traffic Control Group to prepare the necessary orders to arrange for the reclassification of the adjacent road network and to arrange for the removal of the bollards on the eastern side of the railway bridge and the making good of the carriageway surface.

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

In the opinion of the Local Planning Authority the proposal represents acceptable development within a prestige business area, the appearance and purpose of which would not be compromised as a result.

**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.  
IB5 Acceptable Uses Within Prestige Business Areas

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3. 7/2007/0473/DM APPLICATION DATE: 16 August 2007

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

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

APPLICATION TYPE: Outline Application

APPLICANT: Three Rivers Housing Ass  
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

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

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

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

**BOROUGH PLANNING POLICIES**

- H17 Backland and Infill Housing  
D1 General Principles for the Layout and Design of New Developments  
D3 Design for Access  
D5 Layout of New Housing Development

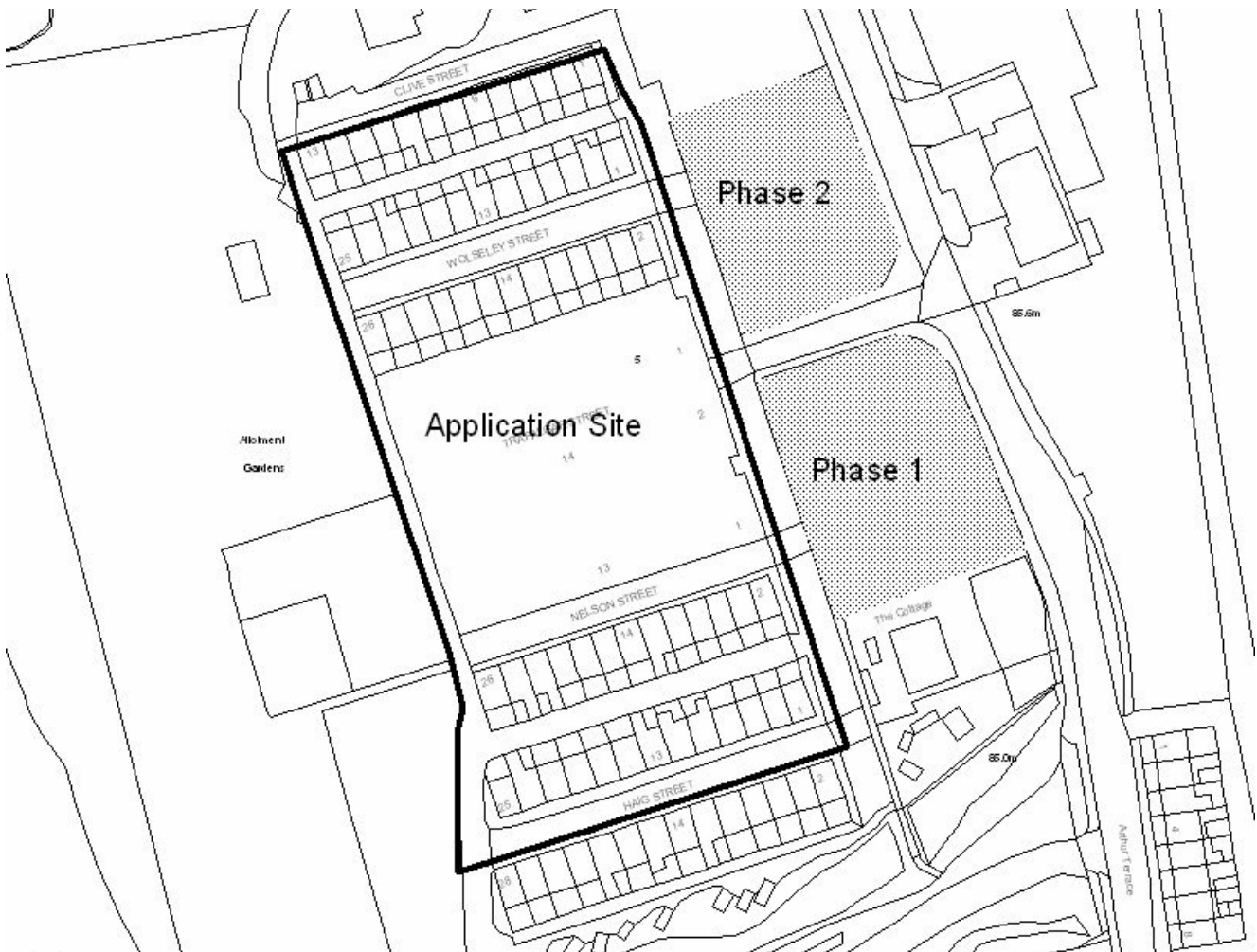
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**THE PROPOSAL**

Outline planning permission is sought for residential development of land at Chapel Rows, Ferryhill Station. The 1.25 hectare application site is located within the residential framework of Ferryhill, and represents the third phase of a housing renewal scheme for which two detailed planning consents have already been granted for the sites which front onto the C37 Chilton Lane. The locality is predominantly residential in character, and predominantly contains terraced housing, although significant new residential development has been granted planning permission in the past few years.

The outline application is accompanied by a design and access statement, which gives general indicative information on matters such as the context, amount, layout, scale, landscape, appearance and access to the development, all of which are essentially matters to be reserved for future consideration should this outline application be approved. No indicative layout has however been provided, but the application form states that approximately 90 dwellings would be built on the site. This issue is expanded upon in the planning considerations below. Ecological and Geotechnical reports also form part of the application.



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**CONSULTATION AND PUBLICITY**

Statutory / Non-Statutory Consultees

**Ferryhill Town Council** has not responded.

**The County Highways Engineer** has stated that he has no objections to the proposal.

**The Environmental Health Section** has no objections to the proposal, but has made comments that form the basis of informative advice on any permission granted.

**The Engineering Services Team** has no objections to the proposal subject to prior agreement of engineering details for the vehicle access.

**The Landscape Architect** has not responded.

**Natural England** initially concluded that there was insufficient information on which to form an opinion on whether the proposal would be likely to have any adverse effect upon species protected by law. The majority of the site is a clearance site that has been grassed over in recent years, with a low potential for supporting wildlife species. As the proposal includes the demolition of remaining vacant terraced dwellings on part of the site however, the possible presence of bats has been repeatedly raised with the applicants during meetings and by way of correspondence. A bat survey has eventually been submitted and Natural England has expressed serious concerns about the timing and adequacy of the survey work and the consequent lack of detail in the mitigation strategy. The issues are addressed comprehensively in the planning considerations below.

**Durham Wildlife Trust** has not responded.

**The County Ecologist** considers the report justifies withholding planning permission until further survey work is carried out in the 2008 season.

**The Durham Bat Group** similarly concludes that the timing of the survey is inappropriate, and further survey work would be needed before the grant of planning permission.

**The Countryside Officer** agrees that more survey work is required, and a better mitigation strategy formulated, and that development cannot proceed until this has happened and is considered acceptable.

**Environment Agency** has no objections on grounds of flood risk or contamination, but has recommended the imposition of a condition in respect of surface water disposal.

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

**Police Architectural Liaison Officer** notes that the applicant has stated in the application that future development of the land would achieve Secured by Design status.

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Publicity Responses

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers advising of the application. To date no responses have been received from the public.

**PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

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

**COMPLIANCE WITH NATIONAL PLANNING POLICY AND GUIDANCE AND LOCAL PLAN POLICIES**

**Local Plan Policy**

**Policy H17 of the Borough Local Plan applies to this proposal because it constitutes the redevelopment of an infill site within the recognised framework of Ferryhill. Access to the site is satisfactory, and it is of sufficient capacity to ensure that subsequent detailed proposals will be able to meet the usual amenity and privacy standards expected by Policy D5. Recently approved frontage development sets the scene for future development of this outline site, and the submitted Design and Access Statement suggests that the development will be of satisfactory layout and design for its setting. The proposal is considered to accord with Policy H17.**

National Guidance

**The Local Plan is somewhat out of date now, although key policies have been saved by the Secretary of State until a replacement Local Development Framework comes into force. Notwithstanding this, current national guidance is expressed in PPS3, which 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.**

**The current proposal looks only at the principle of development, and any reserved matters or detailed applications that are submitted later must contain a housing scheme that integrates with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. The application site previously contained terraced housing, and its redevelopment for housing would involve the recycling of previously-developed land of which PPS3 and the emerging RSS are keen advocates. It will also contribute to the Government target of 60% of additional housing on previously-developed land.**



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It is therefore considered that housing development on this redundant brownfield site would accord with RPG1, the emerging 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 acceptable.

#### **The Ferryhill Station Masterplan**

The Council's Corporate Plan, the Local Strategic Partnership's Community Strategy and Action Plan, and Housing Strategy seek to prioritise investment in the three housing priority areas of Dean Bank, Ferryhill Station and West Chilton to help regenerate them so that they have a sustainable future as a community. To help achieve this aim of the Council, there has been Masterplanning work undertaken to provide a housing and economic case for intervention in these communities. The Borough Council's Cabinet adopted these Masterplans on 13<sup>th</sup> July 2006.

The section of the MasterPlan concerning the part of Ferryhill Station that is subject to this planning application, stipulates that new housing should cater for mixed tenancies to meet local needs, and that housing should be developed horizontally and diagonally on the site to deal with the steepness of the site. Tree lined streets are advocated as these will bring greenery into the area. The site should also provide multiple connections to surrounding open space compensating for absence of recreational spaces within the development. Whilst these issues can only be fully addressed at subsequent detailed or reserved matters stage, the Design and Access Statement does indicate that key elements of the Masterplan have been incorporated into the vision for the development.

**The outline planning application highlights that future development would comprise apartments, bungalows, and 2, 3, & 4 bed units in terraced, semi-detached, detached formats. 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. As the Masterplan essentially drives the ultimate form of development, there is no requirement to separately analyse the issue of affordable housing.**

It is however considered that the stated figure of 90 properties is far too high for the size of the site, and that such a density (72 dwellings per hectare) would result in an inappropriate layout and mix of house types, constraining the opportunity to create landscaped pockets within the development, essential to the aim of creating a better place for people to live in line with CABE guidance. Furthermore, it has been the Highway Authority's view that the total number of dwellings in the regeneration of The Rows should be around 100. The applicants have agreed to a reduction to 65 dwellings on the current site, taking the total for all three phases and the group repair scheme in Haig Street to 109. This would represent a density of 52 dwellings per hectare on Phase 3, and meet the aspirations of the Highway Authority about intensity of use of the existing highway infrastructure.

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#### **ACCESS AND HIGHWAY SAFETY**

The highway Authority is satisfied with access arrangements to the site, which would be improved at its junction with the C37 by re-forming the radius kerbs as part of the development of Phases 1 & 2.

#### **IMPACT ON ECOLOGY**

##### Legislative background

The potential impact of proposed development upon wildlife species protected by law is of paramount importance in making any planning decision. It is a material planning consideration which, if not properly addressed, could place the Local Planning Authority vulnerable to legal challenge on a decision to grant planning permission without taking into account all relevant planning considerations. Subsequent injury to, or loss of protected wildlife species or associated habitat could also leave the authority, including its officers and Members, at risk of criminal prosecution.

The responsibilities and duties of the Local Planning Authority with regard to assessment of biodiversity issues are enshrined within the following Acts and Regulations:

- Section 40(1) of the Natural Environment and Rural Communities Act 2006
- Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended)
- Section 74 of the Countryside & Rights of Way Act 2000

The parameters for dealing with planning applications that have the potential to impact upon protected wildlife species are comprehensively set out in the following documents:

- Planning Policy Statement (PPS)9: Biodiversity and Geological Conservation (2005)
- Planning for Biodiversity and Geological Conservation: A Guide to Good Practice
- ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within The Planning System

#### **Role of consultees on ecology matters**

Planning Officers are not, and cannot reasonably be expected to be, experts on matters of ecology. It is imperative therefore, that the advice of expert individuals, groups or agencies is sought upon ecological reports that are submitted as part of a planning application. Whilst Natural England is technically not a statutory consultee, Circular 06/2005 advises that it should be consulted for advice where development proposals are likely to harm species or their habitats.

It is the usual practice of officers also to seek supplementary advice from other sources, where appropriate. In this instance, advice was sought from the Durham County Ecologist, The Durham Bat Group, Durham Wildlife Trust, and this Council's Countryside Officer.

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**The initial consultation**

The original consultation on the proposal was carried out because the site presently contains five terraces of vacant dwellings (65 properties), which were considered on initial, unqualified observation to have some potential for use by bats. Their condition and location near to trees raised concerns that they might present an attractive environment for establishment of bat roosts. The initial consultation did not result in meaningful advice because, as previously mentioned, no wildlife report had been submitted at that time.

**Consultation on the wildlife report**

The eventual submission of a wildlife report allowed more meaningful advice to be obtained from the consultees. The wildlife report, and relevant consultation responses are appended to this committee report. The wildlife report identifies bats as the only species likely to be affected by the development, and indicates that external surveys of the terraces suggests potential for access by bats, and that dusk surveys provided visual evidence of bats emerging from buildings. The report concedes that further surveys would need to be carried out during the summer season of 2008 to establish more accurate evidence, and a more detailed mitigation strategy, formulated on this evidence. It is the consultees' consensus view that planning permission should not be granted in advance of the full evidence being gathered next year, and an updated report being submitted and agreed.

**Conclusion against legislative background**

Circular 06/2005 emphasises the weight that must be attached to the impact that development may have upon protected wildlife species in Paragraph 99;

***"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."***

It is clear that the ill-timed survey has evidenced the presence of bats in the immediate vicinity of the vacant terraced properties, but it does not accurately provide evidence of the scale and precise nature of bat activity. It is impossible therefore to assess the extent to which they would be affected by the proposed development. Clearly, any bat roosts within the buildings would be destroyed by demolition works, making it imperative to have evidence of mitigation / compensation measures, and timing of works beforehand. On this basis, the current application ought to be refused, or otherwise remain determined until next year.

Paragraph 99 goes on to say however;

"The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may

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also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below.”

The legislation fails to clarify what is meant by exceptional circumstances, but research, for example from other Local Planning Authorities, suggests that a range of factors can be considered, including;

- where there might be a relatively long time between the grant of outline planning permission and the submission of detailed or reserved matters applications (and species population levels may change);
- where vandalism of existing buildings is considered in itself to pose a potential threat to protected species;
- where funding bid deadlines would not be met as a result of significant delay in securing planning permission; and
- where wider community benefits would be lost if the scheme did not go ahead

#### **Are there exceptional circumstances in this instance?**

This current proposal is only one component of a more comprehensive and phased housing renewal and regeneration package for Ferryhill Station, one of three areas of the Borough identified for priority intervention to reverse decline, and to create sustainable communities. Given the corporate importance of this housing strategy, the Director of Neighbourhood Services has set out what would be the consequences of significant delay with determination of this application, and whether there are circumstances that could be considered ‘exceptional’ in this instance, thereby justifying a departure from the precautionary approach advised by Circular 06/2005 and by Natural England and the other ecology consultees.

#### ***Exceptional Circumstances at The Rows***

*The Council has identified its key priorities for housing market renewal intervention within the Community Strategy, Housing Strategy, and Corporate Plan. The Rows, Ferryhill Station is one of the Council’s three priority areas. This site is the pathfinder site for the South Durham Coalfields renewal programme and any delay in delivering this scheme would have a detrimental effect on the programme as a whole.*

**The Rows suffer from low demand for the poor quality pre -1919 terraced housing as well as high levels of anti-social behaviour, including break-in and vandalism which creates the additional risk of fire. There are concerns surrounding the effects of delay on the health of the remaining residents as the properties suffer from excess cold and dampness which will increase throughout the winter months. Negotiations for purchase are continuing with the remaining owners, in a twin track approach running alongside the recently made Compulsory Purchase Order. Many of the residents have concerns and anxiety around the future of this site and further delay would only serve to compound their distress. The Compulsory Purchase Order has been made using the powers given under the Planning and Compulsory Purchase Act 2004 and planning permission for development of the land forms part of the Council’s case. Delay in obtaining the necessary planning permission could jeopardise the Compulsory Purchase Order causing further delay and hardship to residents.**

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*Sedgefield Borough Council will own a significant part of the site once the Compulsory Purchase Order is confirmed and will have responsibility for the clearance of the site, and therefore, can give the additional assurance that the Council will ensure that all survey and mitigation work required by the conditions attached to the outline planning permission will be satisfied prior to the commencement of any demolition work at the site.*

In the opinion of the Director of Neighbourhood Services, the above corporate views constitute 'exceptional circumstances' sufficient to justify the grant of outline planning permission in advance of further survey work in 2008. It is accepted however, that any permission granted would need to be comprehensively conditioned to ensure that there would be no risk of harm to protected species or their habitat as a result of any actions allowed under the terms of the consent. It remains the view of officers however, that the precautionary approach encouraged by legislation is the safest position to adopt in order to avoid conflict with species protected by law, and that should the Council resolve to grant planning permission in this instance, it must do so on the basis that there are truly exceptional circumstances which do not set a precedent for a similar approach in future regeneration proposals within the Borough. The emphasis must continue to be placed on securing robust and credible wildlife surveys 'up-front' in line with the fundamental requirements of legislation.

#### **RENEWABLE ENERGY PROVISION**

The application makes specific reference to sustainability, including renewable energy sources. Solar panels, grey water collection and geo-mats are specified for incorporation within any future development. This is within the spirit of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. The emerging RSS goes a step further by requiring the incorporation of at least 10% embedded renewable energy in major new development, and any planning permission granted in this instance ought to be appropriately conditioned.

#### **OPEN SPACE PROVISION**

The Forward Planning Team refer to the vision for redevelopment of the area set out in the Master Plan, which accepts that open space provision will be limited, with emphasis placed upon multiple connections between the site and existing surrounding open spaces. It would be inappropriate therefore to fetter the housing numbers and future layout by prescribing a minimum open space level at this stage. Furthermore, the likely significant improvement in housing standards and living conditions could be further enhanced by good quality landscaped pockets within the redevelopment site.

#### **CONCLUSION**

The proposal provides an opportunity to continue the phased implementation of a much needed housing renewal scheme for Ferryhill Station. The design and access statement suggests that a satisfactory future layout and design can be achieved, to complement the two detailed schemes already approved in Phases 1 & 2. 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.

The ecology issue has been given significant consideration because of the established high risk associated with the conservation of wildlife species, and the consequent presumption against the grant of planning permission in advance of a further 2008 survey. All associated material considerations have therefore been weighed against the corporate view that there are exceptional circumstances on this occasion that would justify departure from the precautionary approach, subject to comprehensive planning conditions.

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This conclusion has been reached not on the basis that exceptional circumstances outweigh the ecology considerations, but on the basis that the long term interests of the protected species can be properly maintained by the imposition of appropriate conditions on an outline planning permission.

