

# Item 4

## SEDGEFIELD BOROUGH COUNCIL PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2007/0498/DM APPLICATION DATE: 24 August 2007

PROPOSAL: **ERECTION OF 2NO. DISPATCH BUILDINGS**

LOCATION: **TALLENT CHASSIS LTD GROAT ROAD AYCLIFFE INDUSTRIAL  
ESTATE NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Thyssen Krupp Automotive  
Tallent Chassis Ltd, Groat Road, Aycliffe Industrial Park, Co Durham

### CONSULTATIONS

1. GREAT AYCLIFFE TC
2. Cllr. W.M. Blenkinsopp
3. Cllr. Sarah Jane Iveson
4. Cllr. Alan Warburton
5. DCC (TRAFFIC)
6. AIP - OWNERS
7. ENV AGENCY
8. ENGINEERS
9. VALUER
10. L.PLANS
11. ECONOMIC DEV
12. NORTHUMBRIAN WATER

### NEIGHBOUR/INDUSTRIAL

Fracks Transport  
J & C Coaches  
Beaumont Landscapes  
Plasmor (Sabey Kirby) Ltd  
DDS Group Ltd  
DDS Fabrications Ltd  
Durham Structures Ltd  
Cornforth Industrial Services  
Joule Electronics  
Newton Aycliffe Delivery Office

### BOROUGH PLANNING POLICIES

- |      |  |
|------|--|
| IB6  | Acceptable uses in General Industrial Areas                  |
| D4   | Layout and Design of New Industrial and Business Development |
| D3   | Design for Access  |
| IB13 | Extension to Industrial and Business Premises                |

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### THE PROPOSAL

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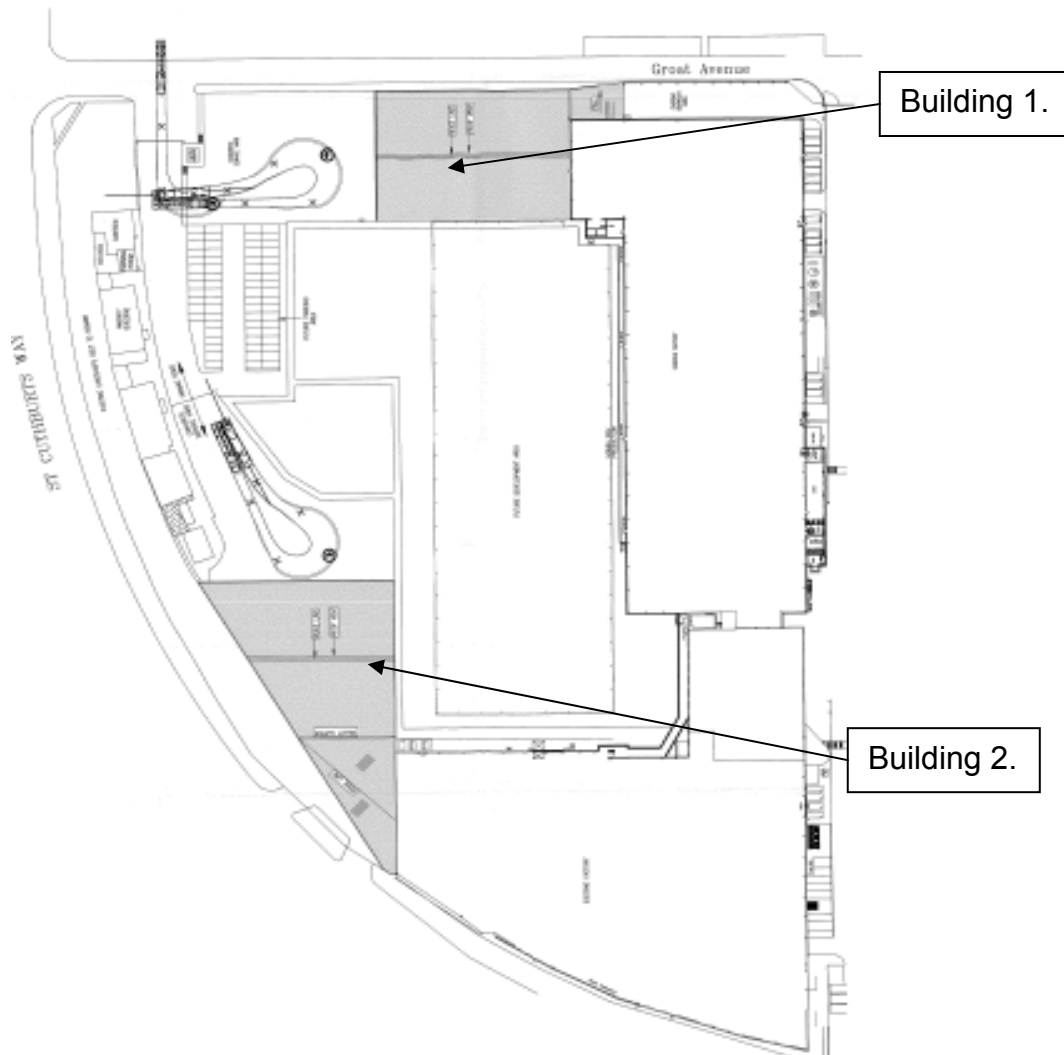
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This application seeks detailed planning permission for the erection of two new dispatch facilities and associated infrastructure at this existing factory premises at Groat Road, Newton Aycliffe. The premises, which are occupied by ThyssenKrupp Tallent Limited (Tallent), are utilised for the design and manufacture of chassis and suspension products for the global automotive industry including BMW, Ford, General Motors, Honda, Land Rover, Nissan and Jaguar.

It is proposed to construct two under cover areas for the loading of 8 vehicles at a time. Two service yards are also to be provided for waiting vehicles to park within the site. The two buildings will be linked directly to the existing factory building.

Building 1, which has a footprint measuring 54m x 38 m, is located at the north eastern corner of the application site, immediately adjacent to Groat Avenue. This building measures approximately 10.5 m to eaves level and 12.5m to ridge level. The building is to be constructed from profile steel cladding to match the existing building.

Building 2, is located at the southwestern corner of the application site. The foot print of this building, which is tri-angular in shape, measures approximately 86m x 48m at its widest point. This building too is of varying height. The link section with the existing premises measures approximately 40 m in length and 9.1m in height. The second higher section of the new building has an eaves height of 10.2m and a ridge height of 15.2m. The building is to be constructed from profile steel cladding to match the existing building.



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Two internal yards are to be formed within the application site to service the new dispatch facilities and 66-space car parking is also proposed within the application site. A key part of this application is to form a single vehicular access point to the site from Groat Avenue; this point is to be taken from the access to the former Great Lakes site. The existing 'in' and 'out' points serving the premises from St Cuthbert's Way and Groat Avenue will be closed off.

The application is accompanied by a Design and Access Statement, and further supporting documents have been secured during consideration of the proposal, including a flood risk assessment.

**SITE HISTORY**

The site, which is adjacent to the applicants existing factory, was previously occupied by Great Lakes Chemical Company. The industrial buildings and chemical plant on site have been demolished, and the site which was formally occupied by Great Lakes Chemicals has now been remediated and is no longer contaminated.

**CONSULTATION AND PUBLICITY**

**External Consultees**

**Great Aycliffe Town Council** has no comment on this proposal.

**Durham County Council (Highways)** has welcomed the proposals from a highway point of view. This proposal is seen to provide an opportunity to remove the existing access gates onto St Cuthbert's Way. The gates to these accesses currently open out over the public highway. In addition, two vehicular access points at the top of Groat Avenue would also become redundant. The Highway Authority have no highway objections subject to the imposition of a planning condition being attached that the proposed buildings should not become operational until such time as the redundant vehicular access points to St. Cuthbert's Way and Groat Avenue have been formally closed and the land is reinstated.

**The Environment Agency** has stated that the flood risk assessment is generally acceptable but appears to propose that surface water discharges from the redeveloped site will be attenuated to the existing 1:100 year discharge rate.

Concern was, however, raised that because of a number of factors including the increased impermeable area, increased drain efficiency, and increased rainfall in response to climate change, this will mean discharges from lesser storms will increase, which could cause or exacerbate the flood risk elsewhere.

A revised Flood Risk Assessment has been provided to include these principles and, as such, the Environment Agency has **withdrawn** their earlier objection subject to the imposition of a suitably worded planning condition relating to surface water drainage works being applied.

**Internal Consultees**

**Engineering Services Team** has raised no objection on highway grounds.

**The Valuation and Property Services Team** has raised no comment on this proposal.

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

**Publicity Responses**

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers to publicise the application. As a result, two responses have been received from neighbouring commercial operators.

Both respondents have raised concern that heavy goods vehicles (HGV's) currently park on adjacent roads including Groat Avenue and Groat Drive obstructing access and egress for the existing businesses in this area. It is feared that this situation would be further exacerbated by this proposal. As such, one respondent has objected to this proposal unless additional provision is made within the site for HGV parking whilst the second respondent has requested that physical measures be introduced such as the introduction of restricted parking areas or double yellow lines be put in place on those highways adjacent to the site.

**PLANNING CONSIDERATIONS**

The main planning considerations are as follows:

- Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance
- Highway and access issues
- Design and layout
- Energy efficiency

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

The land to which this application concerns forms part of the allocated general industrial area at Aycliffe Industrial Estate. The primary objective of general industrial estates is to encourage the manufacturing and service industries. Use Classes B1, B2, and B8 are considered to be acceptable uses under Policy IB6.

Policy D4 dictates that new business developments are expected to have a layout and design appropriate to a setting within a general industrial area. They should accommodate resultant generated traffic and refrain from causing danger or inconvenience to other road users.

The proposal essentially involves the development of two large covered buildings that wagons will be able to drive into so loading can take place away from the elements. Consequently the extensive number of pallets, which are currently exposed in the yard adjacent to St. Cuthbert's Way, will be covered. This arrangement will significantly improve the visual appearance of the site when viewed from St. Cuthbert's Way.

The underlying Council objective is the creation and growth of employment opportunities. This application if approved would have a positive impact on the Council's overall business strategy. This proposal represents an acceptable use within a general industrial estate and conforms with national and Local Plan policy.

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### **Highway and Access Issues**

This Council's public consultation exercise has confirmed that the key issue of concern relates to the parking of heavy goods vehicles and cars on the highway and grass verges within the industrial estate.

At present the existing arrangements at the site only allow one vehicle at a time to be loaded with finished products from each of the two existing loading bays. It has been stated that 40 vehicles a day visit this part of the factory and because of road traffic problems and unforeseen production issues vehicles waiting to get into the loading bays do sometimes end up parking on the highways adjacent to the site.

The proposed development, however, provides covered loading facilities for 8 vehicles at a time and provides in curtilage parking where other heavy goods vehicles can park whilst waiting to be loaded. The applicant has also confirmed that the proposed dispatch facility is to serve the existing factory and that no increase in production or increase in vehicular traffic movements is proposed as a result of this planning application.

Whilst, the Local Planning Authority cannot prevent unauthorised parking off site (this would be a Police / Highways matter) it is felt that the proposed improvements to the dispatch facilities - including the provision of an internal service yard to serve each dispatch area and the provision of on site parking for 66 cars would act as a significant improvement over the existing arrangements on site.

Additionally, it is felt that the closure of the existing access points from St. Cuthbert's Way and Groat Avenue would also improve the free flow of traffic within this area. It should be noted that Durham County Council, as Highway Authority, are supportive of this application.

### **Layout and Design**

Although the proposed buildings themselves are of a functional design they reflect the nature, scale and external appearance of the existing buildings on site. It is acknowledged that the site has previously been developed in an ad hoc way; however, this proposal seeks to retain and develop a common identity for the buildings within the site.

A mature belt of tree and shrub planting adjacent to St Cuthbert's Way would be retained between the highway and the proposed extension. As previously mentioned, this scheme would also lead to the relocation of the existing external storage fronting onto St Cuthbert's Way, which serves as an important approach road within Newton Aycliffe.

### **Energy Efficiency**

The emerging Regional Spatial Strategy requires the incorporation of 10% embedded renewable energy in major new developments of all types. As such, it is recommended that a planning condition be attached regarding this requirement.

### **CONCLUSION**

The proposed development would, if implemented, help improve the efficiency of the existing operations and would, therefore, help safeguard the long-term future of this established business. The proposal would provide in curtilage parking for HGV's and employees / visitors, thereby, reducing congestion in this area and improving highway safety. Whilst it may have

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been preferable to secure a more imaginative design solution for the proposed buildings, this aspect of the development is driven by the form and function of the existing buildings on site. This proposal would involve the redevelopment of the existing external storage area and as such would significantly improve the visual appearance of the site when viewed from St. Cuthbert's Way.