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**RECOMMENDATION: It is recommended that outline planning permission be granted subject to the conditions set out in Appendix 1 to this report.**

*Appendix 1 – List of proposed conditions*

*Appendix 2 – Wildlife survey by E3 Ecology Ltd.*

*Appendix 3 – Responses of Natural England, the County Ecologist and Durham Bat Group*

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<b>APPENDIX 1 – LIST OF CONDITIONS</b>	
1	<p><b>Reserved Matters (Details)</b></p> <p>Approval of the details of the layout of the development, the scale and appearance of the dwellings, means of access, and the landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.</p> <p>Reason: Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
2	<p><b>Reserved Matters (Time Limit)</b></p> <p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.</p> <p>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3	<p><b>Ecology (Further Survey)</b></p> <p>Notwithstanding the survey conclusions and mitigation proposals set out in the submitted document ‘ <i>A Wildlife Survey Of Clive St., Wolseley St., Nelson St. and Haig St., Ferryhill, County Durham</i>, prepared by E3 Ecology Ltd.’, (reference 1223 Wildlife Survey R01), no development, including demolition or destruction of buildings and structures, site clearance, engineering operations and construction shall commence until a further detailed ecological survey of all the buildings, trees and open spaces within the application site has been carried out in the period between 1<sup>st</sup> May and 31<sup>st</sup> August in any year, and then submitted to, and approved by the Local Planning Authority. The survey shall be carried out by appropriately qualified, experienced and licensed environmental consultants in accordance with standards and techniques recognised by Natural England and the Institute of Ecology and Environmental Management (IEEM), and shall include comprehensive mitigation measures and a timetable for their implementation.</p> <p>Reason: To ensure that wildlife species protected by law, together with their habitats, are not adversely affected by the development in compliance with Planning Policy Statement PPS9 (Biodiversity and Geological Conservation).</p>
4	<p><b>Ecology (Currency of Survey)</b></p> <p>In the event that development, including demolition or destruction of buildings and structures, site clearance, engineering operations and construction, has not commenced within a period of 12 months from the date of approval of any wildlife survey required by condition 3 above, that survey will be considered out of date, and no such development shall then commence until a full re-survey has been carried out in the following year accordance with condition 3’</p> <p>Reason: To ensure that wildlife species protected by law, together with their habitats, are not adversely affected by the development in compliance with Planning Policy Statement PPS9 (Biodiversity and Geological Conservation)..</p>

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5	<p><b>Ecology (Mitigation in Advance)</b> No development, including demolition or destruction of buildings and structures, site clearance, engineering operations and construction shall commence until any mitigation measures identified and approved by the Local Planning Authority as necessary in advance of development have been implemented in full to the satisfaction of the Local Planning Authority.</p> <p>Reason: To ensure that wildlife species protected by law, together with their habitats, are not adversely affected by the development in compliance with Planning Policy Statement PPS9 (Biodiversity and Geological Conservation).</p>
6	<p><b>Ecology (Licence to Disturb)</b> Where a licence to disturb any protected species is required to be obtained from Natural England or DEFRA. no development, including demolition or destruction of buildings and structures, site clearance, engineering operations and construction shall commence until such a licence has been obtained and a copy has been submitted to and verified as valid by the Local Planning Authority.</p> <p>Reason: To ensure that wildlife species protected by law, together with their habitats, are not adversely affected by the development in compliance with Planning Policy Statement PPS9 (Biodiversity and Geological Conservation).</p>
7	<p><b>Materials</b> 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.</p> <p>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.</p>
8	<p><b>Surface water run-off</b> No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including an agreed attenuation scheme, has been submitted to and approved by the Local Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Planning Policy Statement PPS25 (Development and Flood Risk).</p>
9	<p><b>Discharge of foul waste</b> There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.</p> <p>Reason: To prevent pollution of the water environment and to comply with Planning Policy Statement PPS23 (Planning and Pollution Control).</p>
10	<p><b>Surface water run-off</b> No development approved by this permission shall be commenced until a scheme for</p>



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	<p>the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Planning Policy Statement PPS25 (Development and Flood Risk).</p>
11	<p><b>Levels, existing and proposed</b> No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.</p> <p>Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan</p>
13	<p><b>Means of enclosure</b> Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p> <p>Reason: In the interests of safeguarding the visual amenity of the residential area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan</p>
14	<p><b>Material storage and employee parking during construction</b> Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.</p> <p>Reason: In the interest of amenity during the construction of the development and to comply with Planning Policy Statement PPS23 (Planning and Pollution Control).</p>
15	<p><b>Wheel washing facilities</b> Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site in accordance with details, including its siting, to be agreed beforehand by the Local Planning Authority. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.</p> <p>Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p>
16	<p><b>Energy Efficiency</b> 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</p>

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	<p>development shall operate in accordance with the approved scheme unless otherwise agreed in writing.</p> <p>Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.</p>
17	<p><b>Number of Dwellings</b></p> <p><b>Notwithstanding any description of the number of dwellings in the application hereby approved, this planning permission relates to a maximum number of 65 dwellings.</b></p> <p>Reason: To ensure an appropriate density of development that does not result in a cramped layout and which would not result in over-intensive use of the existing highway junction onto the C37 classified road, in compliance with Policy H17 (Backland and Infill Housing Development) of the Sedgefield Borough Local Plan.</p>
18	<p><b>Demolition Method Statement</b></p> <p>Prior to the commencement of the development a detailed method statement for the demolition works, including but not limited to details of dust suppression and secure fencing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the amenity of neighbouring occupiers and to comply with Planning Policy Statement PPS23 (Planning and Pollution Control).</p>

**INFORMATIVE: NOISY WORKS**

All noisy plant, vehicles, equipment and machinery used in connection with site activities shall be properly operated, used and maintained so as to control and minimise the propagation and emission of dust e.g. screens, water sprays, enclosures, etc. Reason: In order to protect occupiers of nearby dwellings from dust pollution in accordance with PPG24 (Planning and Noise) and PPS23 (Planning and Pollution Control)

**INFORMATIVE: REASONS FOR APPROVAL**

	<p>In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, and visual and residential amenity of the area, and will provide for a modern sustainable housing development.</p>
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**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

	<p>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:</p> <p>H17 Backland and Infill Housing Development D1 General Principles for the Layout and Design of New Developments</p>
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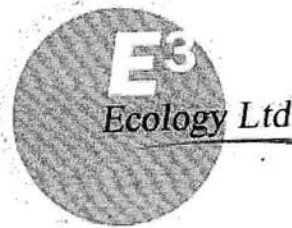
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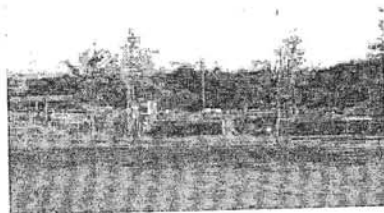
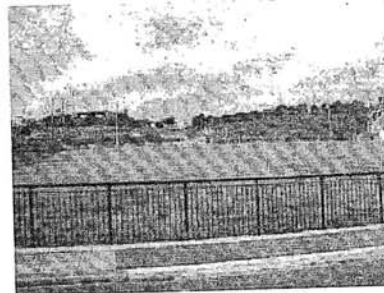
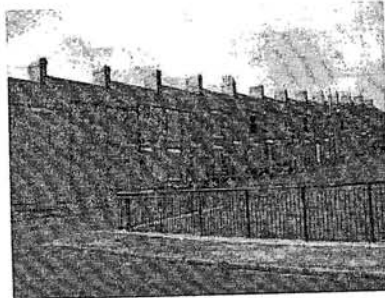
D3 Design for Access D5 Layout of New Housing Development PPS9 (Biodiversity and Geological Conservation) PPS23 (Planning and Pollution Control) PPS25 (Development and Flood Risk) PPG24 (Planning and Noise) RPG Note 1
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**A WILDLIFE SURVEY OF  
CLIVE ST, WOLSELEY ST, NELSON ST and HAIG ST,  
FERRYHILL, COUNTY DURHAM**



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Client	Revision	Status	Date	Author	Proof read	Checked
Rok	R01	Final	08.10.07	JS	RD	ADM
<b>Job No.1223</b>						

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**SUMMARY**

E<sup>3</sup> Ecology Ltd was commissioned by the Rok Group to undertake a bat survey of five rows of terraces within Ferryhill, County Durham. As part of this survey the site was also checked for nesting birds and other features where the conservation of biodiversity may be affected by the proposed development.

**The proposed development comprises** the demolition of the five rows of terraces on site to make way for a residential development, although the exact number of units to be created has yet to be determined. This report supports an outline planning application for the development.

**Survey work** was undertaken in October 2007. The five rows of terraced housing are located on Clive St, Haig St and Wolseley St, Ferryhill. The site is situated in an area dominated by residential development to the north with a mix of residential development, woodland and agricultural land found to the south and east. To the west of the site, the land use is dominated by pasture and arable land. The site is linked to the surrounding countryside by hedgerows to the west, and areas of broadleaved trees to the north and south. Overall, from the habitats present in the local area, the risk of bats being present and roosting in suitable buildings is considered to be high.

The site comprises five rows of terraced housing, each with 13 individual dwellings. The houses are all brick built and two storey with pitched slate roofs. The terraces are stepped to the west, such that each dwelling is 0.5m higher than the previous dwelling. The stepping of the terraces results in a small gable wall, approximately 0.5m in height, on each of the eastern elevations, with the exception of the dwellings on the eastern end of the terrace. All of the dwellings also have brick built chimneys, and a number have extensions, which are generally flat roofed. The buildings are generally in good condition, but a number have slipped slates and gaps in the pointing at the wall tops, especially on the eastern elevations. The houses also have bargeboards supporting the gutters, with the gap between the bargeboards and the walls being around 20mm in places, suitable for crevice roosting species such as pipistrelle.

Internal access was not possible as the buildings were either currently occupied, or sealed up with breezeblocks to prevent squatting and vandalism. However, it is considered that the majority of the buildings on site have moderate sized loft spaces with only one having had a loft conversion.

No external field signs were recorded, but recent rainfall is likely to have rendered any field signs unidentifiable. No conclusion can therefore be based on this evidence.

Dusk survey with 4 activity-recording points over a single night recorded 2 common pipistrelle bats emerging from two separate buildings within the site. These buildings were located along the alleyways of Clive and Wolseley St and Nelson and Haig St. In addition a single Noctule was heard flying over the site and common pipistrelles were recorded foraging around the buildings on site.

The total survey effort for a site of this nature is considered to be inadequate to support a full planning application or Natural England licence application. Although two cool roosts have been recorded through dusk survey, the nature of the buildings, the lack of internal access and the proximity of the site to good quality habitat, means that the presence of other roost types such as maternity, cannot be ruled out. Deficits in survey data have been addressed through precautionary mitigation, but this is unlikely to be sufficient to support a full planning application. Therefore it is recommended that further survey work should be undertaken.

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Overall, the survey work and risk assessment has confirmed the presence of small numbers of roosting common pipistrelle bats, leading to a requirement for mitigation that provides alternative roost sites on a like for like basis. In addition, it is considered that there is a significant risk that a maternity roost and/or hibernation roosts of common pipistrelle is also present.

During the site inspection, roosting feral pigeon were observed within the buildings.

No plant habitats of ecological value will be affected by the current proposals.

**Impacts of the proposals** without appropriate mitigation would include:

1. The loss of at least two cool roosts used by small numbers of common pipistrelle on an occasional basis, resulting from the demolition of the buildings on site.
2. Causing potential harm or disturbance to small numbers of common pipistrelle using the buildings during works.
3. The loss of potential hibernation roosts within the wall cavities, which have a moderate risk of supporting small numbers of common pipistrelle bats.
4. The loss of potential maternity roosts, from the buildings on site which have a moderate risk of supporting common pipistrelles.
5. The significant risk of causing harm or disturbance to common pipistrelles that may use the buildings on site as maternity or hibernation roosts during the summer and winter periods respectively.

**Mitigation proposals** are therefore outlined within this report that aim to both prevent bats being harmed or disturbed during the works, and to ensure that the site retains the potential to be used by bats in a similar manner in the medium to long term. In total 15 bat bricks and 15 bat slates will be incorporated into the new buildings on site. Key measures include:

1. Works will not proceed until a Natural England licence has been obtained.
2. All works will proceed to a method statement (Appendix 4).
3. Timing of works to avoid the start of works during the hibernation period (mid-November to March inclusive).
4. Timing of works to avoid disturbing any maternity roosts that may be present between May and August, unless a checking survey carried out within the maternity season finds such a roost to be absent.
5. No demolition will be undertaken during the hibernation period (November to March inclusive).
6. The creation of 5 crevice roost sites using bat bricks positioned within the walls of the new build buildings within the phase 1 development, located on the eastern boundary of the survey area (Appendix 6). These will be in place before demolition commences.
7. The creation of 5 roost sites through the inclusion of 10 bat slates within the roofs of the buildings within the phase 1 development, which lies adjacent to the survey area, to the east (see Appendix 5).
8. The incorporation of 10 bat bricks within the buildings to be constructed on the current site to provide suitable roosting opportunities for bats (see Appendix 6).
9. The incorporation of 10 bat slates within the buildings to be constructed on the current site to provide suitable roosting opportunities for bats (see Appendix 5).

With these measures it is considered that the risk of harm to individual bats can be minimised, and that the conservation status of the species in the local area can be maintained.



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**Means of delivery:**

A Natural England licence will be required for the works to proceed, and this will require monitoring of the works by a consultant ecologist and will provide opportunities for the works to be inspected by Natural England.

5 bat bricks and 5 bat slates will be incorporated into the new buildings within phase 1, which will commence before the demolition of the terraced buildings within the site.

**Before this report can be used to support a planning application the following elements will be required.**

1. Additional emergence surveys to provide more robust data.
2. Incorporating key features of the mitigation proposed in this report into the architect's plans that support the planning application.

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**B INTRODUCTION**

E<sup>3</sup> Ecology Ltd was commissioned by the Rok Group to undertake a bat survey of five rows of terraces within Ferryhill to meet the requirements of the local planning authority. It is proposed to demolish the houses to make way for a housing development. Proposals do not include the felling of any trees with a risk of supporting roosting bats. This report supports an outline planning application for the site.

As bats are small nocturnal species that can roost in inaccessible crevices only 16mm wide, it can be very hard to demonstrate that they are absent from a site, particularly given a limited number of visits during part of the year. As a result, assessment and development approaches are based on an informed risk assessment, and where appropriate the worst-case scenario, in order to ensure that bats are not recklessly harmed by the proposals. See Appendix 1 for further details of bat ecology, and Appendix 2 for details of relevant legislation.

***B1 Background to development***

The 5 rows of terraces along Clive, Haig, Wolseley and Nelson Streets are situated within the village of Ferryhill at grid reference NZ 302317.

The general landuse in the area is pasture and arable land to the west, residential development to the north and south, and industrial development with some areas of mixed woodland to the east. 500m north lies the Ferryhill Carrs Nature Reserve, which comprises mixed woodland and wetlands. Immediately adjacent to the south of the site there is a band of woodland leading to the west, and to the north there is an area of gorse dominated scrub. To the west of the site there are allotments, which are bordered by hawthorn-dominated hedgerow linking the site to the wider countryside. The residential dwellings to the north and south of the site are surrounded by small copses of trees, which provide commuting routes and foraging habitat for bats.

***B2 Details of the proposed works on site***

The proposed development comprises the demolition of the existing terraced houses and the erection of residential development in its place. The proposals for the site have not yet been finalised however. The development is currently in the outline planning stage.

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**C SURVEY AND SITE ASSESSMENT**

***C1 Consultation, pre-existing information on protected species at survey site***

The National Atlas of bat distribution indicates that common and soprano pipistrelle, brown long-eared bats, Daubenton's bat, whiskered/Brandt's bat and Noctule have been recorded within this and the neighbouring 10km squares.<sup>1</sup>

Due to the time constraints, consultation with the local bat group has not been undertaken, but will be before a full planning application is submitted.

The owner of the land adjacent to the site has reported bats flying around the buildings on site, which are most likely to be pipistrelle.

***C2 Status of protected species in the local/regional area***

See Appendix 2 for details of the relevant legislation regarding bat and barn owls.

***Bats***

Both soprano and common pipistrelle bats are relatively common in the northeast and there are previous records for both species in the local area. Soprano pipistrelles are somewhat less abundant and tend to be associated with water. The brown long-eared bat is locally common where there are good woodland habitats, and is widespread throughout most of Europe and is the third most common species in Britain<sup>2</sup>.

Pipistrelle bats are on the short list of the UK Steering group.

Daubenton's bats are widely distributed where suitable waterbodies are found, and National Bat Monitoring Programme suggests that populations are increasing.

Whiskered/Brandt's and Natterer's bats are less abundant, and tend to be associated with better quality rural habitats. Only a small number of Natterer's maternity roosts are known in the north east of England.

***C3 Objective(s) of survey***

The objective of the study is to gain a sufficiently detailed picture of bat populations to allow an assessment of the likely impacts of the proposed development on these species, and to allow mitigation to be designed which minimises the risk of harm and maintains their conservation status in the local area (for example by ensuring that there is no net reduction in the number of available roost sites).

Where there are gaps in data from field survey, for example on seasonal use, then a risk assessment has been undertaken, and a reasonable worst-case scenario regarding use of the site by these species throughout the year developed. Mitigation is then based on this worst-case assessment.

Comments on the state of the structures within the site relate solely to their potential use by bats or barn owl and must not be taken as a professional assessment of the structural integrity or safety of the structures. For example, descriptions of walls and roofs being in

<sup>1</sup> Distribution Atlas of Bats in Britain and Ireland, Phil Richardson 2000, Bat Conservation Trust.

<sup>2</sup> Swift, S.M. 1998. *Long-Eared Bats*. University Press, Cambridge

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'good' or 'poor condition' relate to likely provision of roost sites for bats, potential access routes to roost sites, and likely persistence of field signs such as droppings and feeding remains, which will not persist in exposed conditions.

***C4 Survey area***

Figure 1 (C5) illustrates the site location and the broad foraging habitats present within the vicinity. Habitats are predominantly mapped from aerial photos and ordnance survey plans with ground checking of land adjacent to the site. Maps focus on features that are important for bats such as woodland, tree belts and large hedges, which tend to be long-term landscape features that can be reliably mapped from recent aerial photographs, together with wetland and unimproved grassland habitats.

Figure 2 illustrates the site layout including all structures affected by the proposed development. All structures affected by the proposed development have been audited for their risk of supporting protected species, and surveys undertaken where appropriate. Survey included adjacent buildings, not directly affected by the proposed development, in order to address any potential disturbance issues.

Access could not be obtained into the internal voids of the buildings, as a number of the buildings were occupied at the time of survey, with the remaining buildings being bricked up to prevent vandalism.

***C5 Habitat description, building descriptions***

***C5.1 Habitat Description***

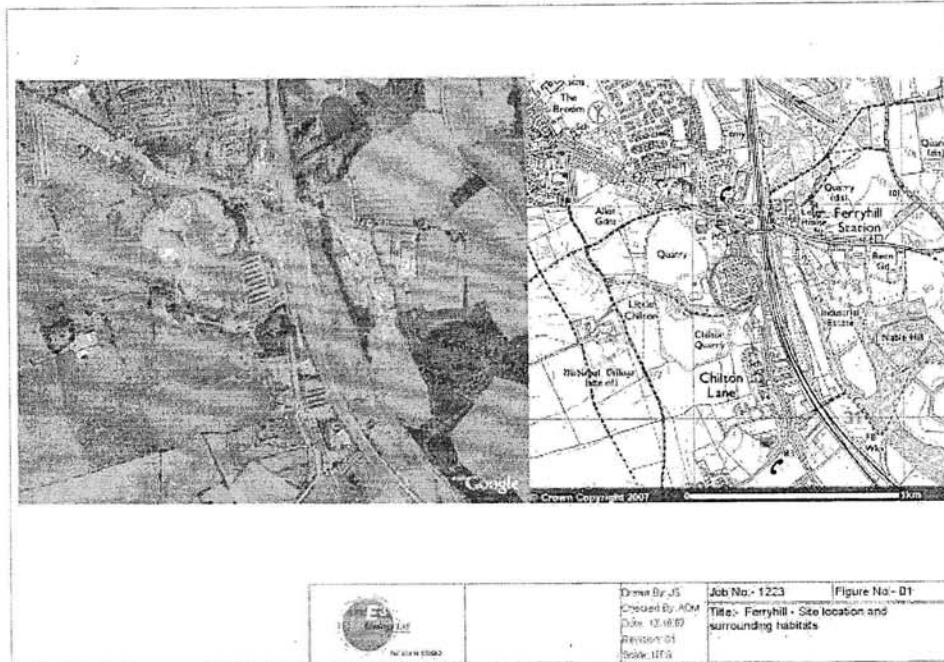
Ferryhill is situated within an area dominated by agricultural land used for pasture and arable crops to the south and west, residential development, wetland and woodland to the north and a mix of industrial development and woodland to the east. The field boundaries to the east comprise hawthorn-dominated hedgerow, providing good quality commuting routes between the site and the surrounding area. The areas of woodland and wetland to the north and east provide good quality foraging habitats for bats. There are also small areas of woodland to the immediate north and south of the site, providing good quality foraging opportunities for bats that may be present within the area.



The aerial photo below in figure 1 illustrates the broad habitats within the surrounding area. Overall the surroundings provide good habitat for bats, as the site is in close proximity to woodland and wetland both of which are found within 1km, with woodland also located adjacent to the south of the site. The surrounding hedgerows and tree lines provide good linkages for travelling between foraging habitats and roost sites. The local resource of alternative roost sites is good as the site is located within the village of Ferryhill, and the surrounding houses and terraces are of a similar design to those on site.



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**Figure 1 – Site Location and habitats**  
 (Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationery Office. CJ Crown Copyright reserved. Licence number 100039392.) The aerial photo is taken from GoogleEarth under licence.

**C5.2 Building Description**

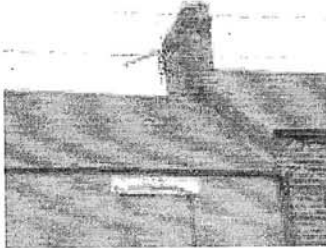
All of the buildings on site are of a similar design, being brick built terraces with pitched slate roofs. Each of the terraces comprises 13 dwellings, each of which is stepped up a hill by approximately 0.5m, creating small gable walls on the eastern elevations of the houses. A number of these small areas of exposed brickwork have gaps at the wall tops, providing access beneath the slates. A small number of the buildings are pebble dashed or rendered externally, these buildings having few apparent gaps or crevices.



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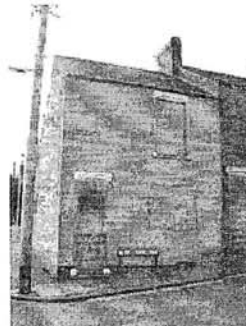
The roofing slates on the buildings are generally in good condition, however a number of gaps are evident on an occasional basis throughout the site where slates have slipped. The buildings have bargeboards on their northern and southern elevations, and there are gaps between these boards and the walls that are suitable for use by crevice roosting species such as pipistrelle. The lintels and sills of the dwellings are stone, and generally well sealed, with no visible opportunities for roosting bats.

A number of the properties have single or two storey extensions, generally with flat, roofing felt lined roofs, although one was found to have a sloping, pantile roof. The roofing materials used on these sections were found to be well sealed presenting no opportunities for roosting bats. The pointing and roofing materials of the extensions are in good condition, as the majority have been built recently. A number of the structures have bargeboards however, which create gaps between themselves and the brick walls.



A number of the dwellings have free standing out houses, which have concrete or felt roofs. These were built at the same time as the dwellings and as such are in a worse condition than the extensions. The pointing at the wall tops has fallen away in places and there are gaps that could be exploited by crevice roosting bats. These buildings are single storey however, and given the residential nature of the buildings, bats roosting within single storey structures would be prone to predation from cats and rats.

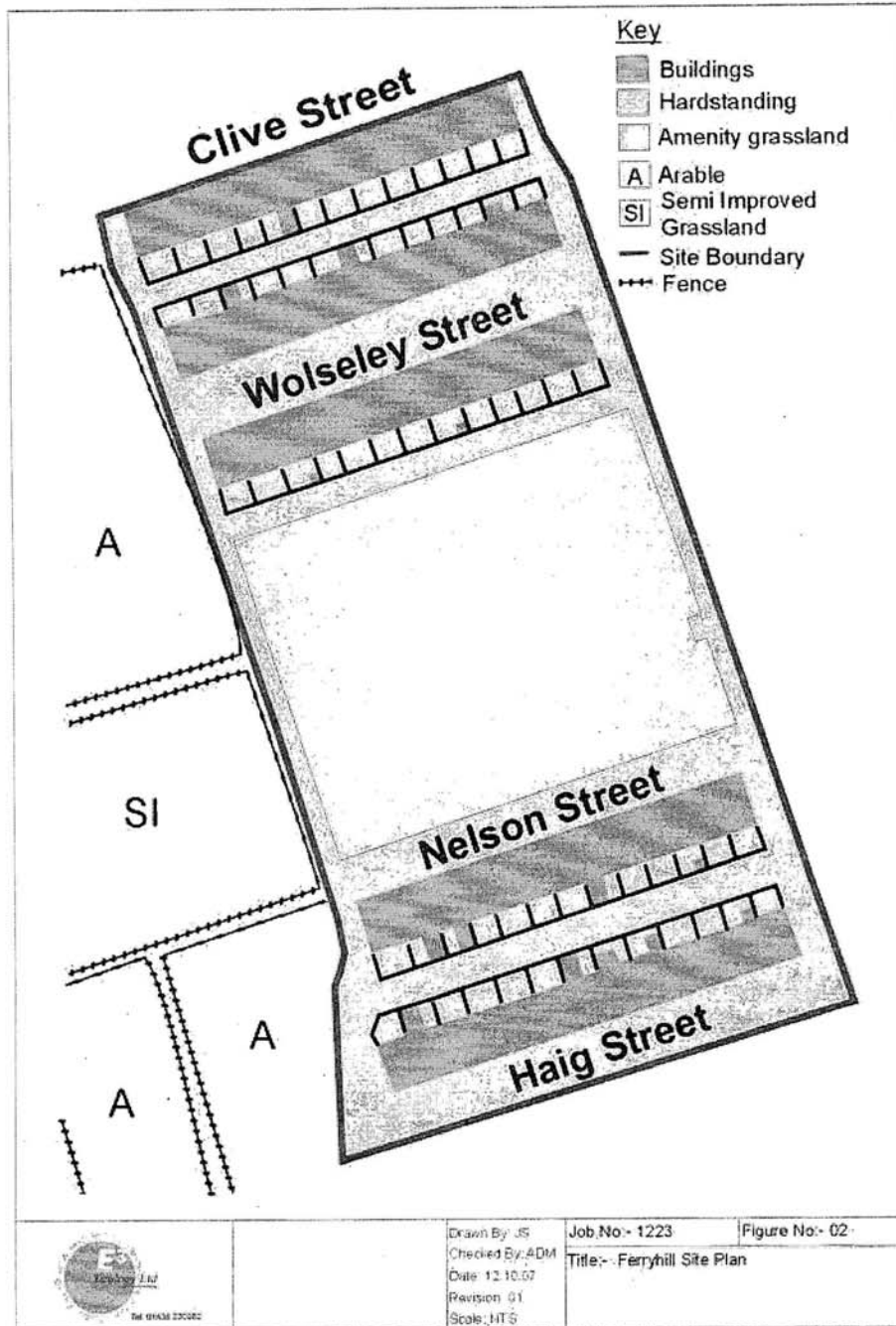
Approximately 50% of the dwellings on site are currently unoccupied, and although the majority have been boarded or bricked up, a number of buildings have been vandalised and windows broken. The broken windows then provide access into the upper storey and potentially the loft void.



#### C5.3 Tree Description

The proposed development does not include any tree works.

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**C5.4 Risk Assessment – Bats**

	Risk of supporting roosting bats			
	Minimal	Low	Medium	High
Habitats and cover within 200m	City Centre	Open and exposed with little tree or hedge cover	Hedges and trees linking site to wider countryside	Excellent cover with mature trees and/or good hedges
Habitats within 1km	City Centre	Little tree cover, few hedges, arable dominated	Some linking treed hedges and woodland and wetland	Good network of woods, wetland and hedges
Alternative roosts within 1km	City centre	Numerous alternative roost sites of a similar nature	A number of similar buildings in the local area	Few alternative buildings and site of good quality for roosts
Setting	Inner city	Urban with little green space	Rural Upland / Urban with extensive green space in vicinity	Rural Lowland with woodland and trees.
Distance to water/marsh	>1km	500m-1000m	200m-500m	<200m
Distance to woodland/scrub	>1km	500m-1000m	200m-500m	<200m
Distance to species-rich grassland	>1km	500m-1000m	200m-500m	<200m
Commuting routes	Isolated by development, major roads, large scale agriculture	No potential flyways linking site to wider countryside	Some potential commuting routes to and from site	Site is well connected to surrounding area with multiple flyways
Approximate age	Modern	Post 1940's	1900-1940	Pre 20 <sup>th</sup> C
Building/complex type	Industrial complex of modern design	Single, small building	Several buildings, large old single structure	Set of traditional farm buildings, country house, castle, hospital
Building - storeys		Single storey	Multiple storeys	Multiple storeys, large roof voids
Stone/brick work	No detectable crevices	Well pointed	Some cracks and crevices	Poor condition, many crevices,
Roof void	Fully sealed Flat roof	Small, cluttered void	Medium, relatively open	Large, open, interconnected
Additional features		No features with potential access	Some features with potential access	Hanging tiles, cladding, barge boards, soffits with access
Building use	Very noisy, dusty	Regular use	Intermittent use	Disused

It can be seen that this is a moderate to high-risk site where it is most probable that roosting bats will be present within some of the buildings, at least in small numbers, at some stage through the year.



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**C6 Field survey**

**C6.1 Methods – Bats**

*Initial Inspection*

A daytime assessment was made of all structures and trees affected by the proposed development, in order to evaluate their potential for supporting bat roosts, and where present to record signs of use by bats.

Structures were inspected externally using binoculars and where appropriate, extendable ladders were used to assist with the inspection for droppings and other field signs.

Externally, the buildings were examined for potential roost access points indicated by clean crevices, urine marks, polished wood or stonework and droppings. Particular attention was given to sheltered areas under buildings and towards the tops of windows where droppings are less likely to have been washed off.

*Activity Survey*

Activity surveys were undertaken in suitably mild conditions when bats are active.

Surveyors were positioned to ensure coverage of all high-risk areas of the site, including any potential flightlines from structures within the site to adjacent cover such as woodland blocks, and where any bats entering or emerging from the site as a whole could be detected. If bats were recorded within the site before bats were seen in the wider area, or flying into the site, it is assumed that roosts are present within the site.

All surveyors used Duet bat detectors linked to MP3 recorders, listening through earphones to both heterodyne and frequency division signals to help ensure that all bats were detected. Data were recorded to allow confirmation of species identification through sonogram analysis (using Batsounds software), and to capture brief echolocation calls that could not be reliably identified in the field. Field survey recorded numbers of bats detected, feeding activity, flight paths, species (as far as is practicable), and social calls.

A total of 4 person-nights work was undertaken, with direct observation recording of bat activity within high risk areas of the site. Figure 3 illustrates the approximate location of each surveyor.

Given good calls many species, including common and soprano Pipistrelles, and noctule can be identified with a good degree of confidence. The *Myotis* genus of bats are much harder to separate reliably as their frequency modulated calls are very similar. For these species a combination of call loudness, frequency range, habitat and flight characteristics can be used to provide a best estimate.

In the text bats are identified as accurately as possible, within the constraints identified above. If the species name is given without qualification, the record was of good quality. If there is a degree of uncertainty this is indicated by a question mark, e.g. ?brown long-eared. If identification to species is not practicable then just the Genus or 'bats' is used.

**C6.3 Timing**

Initial site inspection was undertaken on the 8<sup>th</sup> October 2007.

In addition, activity surveys were undertaken on the following dates:

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<b>Activity Surveys</b>				
<i>Date</i>	<i>Start Time</i>	<i>End Time</i>	<i>Time of Sunset/rise</i>	<i>No. of Surveyors</i>
10.10.07	18.24	19.24	18.24	4

This level of survey including this number of surveyors and automatic monitoring points will provide an initial risk assessment of bat activity at the site in line with Natural England's Northumbria region guidance.

Survey at this time of year will provide records of autumn mating roosts and cool roosts, but will not reliably detect hibernation sites, maternity roosts, or spring roosts. Survey over one night may prove the presence of bats but may not give an accurate assessment of population numbers.

**C6.4 Weather conditions**

<i>Date</i>	<i>Start Temp.</i>	<i>End Temp.</i>	<i>Cloud Cover</i>	<i>Precipitation</i>	<i>Wind Conditions</i>	<i>Time of Sunset/rise</i>
10.10.07	17.9°C	13.9°C	90%	Dry	Still	18.24

**C6.5 Personnel qualifications and experience**

Survey work and reporting was undertaken by James Streets BSc MSc AIEEM, Katie Lawrence BSc, and supervised by Dr. Tony Martin BSc PhD MLI MIEEM of E<sup>3</sup> Ecology Ltd. Details of experience and qualifications are available at [www.e3ecology.co.uk](http://www.e3ecology.co.uk).

Assistance with activity survey was provided by Simon Johnson, Elizabeth Wilcox and Barry Grieves of E<sup>3</sup> Ecology Ltd.

**C7 Results**

**C7.1 Structures**

No internal access was available to the buildings as a buildings were either currently occupied at the time of survey or unoccupied and bricked up to prevent squatters and vandalism.

No external field signs were recorded.

**C7.2 Trees**

No trees would be felled as part of these proposals.

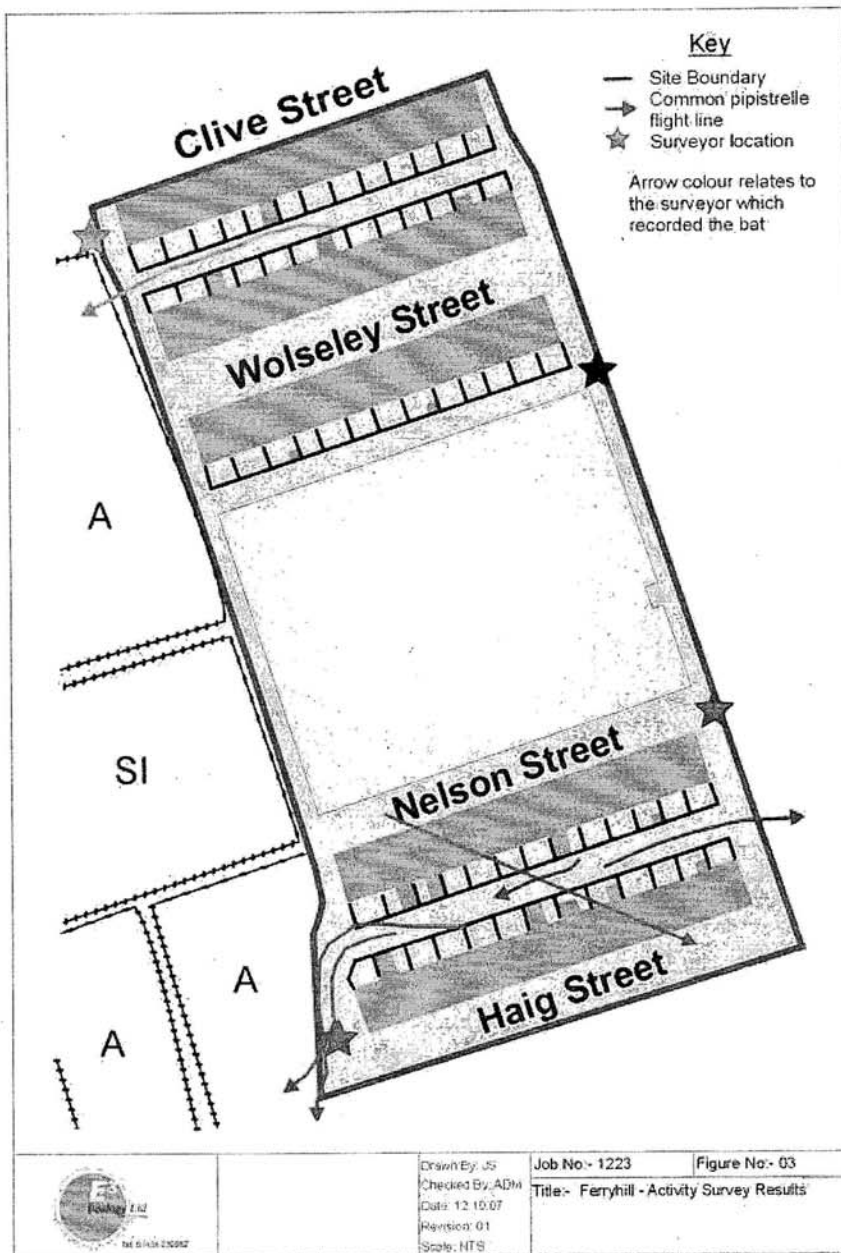
**C7.3 Activity Survey**

*Overview of Activity Survey*

Survey on a single night recorded 2 common pipistrelles emerging from the buildings on site. Survey recorded activity from the buildings between Clive and Wolseley St and between Haig and Nelson St, before bats were recorded in the wider countryside. A single Noctule bat was also recorded within the local area, but was not seen. This species is tree-roosting and would not have emerged from the site. No *Myotis* species were recorded during the survey.

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Full survey data is provided in Appendix 3, and an overview of survey results is provided in figure 3 below:



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### C7.4 Other Species

Roosting feral pigeons were recorded on site, and other birds are likely to nest or roost in the site at times. From the surveys undertaken it is considered unlikely that any other protected species or important habitats would be affected.

### **C8 Interpretation and evaluation**

#### C8.1 Presence/absence/density/abundance

Site survey has demonstrated the presence of the following roosts within the site:

- Two cool roosts used by small numbers non-breeding common pipistrelles within the buildings on site, one from a building lining the alleyway between Clive St and Wolseley St and the other from a building along the alleyway between Nelson St and Haig St.

In addition it is considered that following a risk assessment and survey work, there is a moderate risk of the following roosts being present on site:

- Hibernation roosts used by small numbers of common pipistrelle within the cavity walls of the disused buildings on site, disused buildings will provide suitable, stable conditions for a hibernation roost.
- A maternity roost of common pipistrelle bats under the bargeboards or under the roofing slates of the buildings on site. The close proximity of the site to areas of woodland means that such a roost cannot be ruled out following the level and timing of survey work undertaken thus far.

#### C8.2 Population size class assessment

From the field survey, it is concluded that the buildings are used by small numbers of common pipistrelle bats, 1-6, at intervals through the year as cool roosting sites. A risk assessment of the site shows that there is a significant risk that the terraces may provide suitable opportunities for hibernation used by small numbers of common pipistrelle and maternity roosts used by larger numbers of common pipistrelle (see appendix 1). Further survey work is required in order to establish the presence or absence and size of a maternity roost. If a maternity roost is present it could support between 20 and 200 bats, although some roosts can support around 1000.

To put this population estimate into context see Appendix 1, which provides detail regarding roost sizes for different species.

#### C8.3 Site status assessment

The following criteria have been used to assess the conservation status of the site:

Value	Species Status in the Region		
	Common (Common pipistrelle)	Rare (Daubentons, Soprano pipistrelle, Noctule, Brown long eared, Whiskered)	Very Rare (Natterer's, Nathusius pipistrelle, Brandt's)
Local	<ul style="list-style-type: none"><li>• Small numbers including individual hibernating bats but excluding</li></ul>	<ul style="list-style-type: none"><li>• Feeding perches</li><li>• Individual bats</li></ul>	<ul style="list-style-type: none"><li>• Feeding perches</li></ul>

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	maternity sites.		
<b>Parish</b>	<ul style="list-style-type: none"> <li>• Hibernation site for good numbers.</li> <li>• Small to moderate sized maternity roost.</li> <li>• Autumn swarming site used by small numbers.</li> </ul>	<ul style="list-style-type: none"> <li>• Small numbers excluding maternity sites.</li> </ul>	<ul style="list-style-type: none"> <li>• 1 to 4 bats, occasional roosts</li> </ul>
<b>District</b>	<ul style="list-style-type: none"> <li>• Large maternity sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Small to moderate sized maternity roost.</li> <li>• Hibernation site</li> <li>• Autumn swarming site used by small numbers</li> </ul>	<ul style="list-style-type: none"> <li>• Small numbers, 5 plus, excluding maternity sites.</li> </ul>
<b>County</b>		<ul style="list-style-type: none"> <li>• Large maternity sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Small to moderate sized maternity roost.</li> <li>• Hibernation site</li> <li>• Autumn swarming site used by small numbers</li> </ul>
<b>Regional</b>			<ul style="list-style-type: none"> <li>• Large maternity sites.</li> </ul>
<b>National</b>	Sites meeting SSSI guidelines.		