**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 conditions outlined below.

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. There shall be no open storage on the site of cartons, packing cases, waste materials or material awaiting fabrication, or finished or partly finished products except in areas to be approved by the Local Planning Authority. The storage area shall be screened in a manner to be agreed in writing with the Local Planning Authority prior to the use commencing and thereafter maintained to the satisfaction of the Local Planning Authority as long as the use remains.

Reason: In the interests of the appearance of the site and the visual amenities of the surrounding area, and to comply with Policy D4 (Layout and Design of New Industrial and Business Development), and IB Policies (Industry and Business), of the Sedgefield Borough Local Plan.

3. The external surfaces of the development hereby approved shall be only of materials closely matching in colour, size, shape and texture of those of the existing building of which the development will form a part.

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.

4. The buildings hereby approved shall not become operational until such times as the redundant access points to St Cuthbert's Way and Groat Avenue have been closed off and the land re-instated to the satisfaction of the Local Planning Authority.

Reason: In the interests in highway safety and to ensure that this proposal complies with Policy D3 of the Sedgefield Borough Local Plan.

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5. The service yards and in curtilage parking illustrated on Drwg. No. 55265/002 shall be laid out and made available for use prior to the development hereby approved is brought into operation. These shall be retained and maintained in accordance with the approved details for as long as the use remains.

Reason: In the interests in highway safety and to ensure that this proposal complies with Policy D3 of the Sedgefield Borough 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. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. This scheme 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.

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

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

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

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:IB13 Extension to Industrial and business premises.

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2. 7/2007/0591/DM APPLICATION DATE: 24 September 2007

PROPOSAL: **ERECTION OF 2NO. OFFICE BLOCKS COMPRISING 16 UNITS**

LOCATION: **LAND AT DURHAM WAY SOUTH AYCLIFFE INDUSTRIAL ESTATE  
NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Carlton Developments  
Evans Business Centre, Durham Way South, Aycliffe Industrial Estate,  
Newton Aycliffe, Co Durham

**CONSULTATIONS**

1. GREAT AYCLIFFE TC
2. Cllr. W.M. Blenkinsopp
3. Cllr. Sarah Jane Iveson
4. Cllr. Alan Warburton
5. DCC (PLANNING)
6. DCC (TRAFFIC)
7. NORTHUMBRIAN WATER
8. BUILDING CONTROL
9. ENV AGENCY
10. ENGINEERS
11. L.PLANS
12. ECONOMIC DEV
13. LANDSCAPE ARCH
14. Helical Properties and Investments

**NEIGHBOUR/INDUSTRIAL**

Digital Factory  
Thrislington Engineering Co Ltd  
Unit 1  
Unit 2  
Unit 3  
Evans Easyspace Ltd

**BOROUGH PLANNING POLICIES**

- |      |  |
|------|--|
| IB13 | Extension to Industrial and Business Premises                    |
| IB5  | Acceptable uses in Prestige Business Areas                       |
| D4   | Layout and Design of New Industrial and Business Development     |
| D1   | General Principles for the Layout and Design of New Developments |
| D2   | Design for People  |
| D3   | Design for Access  |
| E15  | Safeguarding of Woodlands, Trees and Hedgerows                   |



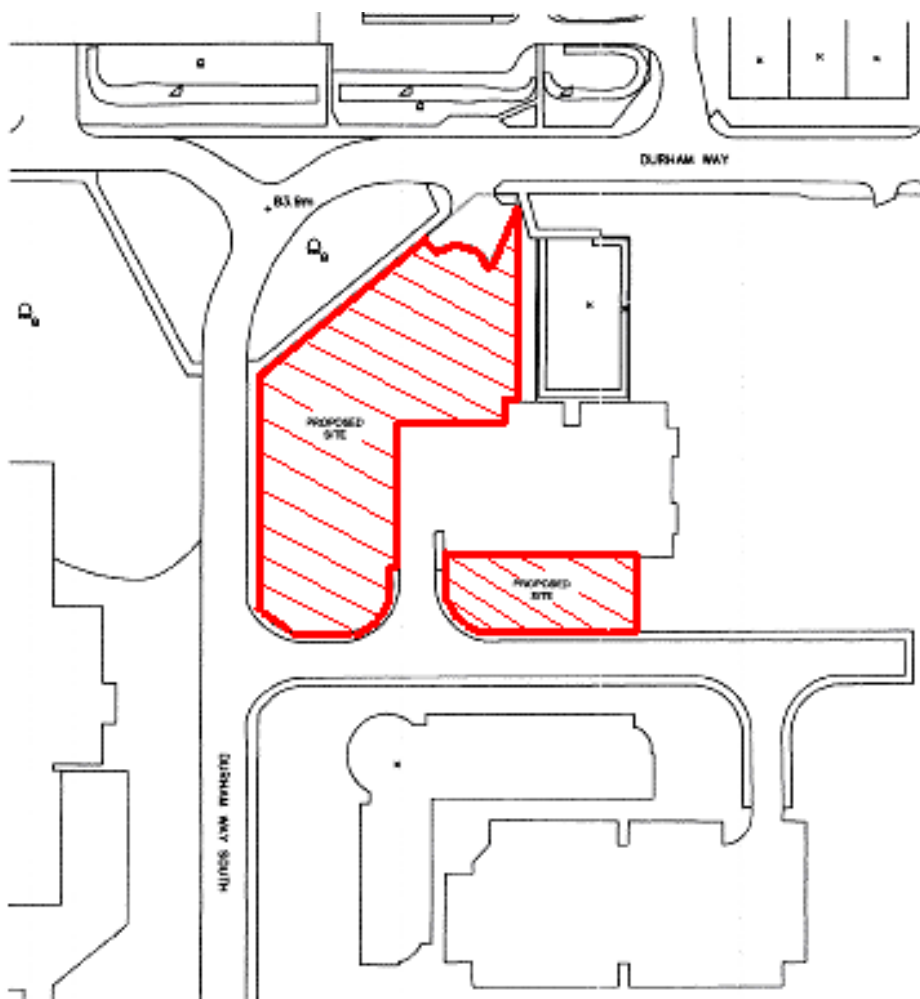
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**THE PROPOSAL**

This application seeks detailed planning permission for the erection of 16 offices and associated infrastructure on land at Durham Way South, Aycliffe Industrial Estate, Newton Aycliffe. The site extends to approximately 0.35 hectares, and lies to the south of Durham Way and to the east of Durham Way South. The application site consists of two separate parcels of land, as shown on the plan below, situated on either side of the existing access serving The Digital Centre, an existing training facility located immediately to the east of the application site.

Vehicle access to serve the larger of the two sites would be taken via an improved access serving The Digital Centre whilst a new access point is to be formed to serve the smaller of the two units from an existing access road to the south of the application site

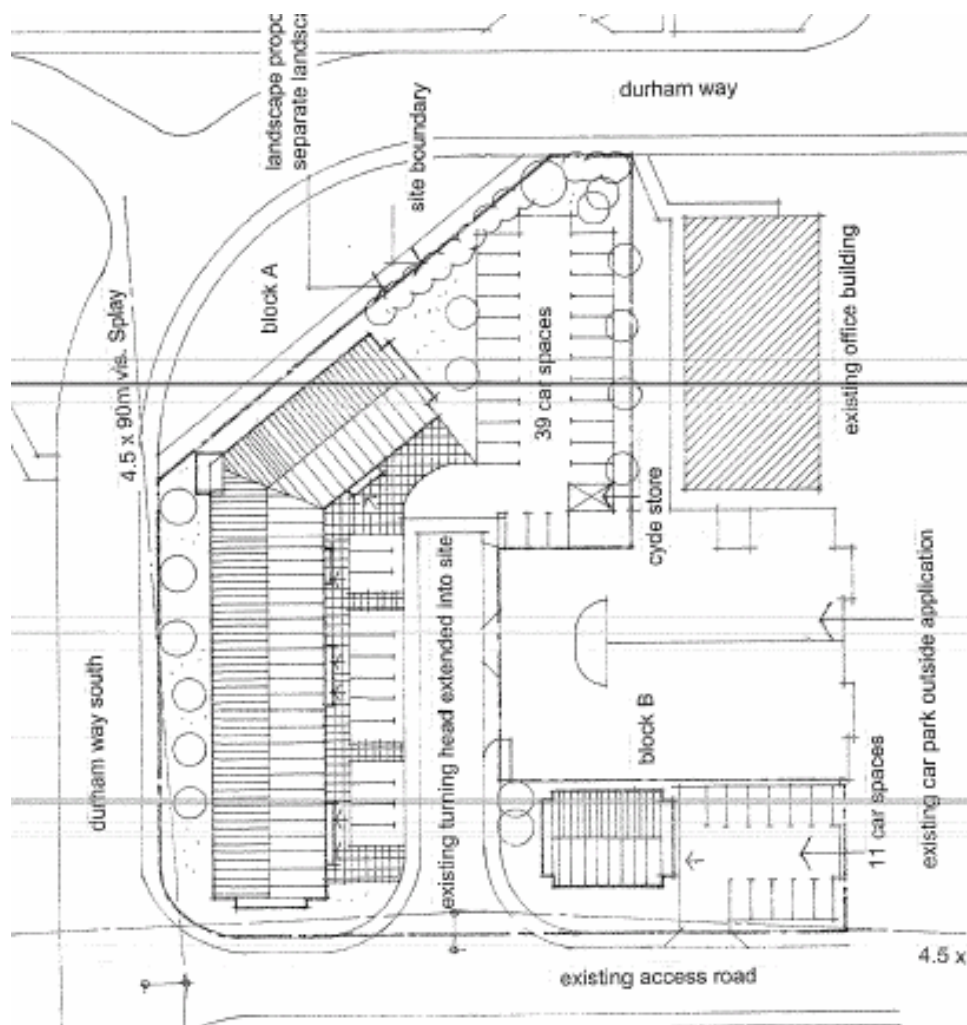


The proposed offices are arranged in two blocks. Fourteen of the sixteen offices are located on the western boundary of the site adjacent to Durham Way South, it is envisaged that these would be let to small businesses interesting in relocating to the area. The remaining two offices are located at the southern boundary of the site, it is anticipated that these would be utilised as the head office of the applicant, a local development company.

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The proposed layout is shown below.



The application is accompanied by a Design and Access Statement, and further supporting documents have been secured during consideration of the proposal, including a site investigation report.

### Site History

This application is a re-submission of an earlier planning application (App. No. 2007/0333), which sought detailed planning approval for office development at this plot. However, following concerns regarding the design, parking and access arrangements and landscaping proposals this scheme was withdrawn by the applicant. Significant pre-application discussions have taken place since this date in order to overcome the earlier concerns relating to this proposal.

### CONSULTATION AND PUBLICITY

#### External Consultees

**Great Aycliffe Town Council** has made no comment regarding this proposal.

**Durham County Council (Highways)** has raised no objection to the proposed scheme but has suggested that the proposed cycle store could perhaps be better located within the layout. The number of car parking spaces is considered satisfactory to serve a development of this size and nature.

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**The Environment Agency** have no objections to this proposal but have advised that appropriate conditions be imposed relating to surface water run off and to ensure that ground water is safeguarded.

Internal Consultees

**Engineering Services Team** has raised no objection to this proposal.

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

**Landscape Architect** has welcomed the submission of a detailed landscape scheme and has stated that the submitted *landscape scheme has been designed to enhance the setting of the building as seen from Durham Way*. However, he has suggested that *the details of the scheme* be revised to ensure that improved screening of the car parking areas can be achieved and increased tree planting has also been suggested within the landscaping scheme.

Publicity Responses

Site notices were erected, an advertisement placed in the local press and letters were sent to neighbouring occupiers to publicise the application. No objections have been received regarding the proposal although land ownership was initially queried. The applicant has subsequently confirmed that the entire application site is owned by Aycliffe and Peterlee Development Company, that they have been formally notified of the planning application and that the appropriate land ownership certificates have been completed.

PLANNING CONSIDERATIONS

The main planning considerations are as follows:

- Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance
- Design and layout
- Highway and access issues
- Energy efficiency

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

Borough Local Plan

The site that is the subject of this planning application is situated within the long established Aycliffe Industrial Park. Policy IB2 of the Borough Local Plan classifies this part of the Industrial Park as a prestige industrial area. Policy IB5 outlines that business, general industry and warehousing are acceptable uses on prestige industrial areas, and other developments that do not fall under one of these three categories, are to be considered after taking into account what the purpose of general industrial areas are as set out in Policy IB1. Essentially the overall objective of the industrial estate is the creation and growth of employment opportunities. The proposal will fulfil the requirements of Policy IB5.

Under Policy D4 new business developments are expected to have a layout and design appropriate to a setting within a prestige business area. They should accommodate resultant

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generated traffic and refrain from causing danger or inconvenience to other road users. Landscaping should be of the highest standard and regard paid to Policies D1, D2 and D3. It is important that new business developments are laid out and designed so to project an attractive image of the Borough.