From the survey results the site is concluded to be of local value, supporting cool roosts of common non-breeding pipistrelle. However, there is a risk that the site may support hibernating and maternity roosts of common pipistrelle. Based on this assumption, the site could be of greater importance and of parish value for bats.

#### C8.4 Constraints

Access into the internal voids of the buildings was not possible at the time of survey, due to the current occupants, or the buildings being bricked up. In order to address the lack of access, a reasonable worst-case scenario has been adopted regarding bat use of these areas.

This survey will may provide some data for the autumn period, but assessment of the bat use of the site at other times of year, assessments of populations using the buildings at this time of year and assessments of the potential impacts of the proposed development are based on professional judgement.

It should be noted that this report reflects the findings at the time of survey and the field signs left by recent bat activity. Use can vary both through the year and between years, and if no development happens within twelve months of the date of this report, then checking surveys to update the information will be required.

#### ***C9 Map(s) of survey area***

Figure 1 (C5) illustrates the site location and broad habitats in the vicinity. Figure 2 (C5) illustrates the layout of the site while figure 3 (C7) illustrates the survey results.

#### ***C10 Cross-referenced photographs of key habitat features***

Photographs are provided where appropriate within section C5 (Habitat/building descriptions) and section C7 (Results).

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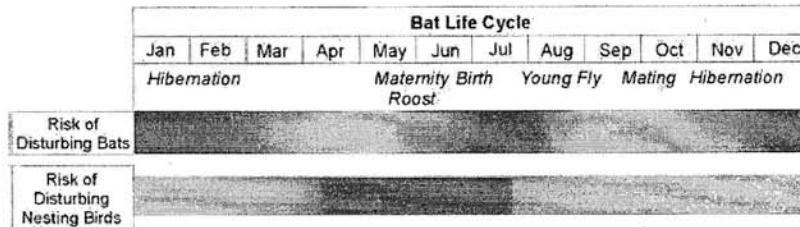
### D IMPACT ASSESSMENT

#### Background

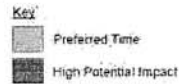
Bats are most vulnerable to disturbance during June, July and August, when they are breeding, and between November and March when they are hibernating.

This site is considered to support cool roosts of small numbers of common pipistrelle. It is considered that there is a moderate risk of the site also supporting breeding and hibernation roosts of the same species.

**As development proposals have not yet been finalised, a fully detailed impact assessment cannot be made. Below are the likely impacts of the development.**



N.B. The life cycle will vary between years as much is dependent on weather conditions which impact both on the bats themselves and on the insects on which they live.



#### Potential impacts of the proposed development without appropriate mitigation are:

- The loss of at least two cool roosts used by small numbers of common pipistrelle on an occasional basis, resulting from the demolition of the buildings on site.
- Causing potential harm or disturbance to small numbers of common pipistrelle using the buildings during works.
- The loss of potential hibernation roosts within the wall cavities, which have a moderate risk of supporting small numbers of common pipistrelle bats.
- The loss of potential maternity roosts, from the buildings on site, which have a moderate risk of supporting common pipistrelles.
- The significant risk of causing harm or disturbance to common pipistrelles that may use the buildings on site as maternity or hibernation roosts during the summer and winter periods respectively.

#### The proposed development will not cause the following:

- Loss of foraging areas, as there are no good quality foraging areas within the site.
- Fragmentation or disturbance of commuting routes, as there are no commuting routes on site.
- Long term increase in light and noise levels within the site following the change to residential use as the use of the site for residential dwellings will remain the same.
- Road casualties from new traffic movements severing flyways, as no significant increase in traffic is expected.

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**E MITIGATION AND COMPENSATION**

***E1 Mitigation strategy***

As bat roosts are present within the site and will be affected by the proposed works, a Natural England licence will be obtained prior to works commencing on site.

Additional survey work is required in order to fully assess the impacts of the development.

The proposals for the site have not been finalised and as such a full mitigation strategy cannot be developed. Below are likely mitigation measures that could be incorporated into the development scheme, however these are not finalised.

**E1.1 Timing of Works**

- Works on site will not commence until a Natural England development licence has been obtained.
- Works will only commence following an additional confirming survey in order to provide more data for the mitigation strategy for the development.
- Works on site will not commence during the hibernation period (November to March inclusive). Disturbance prior to the hibernation period will be sufficient to deter bat use, e.g. roofs and windows removed.
- Works on site will not commence during the maternity period (June to August inclusive) unless a confirming survey has demonstrated that maternity roosts are absent. If substantial disturbance has occurred before the maternity season, such as removal of roofs, then maternity roosts are very unlikely to become established and spring work may continue into the summer.
- No demolition will be undertaken during the hibernation period (November to March inclusive).

**E1.2 Working Methods**

- Slates, ridge tiles, barge boards and roof coverings will be removed by hand, being aware that bats may be present beneath slates or bargeboards, within mortise joints and cavity walls.
- If bats are found during works the ecological consultant will be contacted immediately.

**E1.3 Method Statement**

Those contractors involved in demolition will be informed of the potential presence of bats and provided with a method statement outlining appropriate working practices and procedures should evidence of bats be recorded (see Appendix 4 for construction method statement).

**E1.4 Pre-Development – Alternative Roost Creation**

In advance of the start of works 5 bat bricks and 5 bat slates will be incorporated into the design of the buildings within phase 1 in order to provide alternative roost sites during the demolition of the buildings on site.

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**E1.5 Roost Creation – Within New Build Properties**

A total of 10 external crevice roost sites, using bat bricks on varying elevations of the new buildings on site will be created. These will be located high up the walls, as near to the eaves as possible (see Appendix 6).

A total of 10 purpose designed "bat slates" will be incorporated into the new roof of the new buildings, in order to provide access to the gap between the external slates and the roof lining (see Appendix 5).

Added to the 5 bat bricks and 5 bat slates proposed within phase 1, a total of 15 bat bricks and 15 bat slates will be incorporated into the design of the new houses.

**It is important that mitigation roosts are shown on the planning application plans as this will provide Natural England with greater confidence that the mitigation will be implemented, even if the site is sold on for redevelopment by others.**

**E1.6 Habitat Creation/Enhancement**

From October 1 2006, public authorities have a duty to conserve biodiversity under the Natural Environment and Rural Communities (NERC) Act. In order to conserve the biodiversity of the site, it is recommended that 5 nest boxes for small birds such as finches and tits are provided within the site. The gardens of the new properties will also improve the biodiversity within the site.

**E1.7 Overview of Mitigation Proposals**

Overall the following key elements of bat-friendly design will be incorporated into the proposed development:

***Ecologist***

- To carry out an additional survey of the site to provide more robust data.
- To carry out a full impact assessment and provide mitigation advice for the site once finalised development plans have been received.
- To check that mitigation has been implemented within the architect's plans.
- Apply for Natural England licence once planning permission has been granted
- Attend on-site induction meeting and provide method statements to contractors
- Monitor site works and supervise stripping of slates from high-risk sections of the buildings.
- Check implementation of mitigation.
- Provide post-construction report to NATURAL ENGLAND and local planning authority.

***Architect***

- **Add bat mitigation features to plans to support planning application.**
- Access between the slates and lining will be provided via bat slates, ensuring that birds are excluded. 5 will be located within buildings in phase 1 and 10 within the current site.
- Access into the walls will be provided by bat bricks, 5 within the buildings to be constructed as part of phase 1, and 10 to be incorporated into the new buildings to be constructed on the current site.

***Contractor***



- Works on site will not commence until a Natural England licence has been obtained.
- All works to follow appropriate method statements.
- Works on site will not commence during the hibernation period (November to March inclusive).
- Works on site will not commence during the breeding period (June to August inclusive) unless a checking survey has confirmed that a maternity roost is absent.
- No demolition will be undertaken during the hibernation period (November to March inclusive).
- Slates, ridge tiles, barge boards and roof coverings will be removed by hand, being aware that bats may be present beneath slates, within mortise joints, cavity walls.
- If bats are found during works the ecological consultant will be contacted immediately.
- Access between the slates and lining will be provided via bat slates, ensuring that birds are excluded. 5 will be located within buildings in phase 1 and 10 within the current site.
- Access into the walls will be provided by bat bricks, 5 within the buildings to be constructed as part of phase 1, and 10 to be incorporated into the new buildings to be constructed on the current site.

***Landscape Design and Management***

- The landscape planting will be designed to enhance structural diversity, and will include plants bearing flowers, nectar and fruits which are attractive to invertebrates, thereby helping to maintain the food resource for bats and wildlife generally.

***Means of Ensuring Delivery***

It is recommended that implementation of suitable bat mitigation be made a planning condition. Following completion of development works, the project ecologist will attend the site and check all elements of the mitigation proposals have been implemented successfully.

A Natural England licence will be required for the works to proceed and this will require monitoring of the works by a consultant ecologist and will provide opportunities for the works to be inspected by Natural England.

Five bat bricks and five bat slates will be incorporated into the new buildings within phase 1 of the development in order that alternative roost sites are available during demolition.

**APPENDIX 1: BAT ECOLOGY**

**Bat Ecology**

***Habitat and roost preferences***

In their guidelines for bat surveys in the Northumbria Region, Natural England indicates the types of building and trees that are more or less likely to support bat roosts:

*Presence of built structures which appear to have a high probability of use by bats:-*

- *Properties older than 1939, with multiple roofs within 200m of woodland or water.*
- *Properties older than 1914 within 200m of woodland or water.*
- *Listed buildings or monuments.*
- *Traditional ranges of farm buildings.*

*The risk of bat roosts being present will be higher where structures have:*

- *Pre-20<sup>th</sup> Century construction.*
- *A lowland rural setting.*
- *Woodland, mature trees, species-rich grassland and/or water nearby.*
- *Large dimension roof timbers with cracks, joints and holes.*
- *Numerous crevices in stonework and structures.*
- *Uneven roof covering with gaps, though not too draughty.*
- *Hanging tiles or roof cladding, especially on south-facing walls.*
- *Roof warmed by the sun.*
- *Disused or little used; largely undisturbed.*

*The risk of bat roosts being present will be lower where structures have:*

- *Urban setting with little greenspace.*
- *Heavy disturbance.*
- *Small, cluttered roof void (particularly for brown long-eared).*
- *Modern construction with few gaps or crevices that bats can fly or crawl through (though pipistrelles may still be present).*
- *Prefabricated of steel or sheet materials*
- *Active industrial premises*

*Habitats that increase the risk of bats being present include:*

- *Presence of trees with a high probability of bat use, including ancient woodland or parkland, large trees with complex growth form, and trees with cavities, visible damage and loose bark (Coniferous plantation and young trees are less likely to support roosts). It can be extremely difficult to be certain of the presence or absence of bat roosts in trees meeting the above criteria.*
- *Recent or historical records of bats on the site, or bat roosts in the general area.*
- *Presence of underground structures such as abandoned mines, tunnels, kilns, cellars or fortifications which provide appropriate hibernation conditions.*
- *Where a development has a significant habitat impact on woods, hedgerows with field trees, parkland, diverse grassland and wetland habitats potential impacts on tree roosts, foraging habitats and flight-lines should be considered.*

***Species information and population estimates***

Pipistrelle maternity colonies generally consist of 25 to 100 individuals, but colonies numbering up to 1000 are not uncommon<sup>3</sup>. Adult females often form large maternity roosts, occupied between May and August, and frequently number around 300 individuals. Males are often solitary or in small groups during the summer, later congregating with the females at winter hibernation roosts<sup>4</sup>.

<sup>3</sup> Roberts, G.M. & Hutson, A.M. 2000. *Pipistrelle*. British Bats No. 6. The Bat Conservation Trust, London

<sup>4</sup> Corbet, G.B & Southern, H.N., 1964. The handbook of British Mammals).

**SEDGEFIELD BOROUGH COUNCIL**  
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Maternity colonies of brown long-eared bats are generally small, consisting of 10 to 20 adults<sup>5,6</sup> (although numbers are likely to be underestimated, due to present in inaccessible areas of the roost). The largest colony recorded was located in northwest England and contained 150 individuals<sup>7</sup>.

Natterer's bats roost within crevices and cavities, typically within hollow trees, old buildings, caves and tunnels<sup>8</sup>. Maternity colonies comprising up to 200 adult females can be found in buildings during the summer months while bachelor roosts comprising up to 28 males have been recorded during the summer months in Scotland<sup>9</sup>. Maternity roosts are not exclusively females, with both adult and immature males comprising up to 25% of the colony. Male only colonies have been found with up to 30 bats<sup>10</sup>. Foraging individuals will perch during the night at roosts near to foraging areas, not used as day roosts. Mostly these roosts are trees or shrubs but barns will also be used<sup>11</sup>.

Whiskered bats, the smallest of the *Myotis* species, roost in trees and buildings. Nursery roosts can number over 100 bats, and are almost exclusively female bats. This species hibernates singly in caves, hanging on the open wall or in crevices<sup>10</sup>.

Brandt's bat is thought to have similar roosting behaviour and foraging ecology to the whiskered bat, however, further research is needed to clarify the situation<sup>10</sup>.

Maternity roosts are critical to the long-term survival of a colony, and disturbance can lead to the young being abandoned to die. Bats that are disturbed and escape in the winter use up a lot of energy, which they cannot replace, as there are few insects about as food.

<sup>5</sup> Speakman, J. R. *et al.*, 1991. Minimum summer populations and densities of bats in NE Scotland, near the northern borders of their distributions. *J. Appl. Ecol.*, 225: 327-345

<sup>6</sup> Entwistle, A.C., 1994. Roost ecology of the brown long-eared bat *Plecotus auritus* in north-east Scotland. Unpublished PhD thesis, University of Aberdeen, UK

<sup>7</sup> Billington, G., 1993. *Bat Groups*. No. 7. Bat Conservation Trust, London).

<sup>8</sup> Stebbings, R.E. 1991. Natterer's bat *Myotis nattereri*. In The handbook of British Mammals. 3<sup>rd</sup> Edition Corbet, G.B. & Harris, S. (Eds) Oxford: Blackwell Scientific.

<sup>9</sup> Swift, S. M. 1997 Roosting and foraging behaviour of Natterer's bats (*Myotis Nattereri*) close to the northern border of their distribution. *J. Zool. (Lond)* 242: 375-384.

<sup>10</sup> Altringham, J.D. 2003. British Bats. The New Naturalist. Pub. Harper Collins.

<sup>11</sup> Smith, P.G. & Racey, P.A. 2005. The itinerant Natterer: physical and thermal characteristics of summer roosts of *Myotis nattereri* (Mammalia: Chiroptera) *J. Zool. Lond.* 266: 171-180.

**APPENDIX 2: LEGISLATION**

*Planning Policy*

Government Planning Policy Statement 9: Biodiversity and Geological Conservation states the following:

- Plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas (Paragraph 1(i)).
- Plan policies and planning decisions should seek to maintain, or enhance, or add to biodiversity conservation issues (Paragraph 1(ii)).
- Local planning authorities should consider whether proposed developments can be accommodated without causing harm to biodiversity conservation interests. Where there may be significant harmful effects, local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered (Paragraph 1(v)).
- Where development will result in unavoidable and significant adverse impacts on biodiversity and geological conservation, planning permission for it should only be granted where adequate mitigation measures are put in place. Local planning authorities should normally seek appropriate measures to compensate for any harm which cannot be prevented or mitigated (Paragraph 1(vi)).
- Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate (Paragraph 13).

Certain species have been identified as requiring conservation action as species of principal importance for the conservation of biodiversity in England. Local authorities should take measures to protect the habitats of these species from further decline through policies in local development documents. Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm (Paragraph 14).

*Bats*

Within England all bat species are specially protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended by the Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007) and under Schedule 5 of the Wildlife and Countryside Act of 1981 (as amended).

As a result there is a requirement to consult with Natural England before undertaking any works that may disturb bats or their roost, and under the Conservation (Natural Habitats, &c.) Regulations (as amended) it is illegal to:

- Deliberately kill, injure or capture bats.
- Deliberately disturb bats in such a way as to significantly affect:
  - the ability of any significant<sup>12</sup> group of animals of that species to survive, breed or rear or nurture their young, or
  - the local distribution or abundance of the species.
- Deliberately obstruct access to a bat roost.

<sup>12</sup> 'Significant' in relation to the objectives of the Habitats Directive.

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- Damage or destroy a bat roost.

Under the Wildlife and Countryside Act (1981) the above offence of disturbing bats includes low level disturbance and as such under this act it is also an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a roost.
- Intentionally or recklessly obstruct access to a roost.

Under the above legal protection, only the offences under the Conservation (Natural Habitats, &c.) Regulations (as amended) are strict liability offences; the remaining offences, under the Wildlife and Countryside Act (1981), are offences only where they are carried out "intentionally or recklessly".

Defences previously available under the Conservation (Natural Habitats, &c.) Regulations 1994 have now been removed, specifically the 'dwelling-house' defence and the 'incidental result of a lawful operation' defence no longer apply, however the 'incidental result' defence persists within the Wildlife and Countryside Act disturbing bats or obstructing access to a roost and activities that cause low level disturbance may be able to rely on this defence.

Under the Countryside and Rights of Way Act 2000 (CROW Act) the offence in section 9(4) of the 1981 Act of disturbing bats is extended to cover reckless damage or disturbance.

The Hedgerow Regulations 1997 provide for the conservation of important hedgerows and their constituent trees. The presence of a protected species such as bats is a relevant consideration when assessing whether a hedgerow is important and may influence a local planning authority's decision on whether to approve removal of such hedges.

As of October 1 2006, public authorities have a duty to conserve biodiversity under the Natural Environment and Rural Communities (NERC) Act 2006.

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**APPENDIX 3: ACTIVITY SURVEY RESULTS**

Surveyor locations/ Time	KL – West of Nelson & Haig Street	BG – East of Clive Street & Wolseley Street	LW – West of Clive Street & Wolseley Street	SJ – East of Nelson & Haig Street
18.20	Start of survey (18.22)			
18.25	No activity	No activity	No activity	No activity
18.30			Common pipistrelle recorded, flying westwards up the alley way between Clive & Wolseley Street (18.35)	
18.35			No activity	
18.40	Common pipistrelle recorded (18.42), not seen	No activity	No activity	?bat recorded between alley of Nelson and Haig Street (18.40), not seen
18.45	Common pipistrelle seen flying out from the alley between Haig and Nelson Street (18.45), Common pipistrelle seen possibly emerging from terrace house on Haig Street and heading to dense tree area to south (18.47), Common pipistrelle flying over houses on Nelson Street, heading south-east (18.48)		?bat recorded (18.49)	Common pipistrelle (18.45) flying westwards up alley between Nelson and Haig Street
18.50	No activity		Common pipistrelle recorded	Common pipistrelle (18.51) flying eastwards down the alley between Nelson and Haig Street
18.55	No activity	Common pipistrelle and a bat recorded at eastern end of Clive Street (19.00), not seen	No activity	No activity
19.00			No activity	
19.05	Common pipistrelle recorded on Nelson Street (19.09), not seen	No activity	?Noctule (19.05) recorded at north-west of Clive Street	No activity
19.10	Common pipistrelle foraging at western boundary of site by allotments (19.11), not seen		?Common pipistrelle recorded to west of alley between Clive and Wolseley Street (19.13), not seen	
19.15	As above		No activity	
19.20		No activity		
19.25		No activity		
Sunset				
	Light levels suitable for pipistrelle emergence			
	Light levels suitable for Myotis emergence			

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**APPENDIX 4: METHOD STATEMENT**

**METHOD STATEMENT FOR CONTRACTORS – (FERRYHILL)**

***Relevant Legislation***

All bat species are specially protected under Schedule 5 of the Wildlife and Countryside Act of 1981. As a result it is illegal to:

- Intentionally kill, injure or take bats.
- Deliberately disturb bats.
- Damage, destroy or obstruct access to bat roosts.