**National Planning Policy Guidance**

Central Government guidance contained within PPG4 contains the locational factors for development of this nature to be considered against. Local Planning Authorities should therefore:

- Encourage new development in locations which minimise the length and number of trips, especially by motor vehicles;
- 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 likely to have large number of employees);
- Discourage new development where it would be likely to add unacceptably to congestion;

The application site is in the heart of Newton Aycliffe Industrial Estate with good transport links to regional and national routes, performs well against the locational requirements set out in PPG4. It is therefore an ideal location for new industrial and business development.

**Regional Planning Guidance (RPG1)**

The existing employment strategy of RPG1 seeks to facilitate the economic renaissance of the region by encouraging inward investment opportunities and the development of SME's and 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 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.

**Revised Regional Spatial Strategy (RSS) by SoS (May 2007)**

The emerging Regional Spatial Strategy (RSS) sets out a long-term strategy for the spatial development of the North East. The RSS will form part of the statutory development plan for the Borough, and once it is approved will replace the existing RPG1.

Policy 1 of the emerging RSS outlines the documents broad aim to facilitate a renaissance throughout the North East by delivering sustainable and inclusive economic prosperity and growth by ensuring both high and stable levels of employment so everyone can share and contribute to greater prosperity; and high and sustainable levels of economic growth by focusing on the region's strengths and alleviating weakness.

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Policy 12 specifically encourages new economic activity of an appropriate scale and nature in the towns serving the regeneration areas within the city regions, as it is envisaged that this will act as the stimulus for their regeneration. Particular emphasis is placed on improving access to skills and training, education and employment opportunities. Paragraph 2.114 of Submission Draft RSS explicitly names Newton Aycliffe as one of the towns located in the County Durham regeneration area, which forms part of the wider Tees Valley City Region. This proposal therefore accords with the emerging RSS.

**Design and Layout**

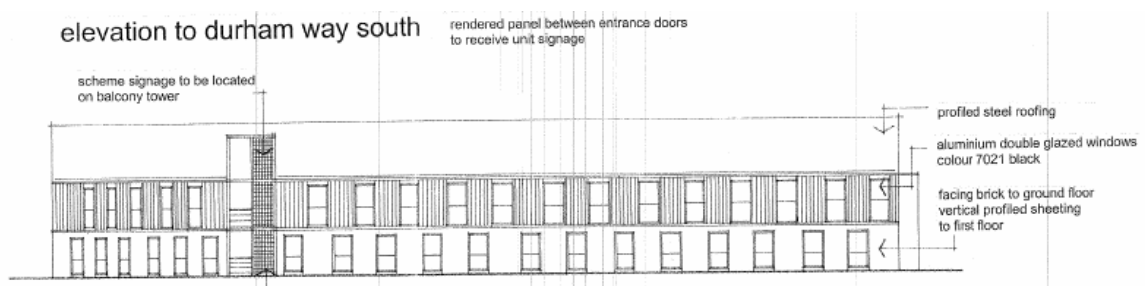
Significant discussion has been undertaken prior to the re-submission of this planning application in order to best develop this prominent gateway site within the Aycliffe Industrial Estate.

The main office block has been designed with an angled frontage including a taller 'tower' feature to mirror the corner nature of the site and to add interest in the street scene. The units have also been designed with feature glazing at the gable end of the units to provide a dual aspect to the development when viewed from the main roads through the industrial estate.

The scale of the building has been designed to reflect the scale of the existing premises in this area. A range of materials are to be used to add interest and ensure that a high quality of design is secured within the development proposals to compliment the existing buildings immediately to the south and east of the site. The external appearance of the buildings would be made up of a mix of contemporary materials including facing brickwork and render at ground floor level, with vertical cladding at first floor level and steel profile sheeting for the roofs of the buildings.

The layout of the proposed scheme has been designed to meet the requirements of the developer taking into account the needs of future occupants of the office space including optimum floor areas, level access and on site car parking without detrimentally affecting the character of this important corner site.

The number of car parking spaces within the scheme has been reduced compared with the initial submission and, as such, this allows additional landscaping to be incorporated within the site to frame the buildings and screen the ancillary car parking areas. Additionally, it is acknowledged that the proposed landscape scheme has been designed to enhance the setting of the building as seen from Durham Way.



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### **Highways and Access**

The scheme has been designed to incorporate on site car parking to service both office blocks and to provide cycle storage facilities within the site. The siting and design of the buildings has also been designed to safeguard the visibility splay at the junction of Durham Way and Durham Way South. The proposed layout is considered satisfactory in highway terms, as outlined within the response from Durham County Council, as Highway Authority.

### **Energy Efficiency**

The emerging Regional Spatial Strategy requires the incorporation of 10% embedded renewable energy in major new developments of all types. As such, it is recommended that a planning condition be attached regarding this requirement.

### **CONCLUSION**

To conclude the development represents an acceptable use within a prestige business area, which will result in the development of offices in which new and expanding businesses are able to set up and develop. This revised scheme has been designed to promote a high quality of development at this important gateway site within Aycliffe Industrial Estate. This conforms to the policies and guidance contained within the RES, the Borough Local Plan, PPG4, RPG1, and the emerging RSS.

### **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 conditions outlined below.

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

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

2. Notwithstanding 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 Sedgfield Borough Local Plan.

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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. 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.

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

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

7. The premises to which this permission relates shall be used for office purposes and for no other purpose in Class B1 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 Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

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8. All trees and hedges to be retained shall be properly fenced off from those parts of the site to be developed prior to the commencement of works on site. Details of the type and positioning of the protective fencing shall be submitted and approved by the Local Planning Authority prior to the commencement of works on site. This tree protection measures agreed shall then be retained until the completion of works on site or other timescale agreed in writing by the Local Planning Authority.

Reason: To enable the LPA to ensure that existing natural features on the site are protected and retained in the interests of visual amenity and to comply with Local Plan Policy E15 of the Sedgefield Borough Local Plan.

9. The vehicular accesses serving the application site are to be constructed in accordance with a detailed specification to be agreed in writing with the Local Planning Authority prior to the occupation of the first office unit hereby approved and be retained thereafter in perpetuity.

Reason: To provide a satisfactory standard of layout and in the interests of highway safety. And to comply with Policy D4 of the Sedgefield Borough Local Plan.

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

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

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

3. A verification report on completion of the works set out in(2) 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: For the protection of controlled waters.

11. No infiltration of surface water drainage into the ground is permitted other than those 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 controlled waters.

Reason: The potentially contaminated site lies within a source protection zone on a major aquifer.

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

Reason: Due to the sensitive nature of the underlying aquifer, vertical migration pathways should be avoided.



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13. **INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**In the opinion of the Local Planning Authority the proposal development is appropriate in location to the scale and character of the surrounding area, makes adequate provision for car parking and access, and would not cause significant harm to adjoining business and industrial premises.

14. **INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:IB13 Extension to Industrial and business premises

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3. 7/2007/0593/DM APPLICATION DATE: 2 October 2007

PROPOSAL: **PROPOSED DIVERSION OF WOODHAM BURN, FLOOD PREVENTION WORKS AND ERECTION OF 100 DWELLINGS AND ASSOCIATED ACCESS (OUTLINE APPLICATION)**

LOCATION: **LAND ADJOINING WOODHAM BRIDGE NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Camtec Properties (Newton Aycliffe) Ltd

**CONSULTATIONS**

1. Cllr. Sandra Haigh
2. Cllr. Lileen Cuthbertson
3. GREAT AYCLIFFE TC
4. Councillor J. Gray
5. DCC (PLANNING)
6. One North East
7. Rodger Lowe
8. Government Office for the North East
9. DCC (PROWS)
10. POLICE HQ7
11. LANDSCAPE ARCH
12. DESIGN
13. L.PLANS
14. Lee White
15. VALUER
16. ENV. HEALTH
17. ENGINEERS
18. WILDLIFE TRUST
19. ENV AGENCY
20. ENGLISH NATURE
21. NORTHUMBRIAN WATER
22. DCC (TRAFFIC)
23. Sustainable Communities
24. North East Assembly
25. RAMBLER

**NEIGHBOUR/INDUSTRIAL**

Windsor Close:1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,21,11,16  
Lowther Drive:16,15,Glencorn,Burbanks,Burbanks,43,33,25,30,28,26,23,22,6,5,4,2,1,11,10,9,8  
Gatcombe Close:1,2,3,4,5,6,7,8,9,5,5  
Stepping Stones  
Stag Lane:3,11,6,16,15,12,11,15,14,5  
Burnside

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Cheltenham

Way:2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,36,37,38,39,40,42,44,46,32,34,27,10,3,7,Burnside,3

Epsom Court:2,8

Kenilworth Court:1,2,3,4,Sedgefield Swimming Club,1

Wolsey Close:5

Stoneleigh Court:1,2,3,4,5,6,7,8,9,10,11,3

Mullgrave Court:7

Burghley Mews:1,2,3,4,5,6,7,8

High Green:10,5

Middleham Way:1,2,3,4,5,6,7,8,9,10,11,12,14,15

Pemberton Road:93,51

Allenbrae

Woodham Comprehensive School

Low Copelaw Farm

Low Copelaw Farm Cottages:1,2

Cowdray Close:15,7,10,9,8,17,16,15

Fawn Close:1,7,5

Hickstead Rise:8,18,1,16,9,20,15,6,19,19,17,14,1,12,11,10,7,6,5,4

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

Raby Drive:4,5,10,9

Chilton Close:1,2,3,4,5,6,7,8,9,10,11,12,14,15

Carwardine Road:24

Grindon Court:1,2,3,4,5,6,7,8,9,10,11,12

Hind Court:12,19,17,8,4

Kempton Close:1,4,7,11

Fallow Road:10

Badminton Grove:2,3,4,5,6,12

Farnham Close:20

Helmsley Court:9

Hylton Close:15,9

Barnard Close:4

### BOROUGH PLANNING POLICIES

H1	Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill
E4	Designation and Safeguarding of Green Wedges
E1	Maintenance of landscape character
E15	Safeguarding of Woodlands, Trees and Hedgerows

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### BACKGROUND

An outline planning application to develop this area for residential purposes including the diversion of Woodham Burn, flood prevention works and erection of 150 dwellings at this site was submitted in September 2006 (App. No. 7/2006/0610). This application included 30 units of affordable housing as part of the proposal; this proposal would include a mix of house types and apartments provided.

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Vehicular access to the site would principally be from the A167, by way of a standard junction with protected turning zones. A road link would be provided from Cheltenham Way for emergency vehicles only, rather than for general access purposes.

This application was withdrawn by the applicant prior to its determination in December 2006.

**THE PROPOSAL**

Outline planning permission is sought to divert Woodham Burn and flood prevention works and the erection of 100 dwellings and associated works including the construction of access roads. The layout and the means of access to the site are to be considered at this stage with the scale, appearance and landscaping are 'reserved' for later consideration if this application were to be approved.

As part of this proposal to develop this site the applicant proposes to fill in the part of the site which currently experiences flooding and raise ground levels above flood level and to alter the existing course of Woodham Burn.

This application has included 20 units of affordable housing as part of the proposal, and that there would be a mix of houses and apartments provided.

Vehicular access to the site would be taken via Cheltenham Way rather than via the A167 as previously proposed during the earlier planning application, which was submitted in September 2006 (App.No. 7/2006/0610). The submitted layout includes an emergency access road is also proposed and located to the west of the site adjacent to Kenilworth Court / Stoneleigh Court.

The application is supported by the following documents:

- site layout plan
- design and access statement
- sequential test document
- supporting policy statement
- community questionnaire
- environmental statement (including matters such as archaeology, air quality, noise and vibration, ecology, water quality, flood risk, traffic and transportation assessment)

**The Site**

The application site, which is roughly tri-angular in shape, measures 6.4 hectares. The site comprises open green space and this is bisected by Woodham Burn. The proposed housing would be located on a 3.3 hectare site to the south of Cheltenham Way and immediately to the east of Stoneleigh Court. The proposal includes an area of 0.6 hectares, which would be set aside as informal play space and an equipped play area, this would be located to the south of Windsor Close and east of Cheltenham Way. The remainder of the site would include the revised watercourse, embankments and a new wetland area at the southern apex of the site.

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**CONSULTATION AND PUBLICITY RESPONSES**

**Great Aycliffe Town Council** considers the proposal to be unacceptable for the following reasons:

- the site lies within a green wedge open space and, as such, residential development of the site should be resisted.
- that the use of the site for outdoor leisure purposes is a more appropriate use given the green wedge status of the site.
- that sufficient and more appropriate sites for housing exist elsewhere within the Borough.
- that the diversion of the burn would have a serious and detrimental effect on flora and fauna in this area.

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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- whilst measures to alleviate flooding in this area are welcomed, it is felt that these proposals would be of limited value because the existing culvert under the A167 would not be altered / improved.
- That the proposed vehicular access arrangements to the site via Cheltenham Way and Stag Lane would detrimentally affect the residential amenity of existing residents in these areas because of the increased traffic flows resulting from this proposal.

**The Environment Agency has formally objected** to the proposal on the following grounds:

- no evidence has been provided that the flood risk Sequential Test has been properly applied. *As part of the application site lies in an area of high risk flood probability as defined by PPS25 known as Flood Zone 3a and part of the site lies within a medium risk area known as Zone 2. PPS25 requires decision makers to steer new development to areas of the lowest probability of flooding by applying a Sequential Test. In this instance the Sequential Test has not been carried out.*
- *the submitted Flood Risk Assessment is considered to be inadequate. The proposal does not include sufficient detail of the modelling process used and the outcomes. There is also inadequate information on the geography and topography of the channel realignment and that the information provided does not include sections.*
- *Insufficient information has been provided with the application in order to fully assess both the risks posed to the groundwater resource and the potential impact on the flow of water along the length of the burn following the proposed diversion.*
- *there is little attempt to suggest enhancements and improvements to the watercourse and river corridor'. It was stated that the enhancement work and landscaping need to be integrated with other matters such as flood risk assessment, making space for floodwater and for wildlife. This is essential where a realignment of the river is concerned since altering a rivers natural course can cause realignments elsewhere.*

**One North East** in its capacity as the Regional Development Agency notes that the application site is a Greenfield site, which is situated within a green wedge defined by the Local Plan, and as such this would represent a departure.

In assessing the application the Agency would encourage the Local Planning Authority to assess this proposal within the context of the Borough's overall housing allocation and that the Council should be satisfied that no sequentially preferable sites are available.

If the Council is minded to approve this application the Agency request that this Council secure the highest possible standards of quality in the development of this site including both Building for Life and Secured by Design standards. It was also suggested that this application includes measures for 10 % renewable energy to be incorporated within this development.

**North East Assembly** has stated in their draft response that this proposal is considered to raise some issues of non conformity with RPG1 and RSS proposed changes as outlined below:

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- the proposal is on Greenfield land adjoining Newton Aycliffe. The council should be satisfied that the release of this site is necessary, taking into account the sequential approach to development and sustainability principles in RPG1 policies DP1 and DP2 and RSS proposed changes Policies 2 and 3.
- the principle of permitting development on this site raises further concerns given its allocation as a green wedge in the Sedgefield Local Plan. The RSS proposed changes policy 7 directs planning proposals to support the establishment of green infrastructure and green wedge, recognising their recreational and wildlife benefits.
- The location of the development proposal in an area of high flood risk presents some conflict with regional planning policy objectives. Policy ENV4 of the RPG1 requires development to be avoided in areas identified as being at risk or likely to be at medium or high risk in future from flooding, where alternative sites are available. The requirement to consider flood risk and avoid inappropriate development within flood plains and apply the sequential test is explicitly stated within Policies 2,3 and 37 of the RSS proposed changes.

**Natural England** has stated that *'based upon the information provided .... the proposal is unlikely to have an adverse effect in respect of great crested newts and badgers, which receive legal protection'*. If the planning application were to be approved a planning condition would need to be attached to safeguard bats, otters and nesting birds, which may be affected by this proposal.

**Durham Wildlife Trust** has reviewed the submissions provided by the applicant and has raised no ecological reason to object. However, it is suggested that as many biodiversity benefits as possible be gained from the proposed diversion of Woodham Burn.

**Durham Constabulary (Architectural Liaison Officer)** has no concerns about the general layout, however, detailed advice is given on footpath design and landscaping form.

**The Ramblers Association (Darlington Group)** have strongly objected to this proposal. A summary of these objections is outlined below for Member's consideration:

- this proposal would involve developing an important green wedge, which has been identified as open space since the earliest development of the Newton Aycliffe New Town.
- the need to build housing on this site is unproven
- concerns were raised that the proposal would detrimentally affect the ecological, environmental and conservation value of the site and that these impacts were not fully recognised within the planning application submission. It was stated that a number of birds including Kingfisher, dipper, owls, otters and water vole have been seen in this area. It was also stated that the burn itself forms an important wildlife corridor connecting this site with the surrounding countryside.
- this proposal would detrimentally affect the enjoyment of those using the Public Rights of Way network and permissive paths in this area. It was feared that the increase in traffic movements and the diversion of the burn itself would detract from the enjoyment of bridleway and footpath users.
- this proposal would also detrimentally affect pedestrian access across permissive paths in the area including the expansion of Great Aycliffe Way.
- the proposal would detrimentally affect the hydrology of the area.

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- concerns were raised that the desk-based exercise undertaken was insufficient to fully examine the archaeological value of the site. It was stated that parts of the earlier farmstead at Woodham South Farm were believed to date back to Saxon times.

Durham County Council (Highways) have indicated in their initial comments that the existing infrastructure at Stag Lane and Cheltenham Way would appear capable of accommodating upto 100 dwellings. It is anticipated that additional improvements will be required to the existing pedestrian / cycling route through to Burn Lane.

Because of the limited scale of the submitted drawings the Highway Authority are unable to comment upon the acceptability of otherwise of the proposed road layout.

#### **Internal Consultees**

**Borough Council's Engineering Services Section** has no objections provided there is prior agreement of engineering details.

**Borough Council's Forward Planning Team** has concluded that the proposal would not accord with national guidance contained in PPS3 and PPS25, regional policies contained within RPG1 and the RSS, and local policies contained within the Borough Local Plan. It is recommend that the application should be refused. The more detailed comments have been used in the planning considerations set out below.

**Borough Council's Environmental Health Section** *has pointed out that the noise and air quality assessment for this application is based on the previous planning application for the site (2006/0610/DM) and has not fully included the amendments made with regard to the current application.*

The submitted noise assessment recognises that the main sources of operational noise will be from traffic entering and leaving the site, however, this was based upon the original access being taken from the A167 rather than via Stag Lane and Cheltenham Way. As such, the Environmental Health Section have stated *that it is likely that I may have substantive comments to make and would advise that the development should not proceed until an assessment of this further information has been received.*

The submitted air quality assessment acknowledges that dust nuisance is likely to arise from excavations, ground breaking works and site grading activities. The sensitivity to the impact of construction will be dependent upon the proximity of potentially sensitive receptors to the development and the scale and duration of works.

Although revised details including the change to the proposed means of access have not been taken into account it was felt that dust emissions from the site could be controlled by appropriate mitigation works including the submission and implementation of a dust management plan and the installation of a wheel washing facility on site.

**Borough Council's Countryside Officer** raised a number of concerns in relation to the timing and inter connectivity of the two ecological surveys submitted in support of this planning application. This Council's Countryside officer is of the opinion *that substantial revisions need to be incorporated to the ecology section of the EIA, as it is not possible to infer the level of mitigation proposed for this development. The site is of particular value for birds (the project*



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### PLANNING APPLICATIONS - TO BE DETERMINED

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*unmitigated, would have a major to moderate negative impact at a local level), and with appropriate management could offer potential for water vole and otter. It also contains foraging habitat for bats. It will be vital to show that the mitigation and compensation for this project is consistent with PPS9. Assuming that there are no satisfactory alternatives to this site PPS9 emphasises that adequate mitigation measures and compensation should be sought before planning permission is granted.*

#### **Publicity / Neighbour Responses**

This planning application has been advertised via a press notice, the posting of site notices in the area and direct neighbour notification. As a result, two petitions containing a total of 599 signatures were received objecting to this proposal together with a total of 126 individual letters of objection.

One Petition, outlined in Appendix 1, containing 257 signatures raised the following concerns:

- that no access to the proposed housing development be taken via Stag Lane and Cheltenham Way. Stag Lane is fairly steep with access roads and driveways on either side. It was stated that the additional traffic movements, which would arise, would exacerbate existing highway safety problems in this area.
- that the area adjacent to Woodham Burn be protected for environmental reasons, with the existing nature trail extended and improved and further planting and water features be created to further improve the visual and ecological value of the site.
- That before permission is granted the local community should be engaged in meaningful involvement and discussion regarding this development – it was felt that this important aspect of community involvement had not been fully explored.

The second petition, outlined in Appendix 2) containing 344 signatures sought to protect Woodham Burn between Byerley Park and Woodham Bridge from housing and commercial development.

*This petition contained the following statement by David Bellamy *Even to consider the diversion of Woodham Burn and the drainage of a local wetland flies in the face of good environmental practice in this day and age of alternating flash floods and dry periods. Insurance companies are now paying much more attention to such situations as they carry out their risk assessments when considering new development sites .... Newton Aycliffe has an enviable record of a 'new town' where urban green-space and people can live in meaningful harmony. It is my considered opinion that to divert the Burn and drain the flood plain with its abundance of wildlife, from newts through kingfishers to bats would be tantamount to ecological vandalism. Surely it is much better to develop the area as a local nature reserve that will continue to maintain the balance of the local area.**

The petition went onto say that:

- Woodham Burn is a popular recreational area and natural habitat serving the Newton Aycliffe area.
- That much of Great Aycliffe way follows the burn and this proposal would detract from this pedestrian route and the wider public footpath network in the area.
- This area comprises a pleasant mosaic of habitats including wild flower meadows, mixed woodland, scrub, and grassland and stream sides. It is also stated that the area supports

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

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a wide range of flora and fauna including water vole, badger, roosting and foraging bats, newts, otter, curlew, kingfisher and kestrel.

- That the site should be developed for ecological and recreational purposes to improve the existing habitat and provide further informal recreation facilities in this area. It was stated that with sympathetic landscaping and management existing problems with flooding can be addressed and creative solutions sought to enhance rather than damage the special qualities of Woodham Burn. If necessary, the Local Authority is urged to use Compulsory Purchase Powers to secure the future use of this site as a local nature reserve for local people to enjoy.

A summary of the comments contained within the individual letters of objection are outlined below for Members' consideration. Detailed comments are of course available for inspection within the planning application file.

#### Traffic implications of the proposed scheme

- That the proposed access via Stag Lane and Cheltenham Way would be unable to cope with the additional traffic generated by the proposed construction of 100 additional dwellings. It is feared that this proposal would further exacerbate highway safety problems in this area.
- The proposed access via Stag Lane and Cheltenham Way would significantly increase noise and disturbance arising from vehicles travelling to and from the site. This was considered to be of particular concern, as traffic flows through the existing Cul de Sac at Cheltenham Way would increase significantly.
- The submission includes reference to an additional vehicular access for emergency vehicles. This proposal would require the construction of a road link over part of the existing public footpath network. It was felt that this would be used by non-emergency vehicles and as a result, measures would need to be taken to fence off restrict access in the future, negating any possible long-term benefit.

#### **Impact on habitat / wildlife**

- That the proposed burn diversion and housing development, as proposed, would necessitate the destruction of many healthy mature trees and hedgerows alongside the burn and to the south of Cheltenham Way, for no reason other than to facilitate new housing development.
- The proposal would detrimentally affect a range of flora and fauna within the site including kingfishers, kestrels, bats, and newts. It was felt the ecological surveys undertaken over a relatively short period of time did not reflect the true extent of the ecological value of the area.

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#### **Flooding**

- the land in question has been the subject of severe flooding, however, new housing will only compound the problem because of surface water run off from the development.
- the validity of the proposed flood mitigation measures proposed was questioned and if the proposed measures fail it was asked who will rectify any resultant problems.
- the main cause for the earlier flooding in this area in 2000 related to the narrow width of the existing culvert under the A167 and the revised alignment would not improve upon this situation.
- the raising of site levels at the application, as proposed, would result in other properties at Cheltenham Way and Gatcombe Close being more susceptible to flooding
- other options exist to implement flood defence works without carrying out such a substantial proposal as diverting the alignment of the burn.
- the proposed flood measures proposed cannot guarantee that there will no further flooding. In the future, if flooding recurred, it would be far more difficult to construct additional flood defences, as all the usable land would be developed.
- That the proposal would detrimentally affect the existing floodplain
- The relocation of the burn and flood defence works are not 'wanted' by the majority of local residents in this area.

#### **Need for Housing**

- the siting of new housing developments should be decided via a full and proper assessment of projected demand and taking into consideration other available sites via both the Local Development Framework and Regional Spatial Strategy. Housing allocations should not be considered on a piecemeal basis, as is proposed here.
- brown field sites rather than Greenfield sites such as this should be developed for housing.
- development of this site is not required to meet projected housing needs within the Borough.
- this proposal, if allowed, would inevitably lead to the wider housing development in this area to the detriment of this important green wedge.