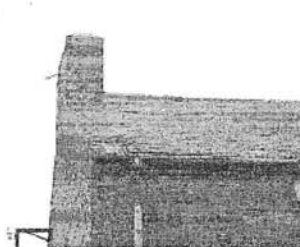
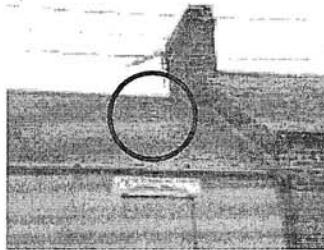
Under the Countryside and Rights of Way Act 2000 (CROW Act) the offence in section 9(4) of the 1981 Act of damaging bat roosts or disturbing bats is extended to cover reckless damage or disturbance. Fines of up to £5000 *per bat* affected and confiscation of vehicles used can be imposed for deliberate or reckless disturbance of bats or damage to a roost site.

Bats are also protected under The Conservation (Natural Habitats, &c.) Regulations 1994. Under these regulations licenses are required for works that may adversely affect bats.

***Bat Roost Sites***

Bat roost sites in buildings and stone structures can be difficult to locate. British bats vary in size, the smallest being the crevice roosting Pipistrelle with a body the size of a matchbox. The small size of these animals means that they can roost within the smallest cracks or crevices.

Common locations for crevice roosting bats within buildings include beneath slates or tiles, within mortise joints and cavity walls, between loose bricks and behind bargeboards (see photos). It is possible that small colonies may be present within the fabric of a building yet no external signs are visible. Therefore care is needed when works affect such features.



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***Working Methods***

Working methods to minimise the risk to bats and avoid causing reckless damage or disturbance must include the following:

- Works will not proceed until a Natural England licence has been obtained.
- All works will proceed to this method statement.
- All contractors will attend an onsite induction held by a suitably qualified ecologist.
- Timing of works to avoid the start of works during the hibernation period (mid-November to March inclusive).
- Timing of works to avoid disturbing any maternity roosts that may be present between May and August, unless a checking survey carried out within the maternity season finds such a roost to be absent.
- No demolition will be undertaken during the hibernation period (November to March inclusive).
- All high risk features such as bargeboards and slates will be removed by hand under the supervision of a suitably qualified ecologist where appropriate, with contractors aware that bats may be present. Once stripped, roofs will be left overnight to ensure that any bats present have a chance to leave the building.

If bats are found at any time during the development work, E<sup>3</sup> Ecology Ltd (01434 230982) must be contacted immediately. If it is necessary to move the bats, gloves should be worn and the bats should be carefully placed into a cardboard box and either kept in a quiet place or moved to a part of the building that will not be affected by the construction work and released after dark, close to the roost site.

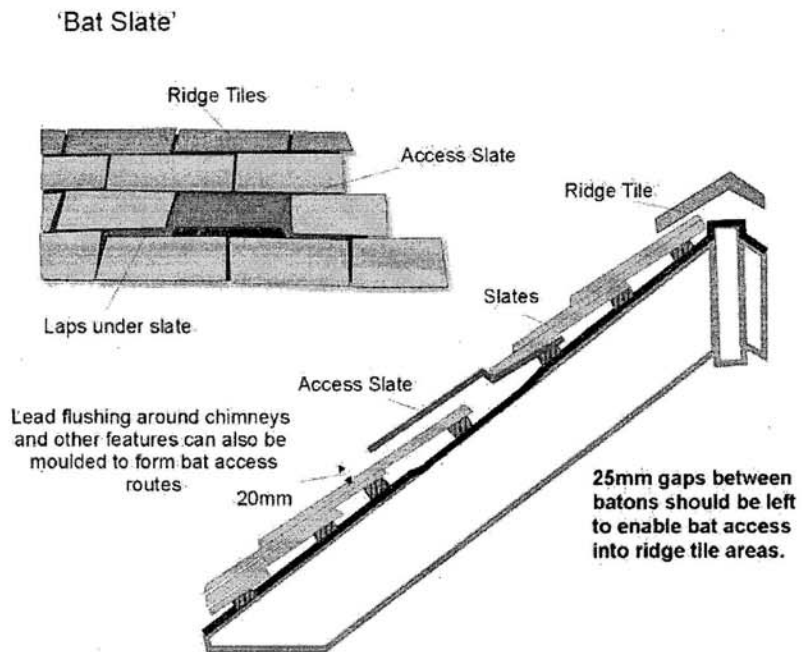
**If works risk recklessly harming bats then the police can order all construction/renovation work to cease until the issue is properly addressed.**



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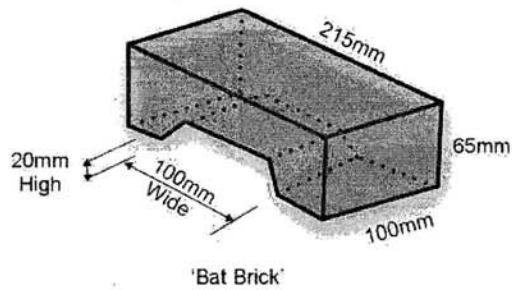
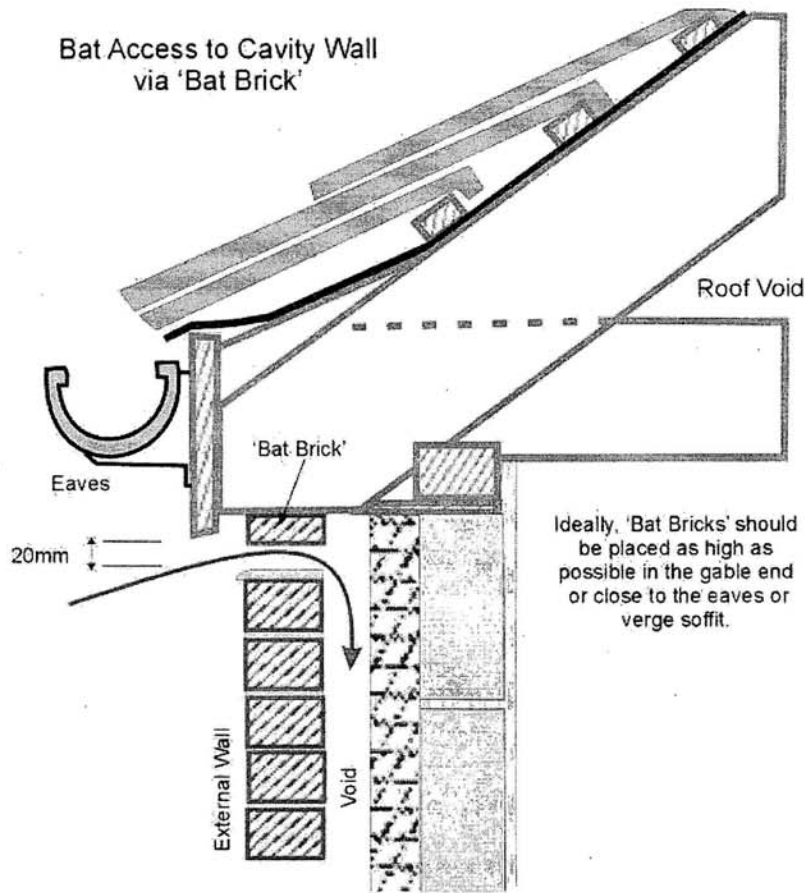
**APPENDIX 5: BAT ACCESS SLATE**



**SEDGEFIELD BOROUGH COUNCIL**  
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**APPENDIX 6: BAT BRICK DESIGN**



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

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Steve Teasdale  
Sedgefield Borough Council  
Development Control  
Council Offices  
Spennymoor  
DL16 6JQ

Your Ref: 7/2007/0473/DM  
Our Ref: NZ33(SF)1 0708/0798  
Date: 17 October 2007

Dear Steve

**PROPOSAL: Proposed Residential Development - Outline  
LOCATION: Land at Chapel Row, Ferryhill**

Thank you for consulting Natural England on the above proposal. Your email was received by this office on 15 October 2007 with the supporting documentation entitled A wildlife survey of Clive St, Wolseley St, Nelson St and Haig St, Ferryhill, County Durham; E3 Ecology Ltd; RO1 Final 08.10.07.

**As it is recognised that there is an urgent need to advise you on the above report I have made a brief assessment of the information supplied. Based on this assessment, Natural England has major outstanding concerns regarding the proposal at this stage as it considers that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.** Our concerns relate to bats and our key issues are detailed later in this letter. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

It is the responsibility of the local planning authority to fully assess the proposal in accordance with their duty on biodiversity issues under; Section 40(1) of the Natural Environment & Rural Communities Act 2006; Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and; Section 74 of the Countryside & Rights of Way Act 2000, to ensure that the potential impact of development on species and habitats of principal importance is addressed. It is the responsibility of the applicant to provide this information to allow this assessment to be undertaken. **As the competent authority, the local planning authority may process this application such that it is refused / deferred / withdrawn / suspended until the applicant submits sufficient information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.** It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before planning permission is granted, otherwise all relevant

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

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material considerations may not have been addressed in making the decision. This still applies at the outline stage of the planning process.

With regard to this application Natural England has concerns regarding the potential adverse impacts upon protected species and advises that further information or key amendments are made to the supporting information to address these concerns as follows:

- It is immediately clear from the report (summary section) that further survey work must be undertaken to fully assess the potential risk to bats using the site. The consultant was unable to assess the potential for maternity &/or hibernation use of the site due to the time of year the survey work was undertaken and the fact they could not gain access to the properties. Further survey work will therefore be required in 2008. Without this full assessment, a comprehensive and appropriate mitigation strategy cannot be formulated by the ecological consultant, which they themselves have highlighted. The mitigation strategy they have proposed is merely an outline strategy and it is not appropriate for Natural England to comment on its suitability at this stage.

Overall, the survey work is considered to be insufficient to reliably assess the risk of presence of protected species. As a result, if the development proceeds and protected species are affected it is more likely that the developer would be vulnerable to prosecution under the Wildlife and Countryside Act 1981 (as amended) for reckless damage or disturbance. Planning permission based on inadequate survey for European Protected Species is also vulnerable to challenge as illustrated by the Cornwall County Council case of 2002.

Although Natural England is technically not a statutory consultee where protected species are involved, ODPM Circular 06/2005 advises that it 'should' be consulted when a planning authority is considering development proposals likely to harm species or their habitats as listed in Annex A of the Circular. Natural England will therefore provide further advice on receipt of full information which deals with our concerns as listed above.

**Please note that wildlife legislation operates independently of the planning system and any works at this site must comply with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.**

Yours sincerely

Allison Povey  
Government Team

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

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**Steve Teasdale**

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**From:** Terry.Coult@durham.gov.uk  
**Sent:** 16 October 2007 15:22  
**To:** Steve Teasdale  
**Cc:** Colin Holm; Dianne Hedley; governmentnortheast@naturalengland.org.uk;  
mail@durhamwt.co.uk; noelbats@onetel.com  
**Subject:** Re: FW: Bat report for Ferryhill - Three Rivers

Steve

I can't see how this application can receive planning permission. The bat report itself makes it plain that it contains insufficient data to support a planning application and that further survey work is needed. I suggest that no planning permission should be granted without next seasons survey work for bats accompanied by appropriate mitigation.

Terry Coult

Ecologist

"Steve Teasdale" <steasdale@sedgefield.gov.uk>

15/10/2007 11:54

To <governmentnortheast@naturalengland.org.uk>  
cc <Terry.Coult@durham.gov.uk>, <noelbats@onetel.com>,  
<mail@durhamwt.co.uk>, "Dianne Hedley" <dhedley@sedgefield.gov.uk>,  
"Colin Holm" <cholm@sedgefield.gov.uk>  
Subject FW: Bat report for Ferryhill - Three Rivers

For the attention of Clair Hall

Clair

You have previously responded to this proposal (our ref. 7/2007/0473/DM) on 28th August 2007 stating that you could not comment because of lack of information. It appears that the application site has low ecological value generally, because many houses were previously demolished and the site temporarily grassed over pending redevelopment. I have had concerns however about remaining vacant properties and I felt it appropriate to insist upon a bat survey. Please find attached the survey and report I have received today. I appreciate that it is asking a lot, but I am under pressure to place the planning application on the agenda for the next committee (this is an important housing renewal issue of significant corporate importance). The agenda deadline is two weeks time (Tuesday 30th October), and if you could give me comments on the acceptability of the survey and mitigation measures, and suitable planning conditions, before that deadline, I would be extremely grateful. Please feel free to call me on 01388 816166 x4636 if you want to discuss the matter.

Thanking you in anticipation.

Steve

(Any help others I have copied in might offer would be welcome)

-----Original Message-----

**From:** James Streets [mailto:james.streets@e3ecology.co.uk]

25/10/2007

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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**Steve Teasdale**

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**From:** Noel [noelbats@onetel.com]  
**Sent:** 15 October 2007 19:55  
**To:** Steve Teasdale  
**Cc:** governmentnortheast@naturalengland.org.uk; Allison Povey; Terry Coult DBG (E-mail); tony.martin@e3ecology.co.uk  
**Subject:** RE: Bat report for Ferryhill - Three Rivers

Clive, Wolseley, Nelson & Haig Streets, Ferryhill

One evening's survey in October and they still got two roosts. This must be a hot site for bats

Demolition of the houses at Clive, Nelson, Wolseley and Haig streets will destroy known bat roosts and without a DEFRA licence, this would be illegal.  
The LPA and the contractors would be individually and collectively liable should unlicensed demolition go ahead.

The observation that bats are present means that breeding roosts and use as a hibernaculum cannot be ruled out.

This is not something which can be dealt with by condition of consent.

The presence of bats demands a DEFRA survey and mitigation, both of which will need to be informed by a survey to Natural England guidelines.

The current survey was not able to do this because of the timing and this is recognized by the authors of the survey.

DBG would strongly advise the Local Authority to shelve plans for ANY work on these properties until a proper breeding survey can be carried out in 2008.

The LPA are most strongly advised to seek statutory advice from Natural England.

Noel Jackson  
Vice-president, Durham Bat Group,  
3 East Law,  
Ebchester,  
Co.Durham  
DH8 0QH

-----Original Message-----

**From:** Steve Teasdale [mailto:steasdale@sedgefield.gov.uk]  
**Sent:** 15 October 2007 11:55  
**To:** governmentnortheast@naturalengland.org.uk  
**Cc:** Terry.Coult@durham.gov.uk; noelbats@onetel.com; mail@durhamwt.co.uk; Dianne Hedley; Colin Holm  
**Subject:** FW: Bat report for Ferryhill - Three Rivers

For the attention of Clair Hall

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You have previously responded to this proposal (our ref. 7/2007/0473/DM) on 28th August 2007 stating that you could not comment because of lack of information. It appears that the application site has low ecological value generally, because many houses were previously demolished and the site temporarily grassed over pending redevelopment. I have had concerns however about remaining vacant properties and I felt it appropriate to insist upon a bat survey. Please find attached the survey and report I have received today. I appreciate that it is asking a lot, but I am under pressure to place the planning application on the agenda for the next committee (this is an important housing renewal issue of significant corporate importance). The agenda deadline is two weeks time (Tuesday 30th October), and if you could give me comments on the acceptability of the survey and mitigation measures, and suitable planning conditions, before that deadline, I would be extremely grateful.

25/10/2007

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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4. 7/2007/0544/DM APPLICATION DATE: 31 August 2007

PROPOSAL: **DEMOLITION OF 20 NO. BUNGALOWS AND CONSTRUCTION OF 18 NO. BUNGALOWS**

LOCATION: **21-55 (ODD) DERWENT TERRACE SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Homegroup  
Mr Les Hewitt, 2 Gosforth Parkway, Gosforth Business Park, Newcastle upon Tyne, NE12 8ET

**CONSULTATIONS**

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

**NEIGHBOUR/INDUSTRIAL**

Derwent  
Terrace:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,63,65,67,69,71,73,75,77,26,28,30,61A  
Tudhoe Grange Comprehensive School  
Butterby Grange:19,18,17,16,15,14,13,12,11,10,9,8,7,6,5,4,3,2,1  
Derwent Mews:1,2  
Neville Close:53,52  
Barnfield Road:40

**BOROUGH PLANNING POLICIES**

H2 Major Housing Sites in above Four Towns  
H22 Sheltered Accommodation, Residential Care and Nursing Homes

**SEDFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

D1 General Principles for the Layout and Design of New Developments  
D5 Layout of New Housing Development

**THE PROPOSAL**

Detailed planning permission is sought for the demolition of 20 semi-detached bungalows and the erection of a mix of 18 brick built terraced and semi detached bungalows on a 0.68 hectare site at Derwent Terrace, Spennymoor. The proposal represents the third and last phase of a comprehensive redevelopment of this sheltered housing area, the previous phases involving the rebuilding of Derwent Court (now Appleton Lodge), and the erection of the adjacent 20 bungalows. The proposed development would be built around a cul-de-sac off Derwent Terrace, and would include a small area of land to the east, which is currently fenced off and which contains a variety of trees. A more mature Horse Chestnut tree in the centre of the site (subject to a tree preservation order) would be retained. The existing brick built properties are quite distinctive in character with steep pitched roofs and open plan front and rear gardens, and many of these characteristics would be retained in the new development.



*Proposed site layout*

**CONSULTATION AND PUBLICITY EXERCISE**



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

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**Spennymoor Town Council** has not responded.

**The County Highway Engineer** has raised no objections, but has made minor observations which have been incorporated into amended plans received on 25<sup>th</sup> October 2007.

**Northumbria Water Ltd.** has raised no objections.

**The Landscape Architect** is generally satisfied with the landscaping scheme submitted as part of amendments on 25<sup>th</sup> October 2007.

**The Tree Officer** holds the view that the protected Horse Chestnut tree in the centre of the site will have a more secure future as a result of removal of existing hard surfacing over much of the root zone, and recommends conditions for protection during development.

**The Police Architectural Liaison Officer** has no objections because the scheme is to be developed in accordance with Secured by Design standards.

**The Environmental Health Section** has no objections and recommends measures for the control of pollution during development.

**The Forward Planning Team** has made comments that have been used as a background to the planning considerations below.

**The Countryside Team** has commented on the submitted bat risk assessment.

Consultation letters were sent to neighbouring occupiers, site notices erected and a press notice published in a local newspaper. Only one letter has been received from a local resident who raises issues of noise and disturbance from vehicle movements arising from Phases 1 & 2, but expresses support for the current proposal.

**PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

- Whether the development accords with the locational requirements of the Borough Local Plan, and National and Regional Planning Policy
- Design and layout of the development and impact on neighbouring occupiers
- Highway safety and car parking
- Ecology
- Landscaping
- Renewable Energy

Whether the development accords with the locational requirements of the Borough Local Plan, and National and Regional Planning Policy

## **SEDGEFIELD BOROUGH COUNCIL**

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

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The proposed development has been assessed against the locational requirements of Local Plan Policy H2 (Housing Development in the Major Centres) and Policy H22 (Sheltered Accommodation, Residential Care and Nursing Homes) and is considered to be in accordance with the aims of these policies. There is a presumption in favour of housing development within Spennymoor, subject to four specific criteria being satisfied. The two most important criteria in relation to this proposal are; the stipulation that housing proposals should be substantially surrounded by housing, and the requirement that proposals reflect the good design principles set out under Policy D5. The application site is well located within the settlement development of Spennymoor and there are houses in most directions. The application site is level and is considered to be sustainable in terms of its location to facilities and there would be no adverse environmental affects caused by traffic generation from the proposed 20 dwellings. Policies H2 and H22 are considered to be satisfied.

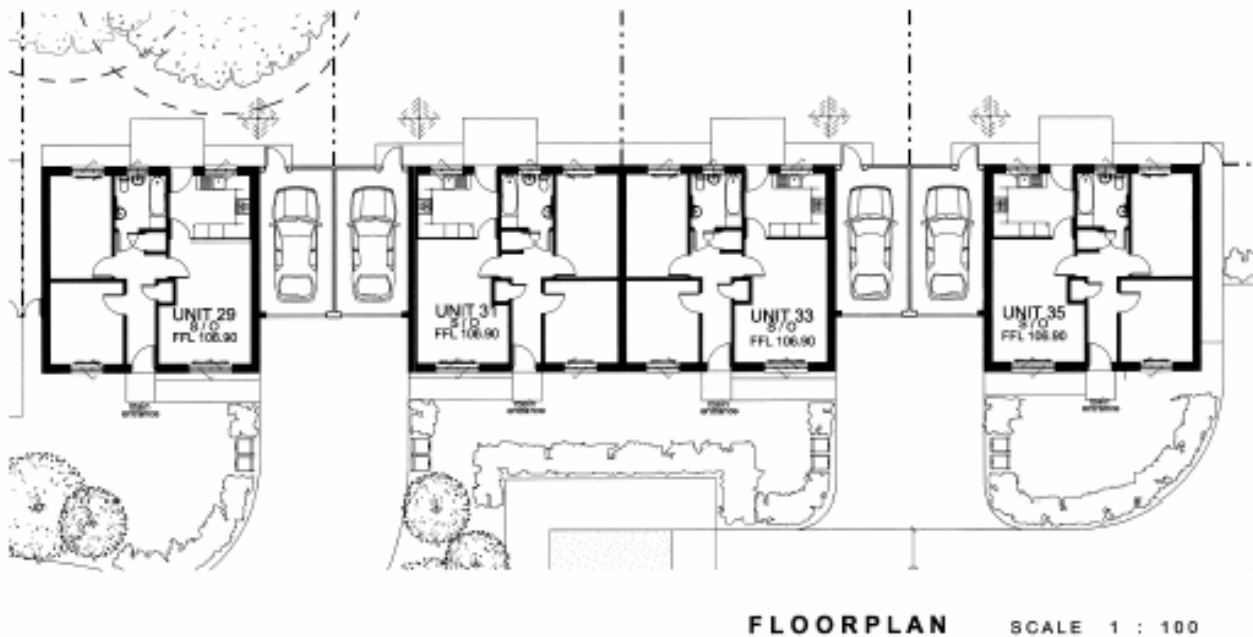
Policy H1 of RPG1 supports the demolition of existing stock where it represents the best course of action to address regeneration needs and improve the housing stock. PPS3 highlights that the priority for development is previously developed land, in particular vacant and derelict sites and buildings. 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. As this proposal involves replacing like with like it constitutes the recycling of previously developed land and buildings of which PPS3 is a keen advocate. This would be consistent with Policies H1 and H4 of RPG1 and the aspirations of PPS3.

#### **Design and layout of the development**

In terms of the design and layout of the scheme the proposal must not only comply with the design policies, specifically policies D1 'General Principles for the Layout and Design of New Developments' and D5 'Layout of New Housing Development' contained within the local plan but also the CABI guidance previously endorsed by the Council. The 'Building for Life' standard asks a series of 20 questions for developers to answer to show how they will deliver high quality residential schemes. The proposal, like its associated predecessors, meets many of these tests in terms of design and external appearance, layout, and material finishes.

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FRONT ELEVATION  
*Typical floorplan and front elevation*

It is considered that there would be no detrimental impact on the amenity of any existing nearby occupiers as adequate distances have been maintained and the form and siting of the buildings is actually less cramped than the existing, by virtue of a reduction in numbers and enlarged development site area. The character and setting of the immediate area would not therefore be adversely affected.

Highway safety and car parking

The County Engineer has offered no objection and in this instance it is considered that there is adequate vehicular access and on site parking for each bungalow.

Ecology

The Council's ever increasing responsibilities with regard to protected species, and the presence of vacant buildings on the site close to trees, led to the applicant being requested to carry out a survey or risk assessment of the possible presence of bats. The risk assessment, carried out by both external and internal inspections by a professional wildlife consultant, concludes that there are no suitable sites for hibernating bats within the buildings. It is proposed however to provide bat boxes as mitigation for the possible loss of summer roosting space in the soffit boxes, although the risk is assessed as being low. The Council's Countryside Officer is satisfied with the report and recommends that adherence to the mitigation and compensation strategy is required by condition.

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Landscaping

The applicant's submission of a landscaping scheme before determination of the application has been welcomed by the landscape architect, who is broadly satisfied with its content. Some minor comments have been made about trees on the periphery of the site, but at the time of writing the report, the only practical way to deal with these issues is by way of standard landscaping conditions. The retention of the protected Horse Chestnut tree is welcome, and measures ought to be put in place by way of condition, to ensure that no damage is done during course of demolition and reconstruction.

Renewable Energy

The applicant has submitted an initial energy statement, which states that a minimum of 10% of projected energy demand will be provided by solar hot water panels fitted to each dwelling. The Energy Officer considers the statement to be acceptable, but points out that a final energy statement should be submitted, and that any associated equipment should be installed prior to occupation of the dwellings. This could be a conditional requirement of planning permission.

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

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

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

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

- Documents received on 25th October 2007: Drawing no's 07N605-06 (rev. P1). 06N605-07 (rev P1),

- Document `Initial Energy Statement to Accompany the Planning Application` dated 23rd October 2007.

- Drawings no's 412-E/L/011A, 412-E/L/002B, 412-E/L/012B, 412-E/L/013A, 412-E/L/016A and 6.114.1 Rev B

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

3. Development shall not be carried out otherwise than in accordance with the mitigation and compensation detailed within Section E of Document BE00220.004 Bat Risk Assessment dated

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October 2007, carried out by Barret Environmental Ltd. received on 29th October 2007 including, but not restricted to obtaining a Natural England or DEFRA Licence for mitigation works associated with Bats; adherence to timing and spatial restrictions, provision of mitigation in advance; adherence to precautionary working methods.

Reason: To conserve protected species and their habitat and to comply with PPS9 (Biodiversity and Geological Conservation).

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

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

5. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. Reason: To prevent pollution of the water environment and to comply with Policy D13 of the Sedgefield Borough Local Plan.

6. Notwithstanding the details shown on the plans hereby approved, full details of the surface water and foul drainage systems shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.

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

7. 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.

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

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

9. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority.

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

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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.

11. Prior to the commencement of the development a detailed method statement for the demolition works, including but not limited to details of dust suppression and secure fencing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring occupiers and to comply with Policy D10 (Location of potentially polluting Developments) of the Sedgefield Borough Local Plan.

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

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

13. No works within the Root Protection Area of T1 of Tree Preservation Order 50/2007 shall be carried out without the prior consent of the Local Planning Authority. Any such works must be the subject of a method statement submitted to and approved beforehand 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

14. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.

Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

15. 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.

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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.

16. 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.

17. 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.

18. A final energy statement shall be submitted to and approved in writing by the Local Planning Authority, and the approved renewable energy equipment shall be installed and be fully operational prior to the first occupation of the development hereby approved. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing. The final energy statement shall specify the design details of the renewable energy options to be implemented, and the predicted energy and CO2 savings based on accredited calculation methodologies.

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

#### **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: POLICIES FOR GRANT OF PLANNING PERMISSION**

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:

H2 - Major Housing Sites in the major centres

H22 - Sheltered Accommodation, Residential Care and Nursing Homes

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

D5 - Layout of New Housing Development

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5. 7/2007/0433/DM APPLICATION DATE: 30 July 2007

PROPOSAL: **ERECTION OF 165 DWELLINGS (RESERVED MATTERS APPLICATION RELATING TO SITING, DESIGN AND EXTERNAL APPEARANCE AND MEANS OF ACCESS)**

LOCATION: **SITE O COBBLERS HALL NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Reserved Matters

APPLICANT: Shepherd Homes  
Adelaide House, Belmont Business Park, Durham, DH1 1TW,

**CONSULTATIONS**

1. GREAT AYCLIFFE TC
2. Councillor J. Gray
3. Cllr. Lileen Cuthbertson
4. Cllr. Sandra Haigh
5. ENGINEERS
6. ENV. HEALTH
7. VALUER
8. L.PLANS
9. ECONOMIC DEV
10. DESIGN
11. LANDSCAPE ARCH
12. Sustainable Communities
13. DCC (PLANNING)
14. DCC (TRAFFIC)
15. NORTHUMBRIAN WATER
16. ENGLISH NATURE
17. ENV AGENCY
18. ENV AGENCY
19. WILDLIFE TRUST
20. POLICE HQ
21. DCC (PROWS)

**NEIGHBOUR/INDUSTRIAL**

Ashtree

Close:1,3,5,7,9,11,15,17,19,21,23,25,27,29,31,33,35,37,39,41,43,45,47,49,51,53,55,57,2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38,40,36

Public House

Unit 10

Unit 9

Unit 8

Unit 7

Unit 6

Unit 5

Unit 4

Unit 3



## SEDGEFIELD BOROUGH COUNCIL

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Unit 2

Unit 1

Cobblers Hall Residents Assoc.

Alan Gray Court:5,4,3,2

Pinewood Close:9,10,11,12,14,15,16,17,18,19,20,21

Carwardine Close:29,25,24,23,22,21,20,19

Princess Royal Trust

Pioneering Care Partnership

Village Pharmacy

Foxglove Close:29,30,31

Bloomsley Close:10,9,8,7,6,5,4,3,2,1

Forster Close:1,2,3,4,5,6,7,8,9

### BOROUGH PLANNING POLICIES

D1	General Principles for the Layout and Design of New Developments
D2	Design for People
D3	Design for Access
D5	Layout of New Housing Development
E15	Safeguarding of Woodlands, Trees and Hedgerows

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### BACKGROUND

In September 2006 outline planning approval was granted to develop 3.96 ha of land at Site 'O' Cobblers Hall, Newton Aycliffe (The "reserved matters" currently under consideration include the siting of the buildings, the design and external appearance of the housing, the means of access. Only the detailed landscaping proposals for the site will then remain outstanding).

Site O is one of the last remaining undeveloped sites within the Cobblers Hall area identified for housing within the Cobblers Hall Development Brief (revised September 2000). The location of the site is shown below.

The site is bounded to the south by the Primary Care Centre building. The existing housing area recently developed on site 'P' and including Ashtree Close is located to the west of the application site, as is the Green Way, a pedestrian route which serves the wider estate. An area of open space known as 'The Moor' is located immediately to the east of this site. Cobblers Hall Road, the primary estate road, is located immediately to the north of the application site (vehicular access to the site is to be taken from two points along this road, as illustrated on the attached layout plan).

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**THE PROPOSAL**

Permission is now being sought by Shepherd Homes for the approval of the foillowing “reserved matters” :

- The siting of 165 houses
- Design and appearance of the individual houses
- The means of access

**The Siting and Layout of the Proposed Housing**

The housing has been designed with an attractive frontage onto Cobblers Hall Road. This frontage is set behind the existing landscaped verge which is further reinforced by new boundary treatments and planting. There is no direct access to these units from Cobblers Hall Road to discourage casual parking on the spine road. Instead the properties are accessed either directly from a new internal road or from the rear with footpaths providing pedestrian connections to the entrance doors. The site frontage is split into two distinct areas. The eastern part of the street scene is made up of predominantly 2 storey detached houses. These are set back into the site being directly accessed from a new internal road. The central section of this frontage has a change in character and scale with a series of three 2.5 storey apartments which are located opposite the vehicular access point serving the existing estate immediately to the north and this provides a vista stop. The apartment blocks are designed in a series of symmetrical units following the sweep of the Cobblers Hall Road. A bespoke 2 storey corner unit has been designed to mark the site entrance and the remaining two properties along this frontage are also 2 storey.

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

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The second key vista point is located at the western edge of the application site where the application site abuts the existing Green Way pedestrian link. The central section of this area widens out to replicate the existing arrangement on the existing housing at Ash Tree Close. The southern section of the housing on the western boundary has been designed to front onto the Green Way. The dwellings here are arranged to follow the sweep of the site boundary.

The remainder of the site has been designed around a sequence of spaces where the layout helps create a range of variations in character and scale. A 3 storey block of 12 apartments is centrally located on the eastern perimeter of the site overlooking "The Moor".

#### Design and Appearance of the Individual Houses

The proposed housing consists of a wide range of house types which include detached housing, semi-detached housing, several small terraces and four apartment blocks. These properties consisted of a mix of 2, 2.5 and 3 storey housing and three storey apartment blocks within the site.

#### Means of Access

Vehicular access to the site is to be taken via two points onto Cobblers Hall Road. The position of the access roads has been determined by the existing junction layout and the shape of the application site. The internal road layout has been designed to facilitate the outward looking appearance of the dwellings facing onto Cobblers Hall Road. Two pedestrian access links are proposed from the application site linking into the existing footpath link at the Green Way to the west of the site and linking with the Green Lane at the south eastern corner of the site.

### **CONSULTATION RESPONSES**

#### External Consultees

**Great Aycliffe Town Council** does not object to the proposal but has raised a number of detailed comments in relation to this scheme. A summary of these comments are outlined below for Members' consideration:

- that 'The Moor' Local Nature Reserve is protected and that development should not adversely impact upon this important area.
- the Council has requested that steps are taken to ensure that the water table of the adjacent pond and wetland is not adversely affected,
- that access to 'The Moor' is restricted in order to protect existing wildlife and discourage over use by walkers and people exercising their dogs.
- that boundary fence arrangements adjacent to The Moor were particularly important to prevent additional accesses being created onto the wetland site and to discourage garden waste or unwanted plants being tipped into this sensitive area.
- that green routes be provided within 'The Moor' and the adjacent sites to improve inter connectivity between the adjacent site and the surrounding area.
- that existing hedgerows be retained and improved and that appropriate shrub planting be planted to enhance the ecology of the area.
- it was also requested that the developer fund the provision of an information point at The Moor to educate new residents of the importance of ecological value of the site and how this can be safeguarded and enjoyed.

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### PLANNING APPLICATIONS - TO BE DETERMINED

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- it was requested that a restrictive covenant be included to prevent householders living adjacent to 'The Moor' from keeping cats because of the detrimental affect these can have on mammals and small birds.

**Durham County Council, as Highway Authority**, has confirmed that the location of the two vehicular access points from Cobblers Hall Road are acceptable. Several detailed comments were made regarding the internal road and footpath layout and these issues will have to be satisfactorily addressed by the applicant prior to adoption of the estate.

**Durham County Council's Public Rights of Way Officer** has no comment to make as no rights of way are affected by the proposal.

**The Environment Agency** raised no objection to the intitial outline planning application subject to the imposition of several planning conditions relating to the discharge of surface and foul water from the site. They have requested that additional information be provided regarding the details of surface water attenuation. This issue is, however, controlled under the earlier outline planning application and will need to be discharged accordingly.

**Northumbrian Water** have raised no objection to this propsal.

Internal Consultees

**Countryside Officer** has stated that the application site, together with The Moor Local Nature Reserve (LNR) has been surveyed a number of times over the years in order to determine the ecological value of these sites. Although these surveys identified that great crested newts are absent from this area several bird and amphibians species were found either on, or adjacent to the site.

Whilst increased public access to the LNR adjacent to the site is welcomed the potential conflict between increased access by pedestrians and amphibian populations and ground nesting birds has been identified. It was, therefore, suggested that an interpretation panel be erected to inform visitors of the habitat of the LNR and how best to preserve this with additional information provided to those householders living immediately adjacent to the LNR.

**Environmental Health Team** has offered comments on the operation of plant and machinery during construction works including recommendations that wheel washing facilities be installed to minimise mud on the highway. It was also suggested that working hours are restricted and that a dust management plan be prepared for this site.

The provision of wheel washing facilities has already been conditioned as part of the original outline planning approval. It is not possible to impose **new** planning conditions at the "reserved matter" stage unless these conditions are specifically related to the "reserved matters" being discharged. However, these recommendations will be included as informatives and. If necessary, these may be enforced via separate legislation.

**Landscape Architect** has stated that the proposed landscape master plan is acceptable and due regard being taken of the existing hedgerows which bound the southern perimeter of the site and external boundary fencing be erected at the perimeter of the site in order to ensure that existing hedgerows and planting are safeguarded during construction.

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It was also recommended that additional planting be carried out at the main entrances to the site from Cobblers Hall Road, however, these details will need to be addressed when the “reserved matter “application relating to landscaping is submitted for consideration.

Public Consultation

The initial planning application was advertised via the posting of site notices, the issuing of a press notice and direct neighbour notification. As a result 13 letters of objection were received. A summary of these objections is outlined below for Members consideration (the detailed comments are available for inspection within the application file):

- the proposal would seriously affect upon quality of life because of the loss of privacy which would arise
- the 3 storey apartment block proposed at the south western corner of the site would be unduly prominent and out of keeping with the existing housing in this area. Some respondents suggested that this should be relocated to a different location within the estate.
- the apartments would seriously overshadow the existing housing opposite.
- the four 3 storey houses immediately to the rear of Nos. 3 to 9 Ashtree Close would be out of character with the existing 2 storey housing in this area, particularly, bearing in mind that this is the highest part of the site
- the density of development is considered to be unduly high and significantly above 30 dwellings per hectare
- the proposed layout is an ‘unimaginative’ layout which is poorly designed with little scope for the provision of open space.
- the proposal does not include provision for formal openspace or equipped play areas which are needed in the area.
- the proposal would lead to a significant increase in traffic
- the proposal would destroy wildlife in this area
- the proposal may lead to drainage problems
- the proposal would lead to additional noise during construction and lead to additional noise and disturbance arising from additional use of the existing pedestrian access to the west of the site.
- the proposed housing is not required with a high number of properties already being for sale.
- several respondents living at the housing development immediately to the west stated that they had been told when purchasing their properties that the application site would not be built upon. A main factor in their decision to move into this area in the first place.
- that this proposal would lead to a devaluation in property values

The second revised layout was also the subject to a second consultation exercise. As a result a further 3 letters of objection was received. The respondents from No.3 & 15 Ashtree Close who live to the west of the application site have re-iterated their earlier concerns that the three storey houses proposed opposite their dwellings would be out of keeping with the scale of the existing housing and suggest that this should be replaced by 2 storey development only. One respondent also raised concern that the density of the housing was unduly high, that the proposed development would be unacceptably imposing and would diminish the outlook from her property.

The third revision, which is now under consideration, has been the subject of a limited

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

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public consultation exercise because the nature of the revisions are felt to have reduced the scale and density of the development and are reviewed to be a positive improvement. At the time of drafting this report no additional comments had been received regarding this revision.

#### **PLANNING CONSIDERATIONS**

Outline planning approval was granted for residential development on Site O in 2006, so the merits of developing housing on this site have already been debated at length, and considered acceptable in principle. Consideration of the application is therefore limited to the specific “reserved matters” for which consent is now being sought.

The proposal has been the subject of various changes and the scheme, which is under consideration, is the third revision.

#### **Means of Access**

Vehicular access to the site is to be taken from two points off the primary distributor road serving Cobblers Hall Road. These points of access are considered satisfactory by Durham County Council, as Highway Authority.

The scheme includes direct pedestrian access between the application site and the Green Way which runs along the western boundary of the site and provision is also made for pedestrian access from the site to the Green Lane and ‘The Moor’ at the south eastern corner of the site.

All of the proposed housing has been designed to meet current accessibility standards so that these are suitable for a wide range of occupiers.

#### **Siting and layout of the estate**

The importance of creating a high quality of design in all new developments including housing estates is recognised within several key policies of the Sedgefield Local Plan including Policy D1, D2, D3 and D5. These policies specifically seek to ensure that new development pays attention to the design of buildings and their spatial relationship to open spaces, landscaping and adjacent land uses. These policies also seek to ensure that new development makes satisfactory provision for pedestrians and cyclists etc.

Recent Planning Policy guidance (including PPS3 Housing) seeks to build upon these expectations further to ensure that new housing developments are well designed and enhance the character and quality of an area. This re-newed emphasis upon design has been championed by CABI (The government's advisor on architecture, urban design and public space) and this authority has embraced the CABI standards as best practice. CABI's Building for Life guidance outlines 20 questions which help assess whether or not a development scheme would result in a successful development including:-

- \* does the scheme feel like a place with a distinctive character?
- \* does the scheme exploit existing buildings, landscape or topography?
- \* does the scheme integrate with existing roads, paths and surrounding development?
- \* is the design specific to the scheme?
- \* has the scheme made use of advances in construction or technology that enhance performance, quality or attractiveness?