#### **Detrimental impact on Residential Amenity**

- one respondent commented on the actual scale of the proposed works involved in both directing the alignment of the burn and the proposed raising of the ground levels (although it was pointed out that the proposed levels had not been provided). However, bearing in mind the existing gradient and landform and the extent of cut required to form the new burn. This would involve significant earthworks within the site and could potentially require significant volumes of inert material being transported onto or from the site. Access for all construction traffic including both the earthworks and the new housing would have to be taken via Stag Lane and Cheltenham Way, resulting in significant potential for noise, dust and vibration for those houses adjacent to both the development site and proposed access route.
- the proposed development would give rise to a significant increase in dust, mud and nuisance to the detriment of residential amenity.

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#### **Other Issues**

- the method of public consultation undertaken by the developer was also questioned with one resident stating that they had been informed that planning approval had already been granted. Other residents felt that this element of the application procedure was in breach of standards outlined with national and regional planning policies.
- it has also been stated that part of the proposed development site was initially safeguarded to provide amenity open space for the existing housing at Ashwood Park. It was stated that the cumulative impact of the additional housing proposed together with the loss of existing amenity openspace is simply unacceptable.
- this proposal would lead to further pressure upon existing community facilities in this area which are already under strain
- residents from Windsor Close expressed concern that the provision of a secluded proposed play area to the rear of the existing housing would be the focus of anti-social behaviour including under age drinking and drug taking.
- the proposed development would lead to a loss of privacy for existing householders overlooking the application site.

#### PLANNING CONSIDERATIONS

The main planning considerations in this case revolve around how this proposal complies with national, regional and local planning Policy in relation to the following issues.

- Is there an urgent need to allow a significant Greenfield housing development in order to maintain a five-year supply of housing?
- Should this area of Green Wedge be preserved, and built development within it resisted?
- Is the flood risk assessment adequate?
- Have the ecological issues been fully and adequately addressed?
- Would the proposal unacceptably detract from residential amenity?
- Would the proposal be satisfactory in highway safety terms?

#### **Is there an urgent need to allow a significant Greenfield housing development in order to maintain a five-year supply of housing?**

The proposal is considered not to conform with the RSS proposed changes and the existing RPG1. The proposal is on Greenfield land adjoining Newton Aycliffe, and given that the council is already maintaining a five-year supply of housing as advocated by PPS3 (issue addressed later), it is considered that the release of this site is unnecessary, taking into consideration the sequential approach to development and sustainability principles in RPG1 policies DP1 and DP2 and RSS proposed changes Policies 2 and 3.

The site is Greenfield land adjoining Newton Aycliffe. In this respect it falls into category 3 of the sequential approach 'other suitable sites adjoining urban areas'. The Forward Planning Team is not satisfied that the development could not be accommodated on a more sequentially preferable site, which would better meet the objectives of regional planning policy, in order to reflect the objectives of RPG1 policy DP1 and RSS proposed changes Policy 3.

The applicant has submitted a 'site search report', which looks at the suitability of this and other sites to accommodate the development proposal. This report is felt to be both out of date and incomplete - noticeably this does not appear to have been updated from the original

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submission. The selection criteria is derived from a model used by Sunderland Council, and the Forward Planning Team considers that this model can not be easily adapted for application within Sedgefield Borough, which is characterised by four main towns and many large villages. Additionally the document does not examine housing land availability on a Borough wide basis.

There is not an urgent need to allow a significant Greenfield housing development in order to maintain a five-year supply of housing. The Authority has an adequate supply of housing land within the Borough, as demonstrated by Interim Housing Land Availability Study (updated Sept 2007), which established that the Borough currently has 7.44 years supply of housing. The further release of speculative windfall sites will diminish the value of producing a Major Allocations DPD.

Additionally the 100 residential units proposed by his scheme would all be on greenfield land. This would be inconsistent with Policies H1 and H4 of RPG1 and Policy 30 of the emerging RSS as it would not contribute towards meeting the region's previously developed land targets of 60% by 2008 and 65% by 2016.

Moreover the Council does not want to prejudice the ability to bring forward a sustainable Brownfield windfall sites.

#### **Should this area of Green Wedge be preserved, and built development within it resisted?**

The proposed residential development lies within an area allocated on the Sedgefield Borough Local Plan as a Green Wedge. As Green Wedges must be preserved and built development within them resisted, the proposed development would be harmful to the landscape setting of Woodham Village and would be in conflict with Policy E4 of the Local Plan which states that proposals for built development will normally be refused in Green Wedges such as that to the east of Newton Aycliffe, and Policy 7 (Tees Valley City Region) which encourages the retention of strategic networks of green infrastructure, including green wedges.

**Bearing in mind that other alternative sites are available to meet forecast demand for housing in the Borough they is no justification for residential development in this Green Wedge.**

#### **Is the Flood Risk Assessment Adequate ?**

A key planning objective of Planning Policy Statement 25 : Development and Flood Risk (PPS25) is to manage risk by only permitting development in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.

Part of the **application site lies in an area of high-risk flood probability** (know as Flood Zone 3a) as defined by PPS25 and part of the sites lies within medium risk area (known as Zone 2). The Exception Test can only justify housing development in high-risk areas. PPS25 requires a risk-based Sequential Test to be applied at all stages of planning. Its aim is to steer new development to areas at the lowest probability of flooding, Zone 1. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision makers consider the suitability of the sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception test if required. **The applicant has not undertaken a flood**

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**risk sequential test and therefore the Forward Planning Team supports the Environment Agency's objection on this aspect of PPS25.**

The Environment Agency has also objected to this proposal because of the lack of detail provided in relation to:

- the modelling process used and the geography and topography of the proposed channel re-alignment.
- the risks posed to the groundwater resource and potential impact on the flow of water along the length of the burn resulting from the proposed re-alignment.

**Clearly, the potential of the scheme to reduce flood risk in this area and along Woodham Burn and to safeguard housing in this area in the future has not been proven.**

In any event even had a Sequential Test been applied there is still the necessity to apply the Exception Test under PPS25. This comprises 3 tests, all of which must be met. The site is not developable previously developed land and therefore fails the first test.

Additionally Planning staff are not convinced that the proposal would meet the test of providing wider sustainability benefits to the community sufficient to outweigh flood risk.

#### **Have the ecological issues been fully and adequately addressed?**

The proposals contradict Local Plan Policy E1(B) which specifies that the Council will maintain distinctive landscape features, such as hedgerows and streams and ensure that they fit into the landscape scheme for any development in the area.

The ecological surveys indicate that the site is of particular value for birds and the habitat within the application site would appear to support a wide range of species, some of which are protected by law. However, the submitted reports do not adequately clarify the detail of proposed mitigation and compensation measures. As such, the Environment Agency have objected to this proposal and this Council's Countryside officer is of the opinion that the information provided to date fails to meet the requirements of PPS9 - which emphasises that adequate mitigation measures and compensation should be sought before planning permission is granted.

On the basis of the information provided it is felt that the works proposed to facilitate the construction of 100 dwellings would contravene PPS9, which aims to protect and enhance linear features such as stream and river corridors, and also Policy E15(C) of the Borough Local Plan which expects development proposals to retain important areas of trees.

#### **Would the proposal unacceptably detract from residential amenity?**

The proposed re-alignment of the burn and the proposed raising of the ground levels required to facilitate the flood defence works on site would involve significant earthworks within the site and could potentially require significant volumes of inert material being transported onto or from the site. Access for all construction traffic including both the earthworks and the new housing would have to be taken via Stag Lane and Cheltenham Way, resulting in significant potential for noise,

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dust and vibration for those houses adjacent to both the development site and proposed access route.

It is noted that the supporting information in relation to both air quality, noise and vibration do not take into account the revisions to the access arrangements via Stag Lane and Cheltenham Way (these still refer to the access to the site being taken from A167). These documents refer only to the proposed housing and the associated access roads and do not specifically refer to the flood defence works themselves.

It is, therefore, difficult to adequately assess the likely impact of the proposed development in terms of noise and associated disturbance arising from vehicular traffic movements to and from the site during the construction phase and after development has been completed.

**Would the proposal be satisfactory in highway safety terms?**

Significant local concern has been expressed regarding the highway implications of this proposal. At the time of drafting this report the formal views of Durham County Council, as Highway Authority, were awaited. However, initial comments received indicate that the existing highway infrastructure at Stag Lane and Cheltenham Way appear capable of accommodating upto 100 dwellings, as proposed. The applicant would, however, be expected to contribute towards the improvement of the existing pedestrian / cycling route through to Burn Lane.

As a result, of the limited scale of the submitted layout plan, the Highway Authority are unable to comment upon the acceptability or otherwise of the layout of the internal estate road.

**CONCLUSION**

The scheme is not justified in terms of housing supply, as there is not an urgent need to allow a significant Greenfield housing development in order to maintain a five-year supply of housing. The Scheme would not contribute towards the national target that by 2008, at least 60% of additional housing should be provided on Brownfield land.

The application site is allocated as a green wedge. As green wedges must be preserved, and built development within them resisted, the proposed development would be harmful to the landscape setting of Woodham Village and would be in conflict with Policy E4 of the Local Plan which states that proposals for built development will normally be refused in Green Wedges such as that to the east of Newton Aycliffe.

The proposal conflicts with Local Plan Policy E1(B) which specifies that the Council will maintain distinctive landscape features, such as hedgerows and streams and ensure that they fit into the landscape scheme for any development in the area. The works proposed to facilitate the construction of 100 dwellings would contravene Policy E15(C), which expects development proposals to retain important areas of trees.

The scheme represents the development of a site which falls within the Zone 3a (High Probability) Flood Risk Zone. In terms of the sequential test, sites falling with Zone 1 (Low Probability) and Zone 2 (Medium Probability) should in broad terms be extensively exhausted for their suitability for housing before consideration is given to developing a site which has a high probability of flooding.

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The ecological issues have not been fully or adequately addressed and would require further work in order to ensure that the proposed re-alignment of the burn and associated earthworks do not detrimentally effect wildlife species, some of which may be protected by law.

#### **RECOMMENDATION**

For the reasons set out in this report, it is RECOMMENDED that planning permission is refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal involves the development of housing on Greenfield land adjoining Newton Aycliffe. The Council is not satisfied that the release of this site is necessary, taking into account the sequential approach to development and sustainability principles in RPG1 policies DP1 and DP2 and RSS proposed changes Policies 2 and 3.
2. In the opinion of the Local Planning Authority this proposal to construct new housing on this green wedge conflicts with Policy 7 of the RSS proposed changes and Policy E4 of the Sedgefield Borough Local Plan which support the establishment and protection of green wedge which seek to preserve these areas for outdoor leisure uses, wildlife reserves and other appropriate open space use.
3. The location of the development proposal in an area of high flood risk conflicts with Policy ENV4 of the RPG1 and Policies 2,3 and 37 of the RSS which requires development to be avoided in areas identified as being at risk or likely to be at medium or high risk in future from flooding, where alternative sites are available.
4. Insufficient information has been provided with the application in order to ensure that the flood risk Sequential Test has been properly applied, contrary to the requirements of Planning Policy Statement 25.
5. Insufficient information has been provided regarding the modelling process used and the outcomes. There is also inadequate information on the geography and topography of the channel realignment, contrary to the requirements of Planning Policy Statement 25
6. Insufficient information has been provided with the application in order to fully assess both the risks posed to the groundwater resource and the potential impact on the flow of water along the length of the burn following the proposed diversion, contrary to the requirements of Planning Policy Statement 25
7. Insufficient information has been provided to outline proposed enhancements and improvements to the watercourse and river corridor to ensure that the enhancement work and landscaping are sufficiently make space for both floodwater and protected species, contrary to Planning Policy Statement 9 (Biodiversity and Geological Conservation) and Policy E1 and E15 of the Sedgefield Local Plan.