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The current scheme is considered to represent a significant improvement over the first layout and subsequent revision submitted in relation to this site. The layout has been substantially improved so that all of the housing adjacent to Cobblers Hall Road is now outward facing. The southern section of the housing overlooking the Green Way pedestrian link has also been designed so that this too is now outward facing. This layout will help to create a distinctive form of development, which will improve upon the best elements of design already implemented within the existing scheme immediately to the west. Not only does this arrangement significantly improve the visual appearance of the development as viewed from these important vistas outside the estate but this also helps to promote surveillance over the key pedestrian linkage through the estate.

A primary concern relating to this scheme related to the scale of the proposed buildings in relation to the existing housing to the north and west of this development. The bulk of the units facing Cobblers Hall Road is 2 storey in height designed to reflect the scale of the housing opposite. The 2.5 storey apartments have been carefully located in the centre of this frontage opposite the spur road leading to the housing in the north. The apartments here would act to provide an important feature point at this prominent location. The scale of the housing then falls again towards the north-western corner of the site.

The scale of the housing along the western boundary of the site has also been reviewed and reduced. As such, the TD12 house type has been revised so that the eaves and ridge levels of this house type have reduced from 10.4m to 9.5m, respectively. This variation has helped the individual design of the units and reduced the bulk of the terraced housing when viewed from the existing housing to the west.

It should be noted that because of the inter relationship of this application site and the existing housing to the west (including Nos. 3 and 15 Ashtree Close) the 'habitable room to habitable' distances are approximately 40m. The closest properties between the sites are approximately 24 m rear to gable. Whilst it is acknowledged that some loss of privacy may occur as a result of new development it should be noted that this Council's supplementary planning guidance recommends a 21 m separation distance from habitable room to habitable room be retained. The habitable room to gable distances is reduced further to a 14m separation. Because of the layout of the properties and the spatial distances involved any loss of privacy or overshadowing is considered to be minimal.

The original layout included the siting of two 3 storey apartment blocks at the south western corner of the site. These apartments have, however, been redesigned and relocated within the scheme so that these have been replaced by housing. This revised layout is considered to be a significant improvement to the scheme so that the integration of the housing and the apartments is now considered to be much improved.

Several respondents raised concern that the density of development was unduly high at 43.3 units per hectare. National planning guidance suggests that housing figures should range between 30-50 dwellings per hectare. This proposal, which falls within the middle point of this range, is therefore considered acceptable.

The proposed layout does not incorporate any amenity open space within the proposed layout. However, on larger development sites such as Cobblers Hall it is commonly accepted that it is better to concentrate play equipment in a single location, which is accessible to the wider community rather than to provide a series of smaller play areas on each development site. This

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approach has been adopted for each of the earlier phases on development at this site. As such, it is felt that it would be inappropriate to equipped play equipment within this individual site.

**Design and appearance of individual houses**

The housing has been sensitively designed so that the scale of the proposed units are sympathetic to that of the existing housing immediately to the north and west of the site. For instance, the TD13 house type has been designed for use on this development. The ridge height of this house type has been reduced from 10.4m to 9.6m. This modification gives a more balanced appearance to the individual houses and significantly reduces the bulk of these terraced houses. The housing has been carefully designed so that a graduation in height is achieved both within the individual terraces and throughout the scheme as a whole. In addition to the design issues listed above dual facing house types have been introduced on key plots within the scheme. A specialist house type has been designed for several key corner plots within the site so as to allow the housing to reflect the curvature of the internal estate road.

**Others Matters raised**

Several other matters were raised during the public consultation exercise. Although these are not directly related to the “reserved matters” currently under consideration these are been summarised below.

**Principle of Developing the site for Housing**

Notwithstanding the concern raised by several local residents that they were informed that the application site would not be developed it should be noted that the principle of housing has already been accepted at the time that outline planning approval was granted in 2006.

**Ecology**

The principle of developing this site for housing has already been established via the grant of outline planning approval. English Nature (now Natural England) was contacted at the time of the original outline planning application and raised no objection to the development, subject to the imposition of a planning condition to safeguard ground nesting birds. *This condition is carried over from the outline planning application.*

Great Aycliffe Town Council have not raised any objection to the proposal in principle but have made several detailed comments regarding the inter relationship of the proposed site and the adjacent LNR. Particular reference was made to the need to ensure that the water table of the adjacent wetland will not be affected by this proposal. *The drainage of the site was considered at the outline planning application stage and those earlier conditions imposed regarding drainage and the discharge of water are carried over from the outline planning application.*

Concern was expressed that this proposal could lead to unauthorised access from the housing facing The Moor and the wetland itself. It was suggested that restrictions be imposed preventing new pedestrian accesses being formed from the rear gardens of the housing at the east of the site onto ‘The Moor’. Whilst the sentiment of this request is acknowledged it is felt that the formation of pedestrian access points from the rear gardens would not constitute ‘development’ and, as such, the Local Planning Authority would be unable to control these actions.



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It was also requested that the developer fund an interpretation board in this area and that a restrictive covenant be placed to prevent home owners living adjacent to the site from keeping cats as pets. The request has been passed to the developer, however, it is not felt that this can be secured at this “reserved matter” stage.

Notwithstanding the close proximity of the proposed housing to ‘The Moor’ Local Nature Reserve the Local Planning Authority would be unable to impose a restrictive covenant restricting the keeping of cats on those houses adjacent to The Moor. Nor would it be appropriate for the Local Planning Authority to impose a planning condition of this nature as it would be almost impossible to justify or enforce.

**Traffic**

The development of this site for housing will inevitably result in increased traffic flows on roads leading to and from the application site. However, the principle of developing this site has been accepted when outline-planning approval was granted in 2006. Although the Highway Authority made several detailed comments in relation to the proposed internal road layout with regard to the initial proposal for 165 houses, the capacity of the existing road network was deemed acceptable.

**Noise**

It is recognised that the construction of the proposed housing will lead to additional noise and disturbance in the immediate area. However, these factors can be minimised and brought to acceptable levels via appropriate methods of working. This matter could potentially be controlled under non planning legalisation.

One respondent raised concern regarding loss of view, however, this is not considered to represent a valid planning consideration.

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**CONCLUSION**

It is considered that the revised layout now meets the requirements of PPS3 in terms of its compliance with National Planning Policy and Guidance, Local Plan Policies D1, D2, D5 and CABE's Building for Life standards in that the siting and design of the housing and the means of access are now considered to be satisfactory from a planning viewpoint.

It is therefore recommended that the “reserved matters” in respect of the siting, design and appearance of the buildings and the means of access be discharged subject to the following

**SEDGEFIELD BOROUGH COUNCIL**  
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conditions:

**RECOMMENDATION: Approve subject to the flowing conditions**

1. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: received 24th October 2007.  
Reason: To ensure that the development is carried out in accordance with the approved documents.

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. Protective fencing to BS5837:2005 standards needs to be erected along the Green Lane boundary prior to the commencement of work and is to be retained thereafter to the satisfaction of the LPA until completion of the site (or such shorter period which may be agreed with the LPA)  
Reason: In order to ensure that existing hedgerow and trees are not damaged during construction works, and to comply with Policy E15 C of the Sedgefield Borough Local Plan.

4. Notwithstanding the submitted layout plan precise details of the internal road layout, means of traffic calming and the phasing of development within the site including the construction of the internal road layout shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these details prior to occupation of the first dwelling housing within the site.  
Reason: In the interests of highway safety and to comply with Policy D5 of the Sedgefield Borough Local Plan.

**INFORMATIVE:**

It should be noted that all planning conditions with the exception of 2a, b and c relating to planning application No. 7/2006/0429/DM still apply and will need to be discharged accordingly.

**INFORMATIVE: Be a considerate developer**

In order to minimise any disturbance to adjoining or nearby properties, it is recommended that: Site works (including deliveries and temporary site generators) are only be carried out during the following hours:

- Monday - Friday (08:00 to 18:00 hours)
- Saturday (09:00 to 14:00 hours)
- Sunday and Bank Holiday (Noisy work audible at site boundary should not be permitted)

**INFORMATIVE:** All noisy plant, vehicles, equipment and machinery used in connection with site development activities are properly operated, used and maintained so as to control and

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minimise noise and dust emissions. Where necessary and practicable, they should be fitted with suitable silencers or enclosed to reduce noise levels.

INFORMATIVE: The developer shall implement measures during construction to minimise dust within this area.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION: In the opinion of the Local Planning Authority the proposal is substantially surrounded by housing and would not lead to an extension of development into the open countryside, and would not prejudice design and environmental restraint policies of the development plan.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION:  
In the opinion of the Local Planning Authority the proposal would meet appropriate standards in terms of environment, road hierarchy, open space, privacy and amenity, and it would not conflict with the key Design policies of the approved development plan.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION: In the opinion of the Local Planning Authority the development is sympathetic to the design, scale and materials of the existing building, and essential characteristics and structural elements would be preserved.

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. D1 - Layout of New Housing Development

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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6. 7/2007/0509/DM APPLICATION DATE: 23 August 2007

PROPOSAL: **CHANGE OF USE FROM REDUNDANT CHURCH TO HEALTH AND FITNESS CLUB AND CREATION OF ACCESS AND DISABLED PARKING BAYS**

LOCATION: **ST LUKES CHURCH SEDFIELD STOCKTON ON TEES**

APPLICATION TYPE: Change of Use

APPLICANT: Ms C Moore  
32 St Lukes Crescent, Sedgefield, Stockton on Tees, TS21 3NL

**CONSULTATIONS**

1. SEDFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. Cllr. J Wayman J.P.
5. DCC (TRAFFIC)
6. BUILDING CONTROL
7. CIVIC TRUST
8. ENGINEERS
9. ENV. HEALTH
10. VICTORIAN SOC.

**NEIGHBOUR/INDUSTRIAL**

St Lukes

Crescent:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34

Miller Homes (NE) Ltd

Bryant Homes

Charles Church

Turnpike Walk:32

Wellgarth

Mews:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34

Winterton Avenue:69,68,67

**BOROUGH PLANNING POLICIES**

H18 Acceptable Uses within Housing Areas

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**BACKGROUND**

In June 2004 Planning Permission and Listed Building Consent were granted to facilitate the change of use of St Lukes Church Sedgefield to a health and fitness centre. In October 2004 it became evident that the applicant had commenced work without formally discharging conditions which had been imposed and was in the process of installing a mezzanine floor in the wrong position and at the wrong height. Lengthy negotiations ensued in an attempt to resolve the matter without the need for formal legal proceedings which culminated in the submission of a revised application for Listed Building Consent in January 2006. Following a committee site this application was refused and in June 2006 it was deemed necessary to issue a Listed Building Enforcement Notice. This notice and the corresponding appeal against the refusal of Listed Building consent were dismissed on appeal on 9 January 2007 and as a consequence the Listed Building Enforcement Notice became effective. In summary the Listed Building Enforcement required the removal of the unauthorised mezzanine, the replacement of the timber floor and the reinstated of decorative ventilation grills.

To date the applicant has only partially complied with the requirements of the Listed Building Enforcement Notice through the removal of the unauthorised mezzanine. The applicant has however employed a firm of architects to negotiate a satisfactory resolution to the outstanding matters. This has culminated in the submission of a planning application and an application for listed building consent to facilitate an alternative scheme. The purpose of this report is to consider the planning merits of the scheme. The corresponding application for Listed Building Consent is found at item 7/2007/0510/DM and this item will consider the implications of the proposal upon the historic fabric and form of the building.

**PROPOSAL**

The proposal entails the change the use of St. Lukes Church, Winterton Park Sedgefield into a health and fitness club. The Church formerly served the needs of the Winterton Hospital and is now situated at the centre of the Winterton Park residential development surrounded by a large expanse of open space.

Access to the church is presently via a pedestrian footpath that leads from the car parking area, which has already been formed to serve the future needs of the church. It is the applicant's intention to widen this access to provide a paved vehicular access route to serve 2 no. disabled parking spaces. These would be formed at the western entrance to the church.

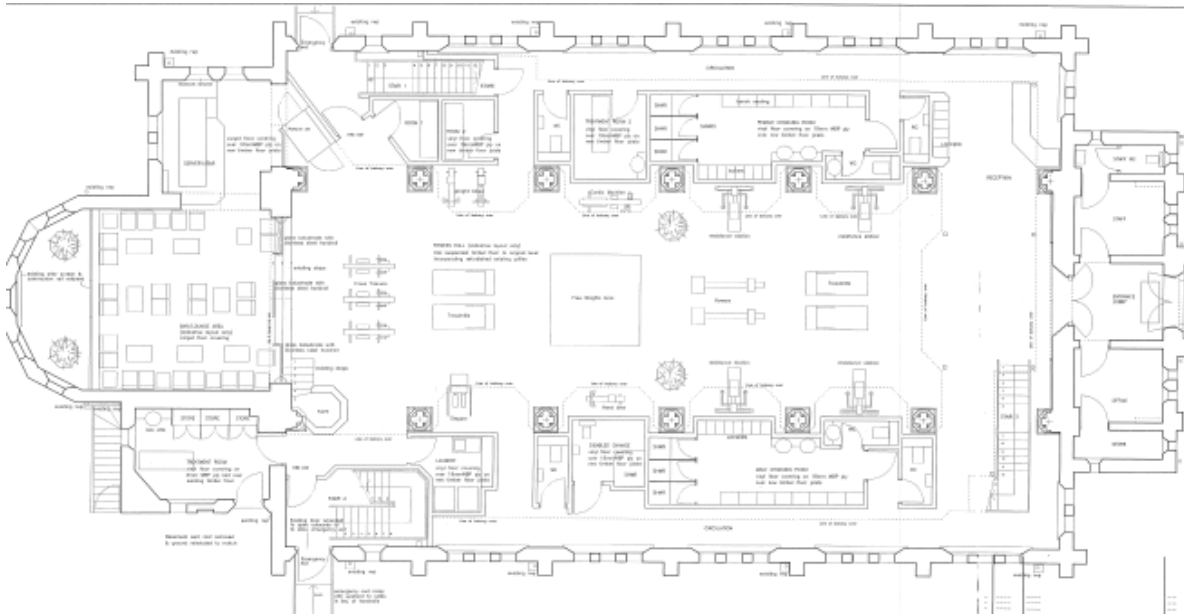
Externally, the fabric of the building would remain unaltered with the exception of essential repairs. Internally, a 'U' shaped balcony would be created at first floor level to provide for additional space for exercise equipment. It is intended to enclose the balcony with glazed panels to minimise their visual impact. The full storey height of the remainder of the church would be retained ensuring that a large proportion of the roof beams and arches remain visible.

At ground floor level a series of changing/treatment rooms would be created by the installation of partitions between existing pillars. A bar/lounge area for members of the club would be formed in the apse of the church.

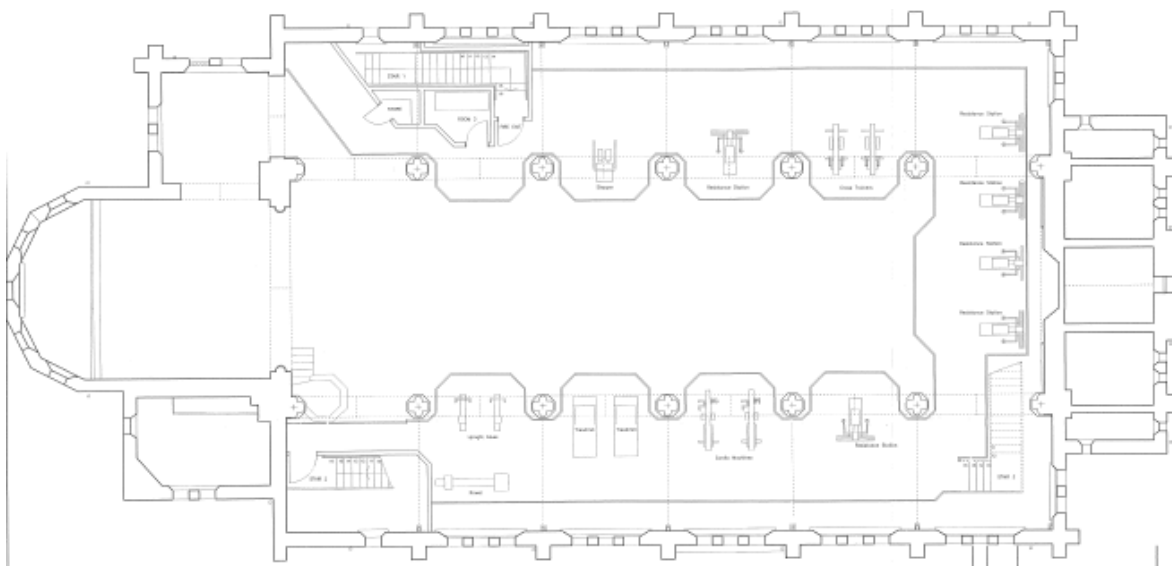
The drawings below show the proposed layout at both ground and first floor.

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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**PROPOSED GROUND FLOOR**



**PROPOSED FIRST FLOOR SHOWING EXTENT OF BALCONY**

The applicant has indicated that premises will be open during the following hours:

7:30am – 10:00pm Monday – Friday

8:30am – 10:00pm Saturday

9:00am – 9:30pm Sunday

**CONSULTATION RESPONSES**

Sedgefield Town Council have made no comment to date.

Sedgefield Civic Trust have no objections to the proposal as long as there is no damage to the existing structure and the work is reversible.

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### PLANNING APPLICATIONS - TO BE DETERMINED

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The County Council as the Highway Authority has offered no objection to the proposal subject to 2 additional parking spaces being provided and improvements to the access crossing.

2 letters of objection have been received from local residents and the main grounds of objection are summarised below:

*The proposal will give rise to a major increase in traffic with minimal parking spaces available for residents. The existing road infrastructure is not designed to cope with the increased traffic volume which is more than double the number quoted in the previous application.*

*Access to the church would cross over a public footpath and cycle path. The disabled spaces will invariably be used by other people and given the proximity of the nearby play area children visiting the facility will be confronted by vehicles crossing their path.*

*There are a significant number of young people and the increased traffic flows will heighten road safety risks particularly as the estate roads are becoming increasingly affected by on road parking by householders, visitors and trades people.*

*The church car park has only 16 spaces and it is inevitable that the car park will overflow on a regular basis. This will lead to indiscriminate on-road parking causing further inconvenience and disruption to local residents.*

*The proposal would result in a major increase in noise and disturbance to residents living nearby. The fact that there is only one access road into/out of the facility will cause disruption to even more residents of Winterton Park. If alcohol is to be served this will only magnify the problems particularly as customers may be willing to 'risk the extra pint' as the facility is tucked away and therefore less likely to be policed.*

*If the application is approved the following safeguards must be put in place:*

- *A very strict control on the use of the building.*
- *Restrictions on opening hours*
- *The banning of the sale of alcohol*
- *Strict enforcement of control plans.*

### PLANNING CONSIDERATIONS

The proposal in land use terms is considered to be acceptable particularly as the proposal reflects the aspirations set out in the original Planning Brief which was prepared in 1998 to guide the future re-development of the former Winterton Hospital site. St. Lukes Church was one of the very few buildings to be retained with the intention that it would be used for community purposes. Although a health and fitness centre is not defined as a 'community' use the approach which was taken at the time of the original application was that such a facility could '*potentially serve the needs of the surrounding houses and the adjoining Netpark development*'. This view still holds true as it is considered that local residents will use the facility and that with time it may become the focal point for the local community. However, despite the fact that a health and fitness facility has previously been accepted as a suitable alternative use for the premises it is important to re-assess the proposal against the criteria set out in Policy H18 of the Sedgefield Borough Local Plan. This policy allows for a variety of uses within residential areas, including leisure and recreation facilities, provided that the activities do

## **SEDGEFIELD BOROUGH COUNCIL**

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

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not have a detrimental effect upon the living conditions of nearby residents. In this particular case the principle issues that need to be addressed are:

- Highway safety/car parking provision.
- Noise and disturbance.