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4. 7/2007/0612/DM APPLICATION DATE: 4 October 2007

PROPOSAL: **ERECTION OF SINGLE BUILDING INCORPORATING 3 NO LIGHT INDUSTRIAL UNITS**

LOCATION: **PLOT 2 ALL SAINTS INDUSTRIAL ESTATE SHILDON**

APPLICATION TYPE: Detailed Application

APPLICANT: CRD DEVICES  
All Saints Industrial Estate, Shildon

**CONSULTATIONS**

1. SHILDON T.C.
2. Cllr. B. Stephens
3. Cllr. D M Hancock
4. NORTHUMBRIAN WATER
5. ENV AGENCY
6. ENGINEERS
7. ENV. HEALTH
8. L.PLANS
9. ECONOMIC DEV
10. LANDSCAPE ARCH
11. DCC (TRAFFIC)

**NEIGHBOUR/INDUSTRIAL**

Unit 1 Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 7 Unit 8  
PPG Shildon Plant  
Thompsons  
JWS Landscapes  
Specialist Coatings Ltd  
PSP  
Hawthorn Cottage  
Hawthorn House

**BOROUGH PLANNING POLICIES**

IB6 Acceptable uses in General Industrial Areas  
T7 Traffic Generated by New Development  
IB14 Improvements to General and Local Industrial Areas  
E15 Safeguarding of Woodlands, Trees and Hedgerows  
D1 General Principles for the Layout and Design of New Developments

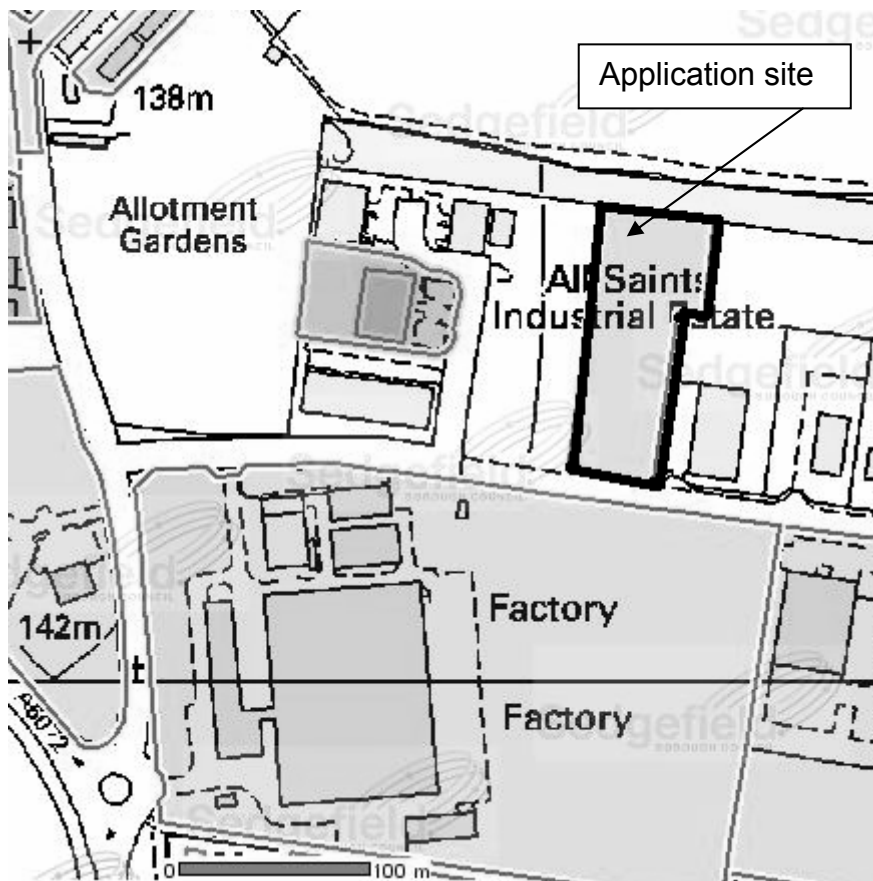
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**THE PROPOSAL**

Detailed planning permission is sought to develop 0.7 hectares of land at the All Saints Industrial Estate, Shildon for a single building incorporating 3 no. light industrial units. The largest unit would offer approximately 7,000 sq. ft of accommodation for an existing business – CRD Devices, a company specialising in the manufacture and supply of linear products and electronic controls. The company currently occupy premises at All Saints Industrial Estate, but they have outgrown their existing location and require a larger building. The two remaining units would be leased to other businesses for the purpose of incubation of new or smaller businesses. The site is to be accessed directly off the main road through the industrial estate and will provide on site car parking to a sufficiently high standard.



**CONSULTATION AND PUBLICITY**

**External Consultees**

**Shildon Town Council** has no comment on this proposal.

**The Highway Authority** has requested that the access road be widened to 4.8m

**Northumbrian Water Limited** has no objections to make to the development

**Internal Consultees**

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**Engineering Services Team** has raised no objection on highway grounds.

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

**Environmental Health** has suggested conditions relating to the hours of work. These can be controlled via an appropriately worded condition.

#### **Publicity Responses**

Site notices were posted on site and letters were sent to neighbouring occupiers to publicise the application. No objections were received with regards to the development.

#### **PLANNING CONSIDERATIONS**

The main planning considerations are as follows:

- Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance
- Design and layout
- Highway and access issues

The All Saints Industrial Estate is designated as a General Industrial Area within the Borough Local Plan, where business, general industry and warehousing are acceptable uses under Policy IB6. The primary objective of general industrial areas is to encourage the manufacturing industry. It is essential that industrial and business development is not restricted by the lack of available land, and therefore an attractive range of sites in terms of location, size and environmental quality needs to be maintained. Such a supply will assist the expansion of existing companies, facilitate inward investment and encourage new businesses. It will also aid the provision of jobs to help reduce unemployment.

#### **Compliance with policy**

The land to which this application concerns forms part of the allocated general industrial area at All Saints Industrial Estate. The primary objective of general industrial estates is to encourage the manufacturing and service industries. Use Classes B1, B2, and B8 are considered to be acceptable uses under Policy IB6.

Policy D4 dictates that new business developments are expected to have a layout and design appropriate to a setting within a general industrial area. They should accommodate resultant generated traffic and refrain from causing danger or inconvenience to other road users. Policy IB14 of the Local Plan encourages the improvement of general industrial areas, and specifically identifies the construction of new industrial premises as a way to facilitate this improvement. This development will assist in promoting the redevelopment and renovation of All Saints Industrial Estate, and is therefore broadly compliant with the policies in the Local Plan. Therefore the development of a building incorporating 3 no. light industrial units will contribute towards achieving this Local Plan objective by increasing the supply of light industrial units.

#### **Design and layout**

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The proposed building will measure approximately 36m x 37m and will have a maximum height of 12.5m. The front elevation will consist of facing brickwork and profiled metal wall cladding. A modern style front door and with a modern canopy will be placed beneath 4 no. double windows which are situated at first floor level. These will provide light for the office space above the factory floor.



A large roller shutter door will also be placed in the front elevation. This is considered acceptable from a highways point of view and from a design point of view as it is considered to be a typical feature on an industrial estate and similar roller shutter doors are positioned in similar locations around the All Saints Industrial Estate.

The unit will be set back from the road by approximately 10m. This will provide space for visitor parking, delivery lorries and for a landscaping strip that will create a more attractive environment.

It is considered that the design of the proposed unit is acceptable as it relates well to the existing buildings on the industrial estate and will not have a detrimental impact on the surrounding area.

#### **Highways and access implications**

The Highways Authority has been consulted concerning the internal site layout, parking arrangements, manoeuvrability within the site and access onto the main road. Concerns have been raised regarding the width of the access road as it is shown on the site layout plan as being 4m wide. It is considered that the road should be 4.8m wide. Should Members be minded to approve the application a condition requiring the provision of a 4.8m wide access road prior to the occupation of the development is recommended.

#### **Conclusion**

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The underlying Council objective of the All Saints Industrial Estate is the creation and growth of employment opportunities. This application if approved would undoubtedly have a positive impact on the Council's overall business strategy, as it represents the construction of a light industrial unit on brownfield land within a designated industrial estate. The design and layout of the scheme is considered acceptable and the proposal therefore accords with the policies contained within Adopted Local Plan and also regional and national policies. The application is therefore recommended for approval with conditions

**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 conditions outlined below.

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

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

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

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

3. Notwithstanding the submitted information the access road into the site shall be widened from 4m to 4.8m in accordance with details to be submitted to and approved by the Local Planning Authority. The approved access shall be fully implemented prior to any part of the development hereby approved being brought into use.

Reason: To allow free-flowing two-way traffic and to ensure a satisfactory form of development

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

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

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

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

6. 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.

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

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

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

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

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

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

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

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

Policy IB6 - Acceptable Uses in Local Industrial Areas

Policy IB14 - The Improvement of General and Local Industrial Areas

Policy T7 - Traffic Generated by New Development

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

Policy E15 - Safeguarding of Woodlands, Trees and Hedgerows

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5. 7/2007/0613/DM APPLICATION DATE: 17 October 2007

PROPOSAL: **USE OF LAND FOR OFF ROAD RECREATIONAL MOTOR SPORTS  
ACTIVITY AND ASSOCIATED ENGINEERING OPERATIONS  
(RETROSPECTIVE)**

LOCATION: **LOW HARDWICK FARM SEDFIELD CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr Alf Walton  
c/o Agent, Robert Halstead Chartered, Surveyor, 57 Bowers Mill, Branch  
Road, Barkisland, Halifax, HX 0AD

**CONSULTATIONS**

1. SEDGFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. Cllr. J Wayman J.P.
5. Terry Coult
6. DCC (PROWS)
7. C.P.R.E.
8. POLICE HQ
9. LANDSCAPE ARCH
10. L.PLANS
11. Lee White
12. ENG. HERITAGE
13. ENV. HEALTH
14. ENGINEERS
15. WILDLIFE TRUST
16. Sustainable Communities
17. SPORTS COUNC.
18. ENV AGENCY
19. RAMBLER
20. BISH. MID. P.C
21. ENGLISH NATURE
22. NORTHUMBRIAN WATER
23. DCC (TRAFFIC)
24. DCC (PLANNING)
25. CIVIC TRUST
26. Footpaths Officer

**NEIGHBOUR/INDUSTRIAL**

Green Knowles Farmhouse  
Hardwick Hall  
The New Dwelling  
Garden House  
Brakes Farm  
Brakes Farm Cottage



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Knotty Hill Golf Course  
Smiths Gore  
Sedgefield Residents Association  
Bay Tree Cottage  
Island Farm  
Island Farm Cottage  
Theakston Farms LLP  
Lynthorpe:131  
Malton Green:39  
Dinsdale Street:26,26  
The Old Brickworks  
Murdon Close:31  
Lanercost Glebe:1  
Dewa Road:15  
Waller Terrace:16  
Spenn Street:37  
Woodlea:18,18  
Glensk  
Heaton Park Road:12  
Waltham Close:8,11  
Wardle Street:12  
Nursery Gardens:9  
Petersfield Road:15  
Streatlam Road:24  
Scounfield Court:3  
Coxwood Drive:69  
Flodden Road:10  
Balder Road:14  
Claremont Road:47  
Westacres:14  
Leven Road:107,57,57  
Parkside:119  
Brockley Avenue:116,116  
Wallinfen:33  
Cate View:12  
Rennington:9  
Holywest House  
Plantation View:25  
Richardson Place:12,12  
Honister Walk:2  
Knightsbridge:14  
Victory Street East:2  
Ivanhoe Terrace:12  
Newcastle Avenue:18,18  
Elton Moor Farm  
Ingram Drive:39  
Little Eden:46  
The Brambles:12  
O'Neil Drive:30,30,602,46,24,Grove  
House,18,8,67,19,45,18,7,37,40,9,2,7,55,36,64,320,26,40,39,52,15,7,7,20,31,36,1,126,143,27,  
5,34,78,64,8,4,Lyndale Tyne Vale Avenue,19,89,5,9,187,9,15,67,The

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Whins,3,Oaklands,11,18,67,54,203,91,15,58,54,3,47,35,22,83,6,1,39,12,50,184,3,1,18,22,18,8,34,84,110,115,70,50,1,18,29,68,34,6,52,17,3,3,24,11,9,6,89,46,32,14,72,79,44,24,3,6,16,75,Laurel Acres Barn,23,8,100,26,3,10,8,2,19,9,5,47,10,30,15,41,67,4,52,59,28,33,Bikesport Newcastle,Oaklands,10,255,16,34,17,8,69,8,8,5,195,9,12,26,12,23,2,17,17,5,3,6,11,15,1,10,4,51,19,Millfield Cottage,20,2,40,21,9,33,16,16,51,9,1a,1,16,10,11,7,115,110,9,13,13,41,28,18,18,5,23,38,27,85,71,46,17,36,10,5,8,22,4,15,1,29,2,2,14,45,30,9,44,29,13,1,3,8,23,7,26,23,53,18,31,1,31,2,10,15,34,5,9,48,80,10,15,Carome,11,30,26,121,6,11,Glenesk,207,21,40,2,20,Millfield Cottage,19,51,4,10,10,29,27,27,9,7,44,14,26,8,31,5,12,28,14,3,15,61,61,24,35,329,105,2,35,54,124,10,10,2,37,24a,8,133,25,28,26,7,Summerdene,7a,42,8,28,12,15,21,92,14,15,16,4,7,9,17,24,32,36,23,88,4,13,4,17,3,19,26,18,1,40,130,Mordon Cottage,4,67,67,69,43,245,46,1,94,147,26,6,18,32,47,19,16,15,16,1,1,8,26,255,31,16,34,15,15,86,21,11,6,20,21,21,11,6,65,55,273,14,12,11,6,7,204,227,25,39,74,95,10,10,45,121,43,10,15,3,17,46,13,13,41,28,18,18,5,23,38,27,85,12,27,11,Kenya Lodge,11,32,3,14,9a,27,4,41,41,2,144,128,82,12,2,9

**BOROUGH PLANNING POLICIES**

E14	Safeguarding Plant and Animal Species Protected by Law
E1	Maintenance of landscape character
L9	Footpaths, Cycleways and Bridleways in the Countryside

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**BACKGROUND**

Retrospective planning permission is being sought to continue to use an area of land at Low Hardwick Farm Sedgfield for off road motor sport activities together with the retention of associated engineering operations. The activities are in direct contravention of an enforcement notice which was confirmed in 1995 following a Public Inquiry.