#### **Car parking provision/Highway safety.**

At present St. Lukes Church is served by 16 dedicated car parking spaces. These spaces were created in anticipation that the church would be retained and used for community purposes in accordance with the original Planning Brief for the site. At present the County Council's parking standards prescribe an upper limit of 20 spaces to serve sporting facilities. Any more would need to be justified by the applicant. The current proposal provides for two disabled parking spaces adjacent to the church and a total of 18 spaces would therefore be provided to serve the future needs of the premises. Whilst the County Engineer would have preferred for the maximum number of spaces to be provided the County Engineer considers that 18 spaces would adequately meet the needs of the premises. This assessment is based upon predicted traffic levels and experience of similar establishments elsewhere. In the absence of an objection from the County Engineer it would be difficult to substantiate the refusal of planning permission purely on the grounds of inadequate car parking provision particularly when the government are promoting sustainable forms of travel.

It should also be noted that irrespective of the use, the church will always have the potential to generate traffic and to displace resident's cars from the car park associated with church. The reality is that the church could be brought back into use as a day nursery, for the provision of education, as an art gallery or public hall or exhibition hall without the need for planning permission as these uses all fall within the same use class (D1 Non residential institutions) as a church. Therefore, irrespective of the outcome of this application the church will always give rise to vehicular traffic. Whilst it is acknowledged that this will vary depending upon the end use, local residents will always be faced with the prospect of additional traffic and being unable to utilise the car park associated with the church as an overspill car park to serve their properties.

Turning to the issue of traffic generation the County Engineer is also satisfied that the estate road can accommodate the level of traffic that will be potentially generated by the proposal. In addition the proposal is unlikely to result in a significant number of vehicles utilising the proposed access road to the church which would cross the segregated footpath/cycleway which runs along the frontage of St. Lukes Crescent and would serve two disabled parking spaces. Whilst it is recognised that it would be difficult to ensure that the disabled parking spaces which are to be sited adjacent to the entrance to the church would not be 'abused' by ambulant car drivers the fact that there are only two spaces would severely limit the number of vehicles utilising the access road. Furthermore, should planning permission be granted it is proposed to impose a condition requiring 'traffic calming' measures to be implemented where the access to the church crosses the segregated footpath/cycleway.

The proposal in terms of parking provision and highway safety is therefore considered to be acceptable.

#### ***Noise and disturbance.***



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As stated previously the applicant proposes to operate between the hours of:

7:30am – 10:00pm Monday – Friday

8:30am – 10:00pm Saturday

9:00am – 9:30pm Sunday

These hours replicate the previously approved hours of opening which were formulated in recognition of the fact that the premises were centrally situated within a residential area. As circumstances have not materially changed since planning permission was originally granted in 2004 it is considered that these opening times are still acceptable. However, in recognition of the proximity of residential properties it would also be advisable to impose a condition designed to control noise emanating from the premises. This approach would be consistent with that which was adopted in respect of the original proposal.

Finally, concern has been expressed by a local resident regarding the sale of alcohol and that this proposal is precursor to the premises being used as a bar, restaurant social or club. Similar concerns were expressed in respect of the original application and as a consequence a condition was imposed limiting the use of the premises to a health and fitness centre only. However, on this occasion it is self evident that the applicant wishes to use part of the building as a lounge/bar area for the benefit of members of the club. It is not unusual for facilities of this type to have lounge/bar areas and there are a number of local examples where these facilities are provided. However, it is important to ensure that these activities remain ancillary to the primary use as a health and fitness centre to prevent the premises from developing into standalone bar/restaurant. It is therefore considered that the imposition a condition limiting the floor area of the bar/lounge is essential in the interests of the residential amenity of the area.

**CONCLUSION**

Despite the passage of time since the original planning application was approved in 2004 it is still considered that a health and fitness centre is an acceptable alternative use for the premises. The reality is that the original planning approval is still capable of being implemented subject to the applicant undertaking a range of remedial works to comply with the terms of the Listed Building Enforcement notice. The current proposal and in particular the alterations proposed under the current application for Listed Building Consent offer a more sensitive and less intrusive conversion and as such the current proposal provides for a much improved scheme.

In addition, St. Lukes Church has been vacant for a considerable period of time and as a consequence the building has become a target for vandalism and is gradually falling into a state of disrepair. It is therefore important to bring the building back into use at the earliest opportunity. Whilst the proposal will inevitably displace cars that are presently utilising the 16 car parking spaces these spaces were always intended to be used in association with the church. Furthermore, the County Engineer considers that this level of provision is sufficient to meet the needs of the proposal.

With regards to the issue of noise and disturbance it is considered that the proposed hours of opening and the imposition of conditions designed to limit noise levels emanating from the building would protect the amenity of the area. Furthermore, the imposition of conditions

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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limiting the use of the premises to a health and fitness club only and limiting the floor space of the lounge/bar area will enable the Council to exercise control over any future use of the premises.

In view of the foregoing the proposal is considered to be an acceptable use for the building subject to the imposition of a variety of conditions designed to protect the amenity that local residents could reasonably expect to enjoy.

**HUMAN RIGHTS IMPLICATIONS**

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

**Recommendation: Approve subject to the following Conditions**

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

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

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s): Drawing No. 1330/p/04/Rev B received 24 October 2007.

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

3. Before the development hereby approved is brought into use a scheme shall be agreed in writing with the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the premises. The scheme shall be designed so that the LAeq 5 minute noise level measured one metre outside a window to a habitable room at a noise sensitive dwelling shows no increase when compared with the representative LAeq, 5 minute noise level measured from the same position under the same conditions during a comparable period when the premises are not operating. The agreed scheme shall be implemented prior to the development hereby approved being brought into use and shall be maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the residents of nearby properties are not adversely affected by the development, and to comply with PPG24: Planning and Noise.

4. The development hereby approved shall not be brought into use until such time as a vehicular crossing point have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with PPG 13 Transport.

5. The premises to which this permission relates shall not be open for business to visiting members of the public outside the hours of 7.30 a.m. until 10.00 p.m. Monday to Friday, 8.30 a.m. until 10.00 p.m. Saturdays and 9.00 a.m. until 9.30 p.m. Sundays.

Reason: To ensure that the residents of nearby properties are not adversely affected by the development, and to comply with PPG24: Planning and Noise.

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6. The premises to which this permission relates shall be used for a health and fitness centre only and for no other purpose in Class D2 Assembly and Leisure of the Schedule to the Town and Country Planning (Use Classes ) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason: To ensure that occupiers of nearby properties are not adversely affected by the development, and to comply with PPG24: Planning and Noise.

7. The extent of the bar/lounge area shall be limited to the floor area identified in red on the attached plan Ref. No. 7/07/0509/adf/DM and the sale and consumption of alcohol shall not take place outside the boundaries of the bar/lounge as defined on the attached plan Ref. No. 7/07/0509/adf/DM.

Reason: To ensure that the bar/lounge area remains ancillary to primary use of the premises as a health and fitness centre in the interests of the residential amenity of the surrounding area and to comply with PPG24: Planning and Noise.

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

In the opinion of the Local Planning Authority the proposed development is acceptable in scale and character to the housing area and would not significantly harm the living conditions for nearby residents.

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

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

PPG24: Planning and Noise

PPG 13 Transport

H18 Acceptable Uses within Housing Areas

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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7. 7/2007/0510/DM APPLICATION DATE: 23 August 2007

PROPOSAL: **APPLICATION FOR LISTED BUILDING CONSENT TO UNDERTAKE ALTERATIONS TO THE INTERIOR OF THE BUILDING INCLUDING THE CREATION OF A MEZZANINE FLOOR**

LOCATION: **ST LUKES CHURCH SEDGEFIELD STOCKTON ON TEES**

APPLICATION TYPE: Listed Building Consent

APPLICANT: Ms Christine Moore  
32 St Lukes Crescent, Sedgefield, Stockton on Tees, TS21 3NL

**CONSULTATIONS**

1. SEDGEFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. Cllr. J Wayman J.P.
5. DCC (TRAFFIC)
6. BUILDING CONTROL
7. CIVIC TRUST
8. ENGINEERS
9. ENV. HEALTH
10. VICTORIAN SOC.
11. ENG. HERITAGE
12. DESIGN

**NEIGHBOUR/INDUSTRIAL**

St Lukes

Crescent:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35

Miller Homes (NE) Ltd Bryant Homes Charles Church Ellerby

Beech Oval:5

Wellgarth

Mews:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34

Eden Drive:64 Winterton Avenue:67,68,69 West End:75 Turnpike Walk:32

South East Lodge Belsay Close:1 Jewson Ltd Netpark Incubator Building

Winterton Cottages:5 Mitford Court:26 Millclose Walk:15

**BOROUGH PLANNING POLICIES**

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**PROPOSAL**

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Listed Building Consent is being sought to implement the alterations that are proposed to facilitate the change of use to a health and fitness club which was considered at item 7/2007/0509/DM above. Item 7/2007/0509/DM also outlines the background leading up to the submission of the current proposal and also briefly describes the nature of the proposed alterations. As the merits of this particular application revolve around the need to preserve and enhance the architectural integrity of the building a more detailed description of the works is outlined as follows:

The installation of a 'U' shaped balcony in the form of a mezzanine floor at first floor level. The balcony would be sited above the north and south aisles together with a 'bridge' link at the western end of the building. The mezzanine floor does not extend to the external wall ensuring that the existing brickwork window recesses are not disturbed and can be viewed from both upper and lower floors.

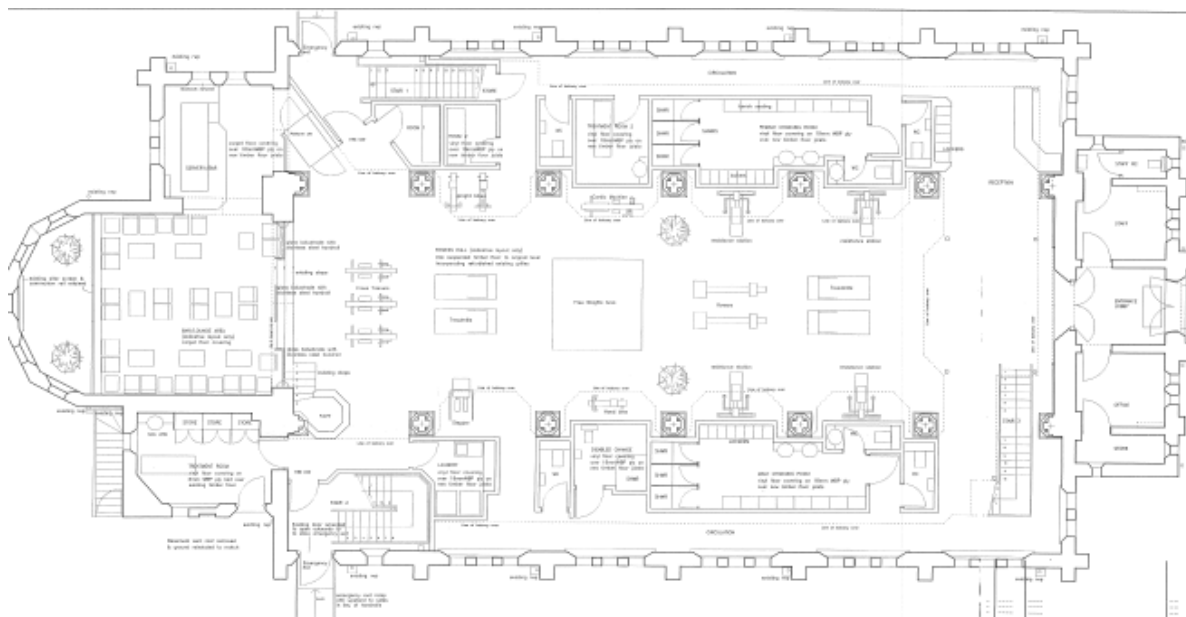
The mezzanine floor will be freestanding being supported on the walls of the ground floor rooms below. The full storey height of the remainder of the church would be retained ensuring that a large proportion of the roof beams and arches remain visible.

The balcony would be enclosed by glazing to maintain a feeling of openness.

The former altar area complete with communion rail and altar screen will be retained.

Externally, the fabric of the building would remain unaltered with the exception of essential repairs and the installation of louvres and extract grills to serve the ventilation needs of the premises.

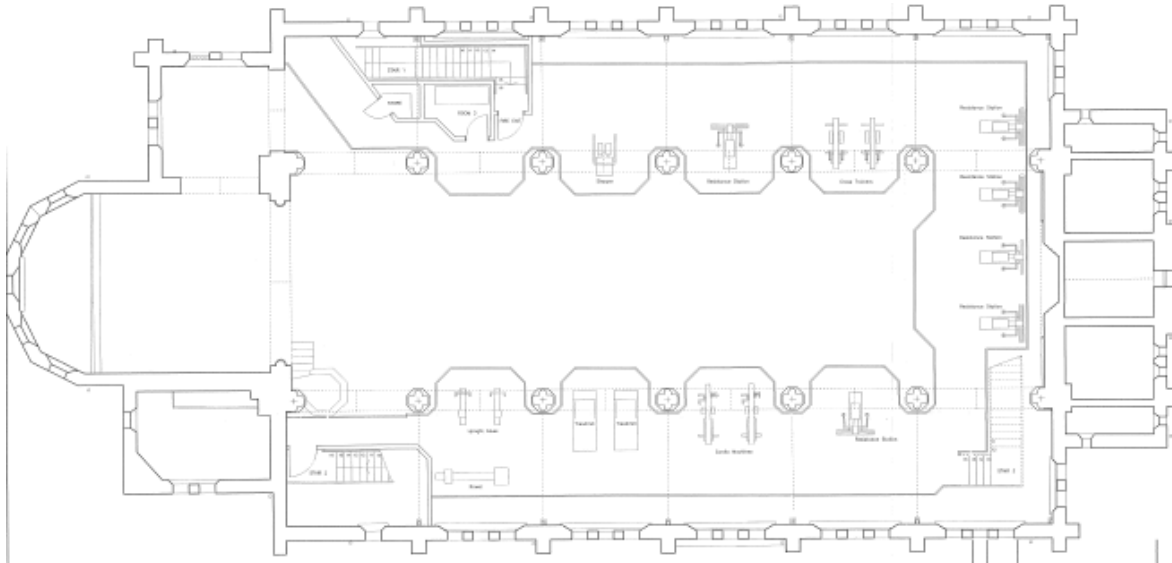
The following drawings show the proposed layout and the extent of the internal alterations.



**PROPOSED GROUND FLOOR PLAN**

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

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PROPOSED FIRST FLOOR PLAN

**CONSULTATION RESPONSES**

Sedgefield Town Council have made no comment to date.

Sedgefield Civic Trust have no objections to the proposal as long as there is no damage to the existing structure and the work is reversible.

The Victorian Society has made no comment to date and English Heritage have indicated that the application should be considered in accordance with national and local policy guidance.

The Council's Design and Conservation Officer has expressed some concern regarding the width of the proposed balcony as it would extend beyond a series of columns which are important architectural features. A representative of English Heritage offered their support to this approach and accordingly the applicant was requested to reduce the width of the balcony so that it did not protrude beyond the centre line of the columns. The applicant has expressed a reluctance to reduce the width of the balcony and has indicated that reducing its width would create practical problems owing to limited head heights and the need to gain access to the exercise equipment.

No comments have been received from local residents in response to the public consultation exercise which included a press notice, notices posted on site and letters to individual residents.

**PLANNING CONSIDERATIONS**

Consideration of this application is limited to whether or not the proposal will help to preserve and enhance the appearance of the building. Concerns regarding traffic generation, noise and disturbance are not relevant.

The need to preserve and enhance the appearance of the limited number of Listed Buildings within the Borough is promoted through PPG15: Planning and the Historic Environment. PPG15 also advocates that the planning process should also reconcile the need for economic growth

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with the need to protect the natural and historic environment. In order to secure these objectives it is considered that any proposal which affects a listed building needs to satisfy the following criterion:

**The alterations and extensions are sympathetic to the design, scale and materials of the existing building.**

Externally, the fabric of the building would remain unaltered with the exception of essential repairs and the installation of louvers. The character and appearance of the exterior of the building would therefore be maintained.

**Architectural or historic elements, important to the character of the original building, including those of the interior of the building, remain unaltered.**

Whilst the proposal will inevitably change the character of the interior of the building, the proposed alterations maintain its ecclesiastical appearance and the plan of the building which is one of its most important characteristics. For example, approximately half of the building would maintain its full storey height. This would ensure that a large proportion of the roof beams and arches remain visible. These elements are particularly important as they give the building its distinctive appearance. Whilst a smaller and less visually intrusive balcony would be preferable it is not considered that the extent of balcony significantly detracts from the architectural integrity of the building. Furthermore, the proposal maintains the full height of the apse thereby ensuring uninterrupted views of stained glass windows. The apse is a particularly important element of the church and its retention will help to preserve the interior of the building.

**Structural elements of the original building are not altered or weakened.**

The proposal does not involve altering structural elements of the buildings. For example the mezzanine floor will be a freestanding modular structural, which will be supported by the new walls of the ground floor rooms. In this regard the proposal is considered to be acceptable.

### **CONCLUSION**

The proposal represents a sensitive conversion of a Grade II Listed Building. Furthermore, it is also considered that the current scheme is less intrusive than the original scheme approved in 2004 as a larger proportion of the roof beams and arches remain visible which help to maintain the 'open' aspect of the church.

Finally, the building at present is vacant and the application represents an opportunity to bring the building back into use which is to be welcomed. This approach is considered to be consistent with Planning Policy Guidance Note 15 Planning and the Historic Environment which promotes the re-use of Listed Buildings advises that;

*Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation.*

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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#### HUMAN RIGHTS IMPLICATIONS

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

#### **Recommendation: Approve subject to the following Conditions:**

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

Reason: To ensure that a satisfactory form of development is obtained.

3. No development shall commence until detailed drawings of the extractor fans and vents have been submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in accordance with the approved details.

Reason: In order to enable the Local Planning Authority to control details of the development in the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment.

4. No development shall commence until a photographic record of the exterior and interior of the building has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an accurate record of the building is retained for the future reference purposes in accordance with PPG15: Planning and the Historic Environment.

5. Notwithstanding any details shown on the plans hereby approved no development shall be commenced until details showing how the mezzanine floor, panels and partition walls will be accommodated within the fabric of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in accordance with the approved details.

Reason: In order to enable the Local Planning Authority to control details of the development in the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment.

6. Notwithstanding any details shown on the plans hereby approved no development shall be commenced until details of all remedial works to the exterior of the building have been submitted to and approved in writing by the Local Planning Authority. The remedial external works shall then only proceed in accordance with the approved details.

Reason: In order to enable the Local Planning Authority to control details of the development in the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment.

7. All replacement and new sections of rainwater goods and down pipes shall be of cast iron or metal construction and painted a colour to be approved in advance by the Local Planning Authority.



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Reason: In order to enable the Local Planning Authority to control details of the development in the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment

8. The development hereby approved shall not commence until such time as a schedule of works for the replacement and or repair of all external windows has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of those windows to be repaired or replaced together with details of the method of repair/replacement and details of all materials to be used. The development shall then only proceed in accordance with the approved programme of works.

Reason: In the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment.

9. The development hereby approved shall not commence until details of the method of construction and materials to be used in the construction of the replacement timber floor have been submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in accordance with the approved details.

Reason: In the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment.

10. No development shall commence until details of the position, design and materials to be used in the construction of the replacement cast iron floor mounted ventilation grills have been submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in accordance with the approved details.

Reason: In the interests of protecting and enhancing the appearance of the building in accordance with PPG15: Planning and the Historic Environment.

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

In the opinion of the Local Planning Authority the proposal represents a sensitive conversion of the building and helps to preserve and enhance the appearance of the Listed Building.

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

The decision to grant planning permission has been taken having regard to the key National Planning Policies set out below, and to all relevant material considerations:  
PPG15: Planning and the Historic Environment.

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