Low Hardwick Farm has a lengthy history of complaints concerning unauthorised motorsport activities and the key dates are summarised below:

June 1991	Retrospective planning application for quad bike riding refused and as the activities continued without the benefit of planning permission the Council's Development Committee authorised the issue of an enforcement notice.
October 1992	Retrospective permission for quad bike riding and for the hire to the public of quad bikes for recreational purposes on the land, incorporating landscaping scheme including hedging and tree planting. This application was approved on 9 March 1993 and it was subsequently agreed by the Council's Development Committee to withdraw the earlier enforcement notice.
1993	Complaints received alleging that motorsport activities were taking place beyond the confines of the application site.
January 1995	Enforcement Notices served requiring the cessation of the use and the removal of tyres which have been placed on the land for the purpose of defining courses/circuits
1995	An appeal against the notice was lodged and following a Public Inquiry in

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October 1995 the enforcement notice was upheld.

April 1998 Mr Walton was convicted for being in contravention of the Enforcement Notice and was fined £5,000 and ordered to pay costs. Mr Walton appealed the decision of the Magistrates Court by way of Case Stated. His appeal was heard at the High Court on 16 November 1998 when it was dismissed.

2002 - Further complaints received.  
2004

2005- Extensive monitoring reveals that the terms the terms of the enforcement notice  
2006 are being regularly breached and that the condition of the land has deteriorated as a result of the land being used intensively for motor sport activities.

March Counsel advise that an injunction would appropriate in the circumstances and on  
2007 16 March 2007 Development Committee authorise the service of a restraining order (Injunction) under section 197B of the Town and Country Planning Act 1990.

November Papers submitted to court seeking an injunction.  
2007

### THE PROPOSAL

As stated previously the application seeks retrospective consent for off road motor sport activities together with the retention of associated engineering operations. The application has been accompanied by a supporting statement, a noise report and Protected Fauna Survey.

A copy of the supporting statement is found at **appendix 1**. of this report and in summary states indicates that:

*Consent is sought to use the site on one day during the week and Saturday and Sundays.*

*The opening times would be between 9.30 a.m. to 4.00 p.m. (The Noise Impact Assessment which accompanies the application states that the proposed hours of operation are 2.00 pm to 8.00 pm on Wednesdays.)*

*The use is purely for recreational purposes and no competitions or racing is held at the site.*

*Durham Constabulary actively promote the site for motocross by distributing leaflets advocating people to use the site.*

*It is contended that that by providing the facility riders at least have an option of riding in a controlled environment that does not provide a hazard to users of public footpaths and walkways.*

*It is submitted that the application site sits well when assessed against Policy L6.*

In addition the applicant submitted a total of 470 standard pro forma letters in support of the application. The letter indicates that there is a demand for a well run facility, that the site is in an ideal location, that Durham Constabulary favour the site and provides an alternative to bikes being used in public parks and on public walkways. In acknowledging receipt of the letters a

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number of the respondents indicated that they were unaware of the proposal and that they had not offered their support to the proposal.

**CONSULTATION RESPONSES**

**Sedgefield Town Council** - no objection to the proposal.

**Bishop Middleham Parish Council** – *‘submit an objection on the following grounds:*

1. *There can be little doubt that the proximity of the site to a recently restored bridleway and the noise generated by motor sporting activity creates serious health and safety problems for horse riders.*
2. *It is considered that the noise generated by motor sporting activities at Low Hardwick Farm may be disconcerting to walkers and pedal cyclists wanting to enjoy the peace and quiet of the countryside.*
3. *It has been reported that there are occasions when noise emanating from the site can be clearly heard by residents in Bishop Middleham and therefore are likely to give rise to complaints.*

*On a positive note, my Parish Council has noted the comments of the Police and would perhaps support a well run motor sports activity if it was possible to set up a track with associated facilities in an area that was not in conflict with traditional countryside pursuits.*

**Durham Constabulary** – no observations to make.

Sport England – wish to support the proposal in principle. It is however recognised that the critical issue is the appropriateness of the location and that this is a matter best left to local judgement.

**Natural England** – *‘Part of Natural England’s remit is to advise Local Planning Authorities prior to development on the likelihood of harm being caused to protected species. In this instance the development has already taken place and there is therefore little value in Natural England offering any substantive comments, other than to note that the surveyor identified suitable Great Crested Newt habitat within 500m of the development.*

*When development occurs within 500m of a known Great Crested newt population, the LPA should request sight of a recent, relevant survey prior to determination. As the development has already occurred the LPA should consult their Countryside Officer for advice regarding the suitability of the survey effort submitted with this application.*

*The applicant should be made aware that if protected species are affected the applicant may 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’.*

**Durham Wildlife Trust** – object *‘on the grounds that the ecological survey information supplied does not represent an adequate survey of the biodiversity interest on the site and does not follow current guidelines on protected species surveys. As a result the planning authority does*

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*not have sufficient information to properly consider the application, which should be refused until adequate survey work is carried out'.*

**Durham County Council (Highway)** – no objection.

**Durham County Council (Rights of Way)** – *the site in question is adjacent to a public bridleway and the development is not compatible with use of this route by pedestrians and horse riders. Although the bridleway is fenced off from the motorsport activities it runs adjacent to it and the value of this route as a bridleway has already been diminished. There are a lack of bridleways within this area and the impact of the development on horse riders is not acceptable.*

**Durham County Council (Countryside)** – *'With respect to the protected species survey and report for the above retrospective planning application, I have grave concerns over the content of this report in terms of its methodology, results, interpretation and application. In particular:*

- *European protected species protected under the Habitats Regs 1994 (amended August 07). This legislation makes it a strict liability offence to destroy or disturb the resting or roosting place of a European protected species. In Durham the three resident species are, all bats, otter and great crested newt all of which have been recorded within the application area (the report states that otter is not present but it is). Natural England provides methodologies for surveying for great crested newts and bats which should be followed by the ecological consultant in order to provide a survey and report of sufficient rigour to avoid the chance of breaking the law, this requires multiple surveys at appropriate times of the year. This report does not meet the standards for protected species surveys and leaves the applicant vulnerable to the possibility of breaking the law in terms of the Habitat Regs and definitely does not provide sufficient data for the planner to make an informed decision. Natural England provides guidance on how to avoid disturbing European protected species but very obviously the applicant will need to know where the species is before it can be avoided. The lax content of the report makes it impossible to carry out appropriate mitigation puts the applicant in a very dangerous position with regard to the Habitats Regs and does not allow the planner to fill his or her role as the competent authority for protected species. The European protected species surveys should be done again, properly at an appropriate time of the year.*
- *Badger, this report indicates the presence of badger setts in woodlands around the application area but fails to carry out any assessment of badger foraging areas and what impact the motor sports may have on foraging badgers. ODPM Circular 06/2005, " Biodiversity and Geological Conservation-Statutory Obligations and Their Impacts Within the Planning System" states in paragraph 124 "The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions". The report should have mapped badger foraging territories and assessed possible impacts on them. Again planners need this information before making decisions.*
- *Water vole, the survey is inadequate as it stands and should be done again at an appropriate time of year in order to determine whether water voles are or are not present.*
- *Breeding bird survey, should have followed the standard methodology and should map breeding bird territories particularly those close to the track. The current report provides no data on breeding birds against which an objective decision can be made.*

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- *Habitat mapping, there is none in this report. At the least there should have been a Phase 1 habitat survey of the site and the results should be presented in map form as part of the planning application.*
- *The report makes no mention of the impact on protected sites. Carr Wood is a County Wildlife Site and I believe there are other landscape designations close by.*

*As it stands the "Protected Fauna Survey" fails to meet appropriate survey and mitigation standards and does not provide sufficient data for planners to make informed decisions. The planning application should be refused unless or until further information is provided'.*

**The Environment Agency** - *the Agency has assessed this application as having a low environmental risk. Due to workload prioritisation we are unable to make a full response to this application.*

**The Ramblers Association** – *object to the proposal on safety grounds and that walkers are being forced off the route to avoid motor cycles. They also consider that peace and quiet is disturbed for miles around and walkers have ceased using the route*

Sedgefield Borough council's Countryside Officer – *has expressed similar concerns regarding the inadequacies of the "Protected Fauna Survey..*

**RESPONSES TO THE PUBLIC CONSULTATION EXERCISE**

3 letters of objection have been received from local residents' in response to the consultation exercise which included individual letters to nearby residents, notices posted on site and a press notice. , Two of the objectors live in Bishop Middleham and one objector lives to the north east of the site. The objections are summarised at **appendix 2** of the committee report and the principal objections are summarised below:

- Noise and disturbance which has progressively worsened with a resultant loss of amenity. With constant droning and incessant wailing of motorcycle engines every Saturday and Sunday.
- Noise is clearly audible at Bishop Middleham.
- The noise is ruinous to the enjoyment of the countryside.
- Dust emissions
- There are errors and inconsistencies in the supporting documentation.
- The activities represent a safety hazard for walkers who wish to use the footpath and bridleway.

In addition a comprehensive letter has been received from the owner of an area land to the south of the application site. The letter expresses similar concerns but also comments as follows:

*Landscape Character – the proposal fails to satisfy the criteria of Policy E1 and E15 of Local plan in that the existing landscaping has not been sensitively incorporated within the development.*

*Archaeology – The motocross operation has likely destroyed any ridge and furrow contrary to Planning Policy statement 16 Archaeology.*

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*Ecology – the report is wholly inadequate and clearly conflicts with Policy 16 of the emerging RSS as it does not protect, enhance or maintain the region’s natural and heritage environments. Equally the proposal conflicts with PPS 9: ecology.*

*Access to the countryside: The proposal could discourage use of the bridleway which forms part of a wider network of footpaths.*

*Noise and disturbance – The proposal is likely to continue to adversely affect the living conditions of Brakes farmhouse and Cottage. On 11 November 2007 noise was audible from over 4 miles away. The noise report has been reviewed by noise consultants who found a number of flaws and recommended that the authority seek further information regarding the noise impact.*

*Need for the facility – Is there a need for the facility as the police have powers where bikes can be seized.*

### **PLANNING CONSIDERATIONS**

**At the outset it is important to recognise that the application is retrospective and that the activities for which consent is being sought are in direct contravention of an enforcement notice which was upheld following a public inquiry.**

The main planning considerations in this instance are considered to be the impact that the proposal has upon as the following:

- The landscape/surrounding countryside.
- The footpath network in the area.
- The flora and fauna.
- The noise implications of the proposal.

#### **Impact upon the landscape/surrounding countryside**

The application site falls within the Tees Lowlands as defined by the County Durham Landscape Character Assessment. The Durham Landscape Spatial Strategy was issued for consultation in 2004, however has not yet progressed to a final adopted document. Therefore, the weight that can be attributed to the document must be quantified accordingly. The draft strategy sets out an agenda for managing landscape in County Durham to help conserve what is valued most about the landscape whilst allowing it to evolve to meet new challenges. It is based on the Landscape Character Assessment, which was published by the County Council in 2003. In essence the Durham Landscape Spatial Strategy strives to Conserve & Enhance; Restore & Enhance; Conserve & Restore the landscape in Tees Lowlands.

The section of the landscape spatial strategy relating to “Recreation and Tourism” highlights that these uses can bring changes to the landscape in a number of ways. For example, development may have an “urbanising” effect on the rural landscape through the introduction of new buildings and land uses, and the tranquillity of the countryside may be affected by noisy activities, increased traffic levels and lighting. Additionally mature landscapes and landscape features may be damaged or lost. Changes from agriculture or forestry to recreation based land uses can erode the specifically rural character of the countryside, introducing features more characteristic of urban or suburban landscapes. The objective is therefore to minimise urbanising effects on the rural landscape by ensuring that new development respects the character of the local landscape and contributes to the landscape strategy for the area.

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Additionally, new development can erode the tranquillity of the countryside, and noisy activities like motor sports can be particularly intrusive. The objective of the County Durham Landscape Spatial Strategy is to encourage the selection of suitable locations for noisy activities and particularly areas close to existing noise sources like busy roads. Development or changes in land use can result in the loss of mature landscape features and habitats either directly, by their removal, or indirectly through changes in management. The objective is therefore to encourage the protection and conservation of existing landscape features in new development and to encourage the restoration or creation of locally distinctive landscape features and habitats.

In May 2007 a series of aerial photographs of the site were commissioned to establish the extent of the unauthorised activities and earth moving which it had been alleged had taken place in order to create circuits incorporating jumps and hollows. One such photograph is shown below and clearly demonstrates the extent of the unauthorised track and its visual prominence in the surrounding landscape.





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(Additional photographs will be displayed at the committee meeting.)

It is therefore self evident that the unauthorised engineering works for which retrospective planning permission is sought, have significantly damaged the character and appearance of the landscape and open countryside. This was the view that the Inspector held when deciding upon the appeal against the enforcement notice in 1995. At that time the extent of the tracks and associated earth moving works were far less.

Impact upon the footpath network in the area.

Policy L9 of the Borough Local Plan seeks to promote the provision of a safe, attractive and convenient network of footpaths, cycleways and Bridleway routes. It is intended that this will be achieved by maintaining and protecting the existing rights of way network. As stated previously Bridleway No. 3 and Footpath No. 2 cross the site. The photographs below shows the approximate routes of the bridleway and footpath relative to the unauthorised tracks. It can be clearly seen that the track crosses the bridleway at various points. As stated previously the Ramblers Association have stated that over the years walkers have encountered serious problems and that some walkers have ceased using the route for fear of injury. Bishop Middleham Parish Council have also expressed concern that the activities cause serious health and safety problems particularly for horse riders. Durham County Council have also objected to the proposal on similar grounds and are also concerned that the 'value of this route as a bridleway has already been diminished'. The activities for which retrospective consent is being sought is clearly already having an adverse impact upon the bridleway in terms of public safety and its enjoyment contrary to the provisions of Policy L9 of the Borough Local Plan. This was also the view of the Inspector when deciding upon the appeal against the enforcement notice in

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1995 who concluded that *'the consequent danger to other users and damage to the surface of the bridleway serves to confirm the degree of harm arising from the retention of the use'.*



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Impact upon Nature Conservation/Ecology.

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.

Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

Circular 06/2005 also advises that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'. In this case insufficient information has been provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

It is clear from the responses of Durham Wildlife Trust, Durham County Council and the Council's Countryside Officer that the 'Protected Fauna Survey' accompanying the application is not fit for purpose in so much as it is not possible to assess the extent to which protected species may be affected by activities that are presently taking place. The applicant's ecologist

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has sought to address the concerns that have been raised and has suggested that ‘ *Should planning permission be granted then it could be a condition of the planning permission that the applicant provides a Phase 1 habitat survey*’ This approach is not considered to be acceptable as it would conflict with paragraph 99 of ODPM Circular 06/05 states "The need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances". It is not considered that there are exceptional circumstances in this instance and on this basis the current application ought to be refused on these grounds alone.

Noise implications.

As stated previously, the noise report accompanying the application has been reviewed by the Council’s Environmental Health Officers and as a result a number of inconsistencies and inaccuracies have been established. The report is therefore not considered to be fit for purpose and therefore can not be relied upon. In the past noise has been a significant issue and in particular its impact upon the amenity of local residents and the surrounding countryside. This was a major issue at the time of the public Inquiry in 1995 when the Inspector found that ‘*the retention of the use is likely to result in an unacceptable level of amenity for nearby residents*’.

As the activities have significantly intensified since the Public Inquiry the noise implications are far greater. This is borne out by the fact that noise complaints are being received as far a field as Bishop Middleham. Furthermore, officers have viewed the motorsport activities taking place and the motorbikes were clearly audible from Bishop Middleham. On this occasion only two bikes were using the site. The planning report accompanying the application indicates that a maximum number of riders at any given time is limited to 40. As noise generated from two bikes was clearly audible at the boundary of the site it is considered that the applicant’s proposal involving 40 bikes at any given time will have a significant detrimental affect upon the amenity of nearby residents and the peace and quietude of the countryside. The proposal therefore clearly conflicts with PPG17 (Planning for Open Space, Sport and Recreation) which advocates that policy in identifying where to locate new sports and recreational facilities, local authorities should:

- iii. **Avoid any significant loss of amenity to residents, neighbouring uses or biodiversity;**

This approach is also advocated by policy SR2 (Sport & Recreation in the Countryside) of RPG1. This stipulates that LA’s should ensure that proposals for sport and recreation in the countryside:

- Are of a scale and nature that respects the character of the location;
- Do not have a significantly adverse impact on the environment and local amenity.

Furthermore PPG24: Planning and Noise highlights that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The impact of noise can be a material consideration in the determination of planning applications. LPA’s have an obligation to ensure that potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised.

PPG24 acknowledges that the background noise level in some parts of the suburban and rural areas is very low, and the introduction of noisy activities into such areas may be especially disruptive (Paragraph 18). In dealing with noise from recreational and sporting activities, Paragraph 22 states that LPA’s will have to take account of how frequently the noise will be

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generated and how disturbing it will be, and balance the enjoyment of the participants against nuisance to other people.

In essence, it is considered that the enjoyment brought to the participants does not outweigh the adverse impact that the noise and disturbance has upon the amenity of the area and that of local residents

Need for the facility

The applicants argue that the motocross facility offers a controlled and safe environment for off-road motorbike riders. Without such a facility there is the distinct possibility that the levels of off-road illegal motorcycle activity will increase leading to damage to wildlife areas and risk to members of the public on footpaths. Whilst it is acknowledged that the facility will assist in the reduction of motorbikes being driven illegally off-road it is not considered that this outweighs the adverse impact that the activities have upon on ecological, noise and the concerns of local residents and the enjoyment of the surrounding countryside.

CONCLUSION

The applicant, in seeking retrospective planning permission, is essentially requesting that committee endorse what is regarded as a blatant breach planning control. Committee, as recently as March 2007 gave approval for the service of an injunction to bring about the cessation of the unauthorised activities which amount to a criminal offence. (At the time of writing the report papers had been submitted to court seeking an injunction the outcome of which is awaited.) It is considered that this course of action demonstrates the seriousness of the breach which despite repeated requests to cease the activities has intensified causing greater harm to interests of acknowledged importance. It also demonstrates a total disregard for the planning system and that it would be futile to impose conditions to mitigate against any perceived harm as suggested by the applicant's agent.

It is equally important to recognise that at the time of the Public Inquiry in 1995 the Inspector did not only consider the validity and merits of the Enforcement Notice but also considered the planning merits of the unauthorised activities through what is known as the 'deemed application'. The Inspector in considering the 'deemed application' considered that there were three main issues namely:

- *Whether the retention of the use would cause serious harm to the character and appearance of the countryside.*
- *Whether it would materially reduce the amenity of nearby occupiers by reason of noise and disturbance; and*
- *Whether it would adversely affect nature consideration.*

The Inspector carefully considered these issues and concluded that the retention of the use:

- *'Would cause serious harm to the character and appearance of this attractive rural area.*
- *'Is likely to result in an unacceptable level of amenity for nearby occupiers and that an undue loss of amenity has occurred'.*

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- *‘Would materially affect nature conservation and substantial harm to interests of nature conservation arising from the loss of the special limestone flora’.*

*The Inspector therefore concluded that ‘The development is in substantial conflict with policies which seek to protect the countryside, nature conservation and residential amenity together with bridle and footpath routes.’*

Since the Public Inquiry the level of motorsport activity has significantly increased, the number and the extent of the tracks has increased and significant earth moving has taken place to create the circuits and tracks. In the intervening period greater weight is now being given to environmental restraint policies and in particular greater emphasis is being placed on nature conservation and the preservation of protected species. It is therefore considered that the implications of the proposal are far greater than in 1995 and that the retention of the use would cause significant harm to the landscape, amenity and nature conservation.

To conclude the proposal raises issues of non-conformity with local, national and regional planning policies and guidance. To elaborate, the development has damaged the landscape, has resulted in the loss of landscape features and possible damage to biodiversity and geodiversity interests. Additionally the activity has adversely affected the footpath network, the tranquillity of the countryside and residential amenity in terms of unacceptable levels of noise and disturbance.

### **RECOMMENDATION**

That the application be refused for the following reasons:

1. In the opinion of the Local Planning Authority the activities and associated engineering works for which retrospective planning permission is sought have a significant detrimental impact upon the character and appearance of the landscape and surrounding countryside contrary to Policy E1 (Maintenance of Landscape Character) of the Sedgefield Borough Local Plan, Policy SR2 (Sport & Recreation in the Countryside) of Regional Planning Guidance 1 and PPG17 (Open space, sport and recreation)

2. In the opinion of the Local Planning Authority the activities and associated engineering works for which retrospective planning permission is sought have a significant detrimental impact upon the footpath network in the area by reason of noise, disturbance, obstruction and highway safety contrary to Policy L9 (Footpaths, Cycleways and Bridleways in the Countryside) of the Sedgefield Borough Local Plan, Policy SR2 (Sport & Recreation in the Countryside) of Regional Planning Guidance 1. and PPG17 (Open space, sport and recreation).

3. In the opinion of the Local Planning Authority the activities and associated engineering works for which retrospective planning permission is sought have a significant detrimental impact upon the quiet enjoyment of the countryside contrary to Policy SR2 (Sport & Recreation in the Countryside) of Regional Planning Guidance 1. and PPG17 (Open space, Sport and Recreation) and PPG24 (Planning and Noise).

4. In the opinion of the Local Planning Authority the activities and associated engineering works for which retrospective planning permission is sought have a significant detrimental upon the level of amenity that local residents could reasonably expect to enjoy by reason of noise and disturbance contrary to Policy SR2 (Sport & Recreation in the Countryside) of Regional

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Planning Guidance 1., PPG17 (Open space, Sport and Recreation)and PPG24 (Planning and Noise).

5. The application provides insufficient information regarding the impact of the development on `protected species and as such is in conflict with Policy E14 'Safeguarding Plant and Animal Species Protected by Law' and contrary to Planning Policy Statement 9 'Biodiversity and Geological Conservation and Circular 06/2005 'Biodiversity and Geological Conservation

APPENDIX 1

COPY OF APPLICANTS SUPPORTING STATEMENT

APPLICATION REFERENCE NO.7/2007/0613/DM

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**Use of Land for Off Road Recreational Motor Sport Activity and Associated  
Engineering Operations (Retrospective)**

**Land at Low Hardwick Farm, Sedgefield,**

**Statement on behalf of the Applicant**

- 1 This is a retrospective planning application which seeks permission for a change of use of land together with associated earthworks operations to form a Motocross Track
- 1 1 The land the subject of this application was formerly part of an agricultural unit known as Low Hardwick Farm The farm is no longer used for agricultural purposes
- 1 2 Part of Low Hardwick Farm has already been granted planning permission for a Change of Use of land for recreational motor sport activities
- 1 3 The application is submitted with independent specialist reports in respect of a Noise Impact Assessment and Protected Fauna Survey
- 1 4 The proposal is for a restricted use of the site The applicant only wishes to use the track three days per week One day through the week and Saturday and Sundays
- 1 5 The opening times are between 9 30am to 4 00pm The site is normally clear of users by 4 45pm at the latest
- 1 6 The use of the site is purely for recreational purposes only Riders turn up and pay to use this facility No competitions or racing is held at the site

**The Site**

- 2 0 Agriculture remains essential to rural communities, the rural economy and the environment However, the position of agriculture within the overall economy is changing A possible, and rational response to these developing economic circumstances is for farm occupiers to seek to enhance their household income from sources other than conventional farming production
- 2 1 Diversification is widely held to offer considerable scope for improving the economic viability of farm businesses and in turn reducing their dependence on the production of primary subsidised agricultural commodities
- 2 2 Due to the national decline in the need for arable farming the applicant has had to resort to agricultural diversification supported by
- 2 3 Part of the application site was previously used for agricultural purposes but following the granting of planning permission a quad bike leisure facility was formed on a different field
- 2 4 The Motor Cross track originates from approximately 1975 when it was used only for



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private purposes

- 2 5 The site is located in a rural area with a very limited number of noise sensitive residential properties. Attached is an aerial photograph showing the distance the site is located to the nearest residential dwellings and Sedgefield itself. The application site is located sufficiently far from the centre of Sedgefield that no harm is caused to residential amenity. Please see Appendix 1.
- 2 6 The site is handily placed for easy access via the existing road network. The A177 a main arterial road is within a 5 minute drive of the motocross track. The town centre of Sedgefield is a further 5 minutes travel away.
- 2 7 Access and egress to the site is achieved via an existing entrance which leads directly from the A177. Visibility in both directions is excellent with no structures impacting on the existing site lines.

**Assessment of Noise Levels**

- 3 0 The site is located within a rural area with a very limited number of residential properties close by. The nearest one is Green Knowles which lies approximately 600 metres to the north west of Low Hardwick Farm. An attached aerial photograph (Appendix 1) shows the location of Green Knowles in relation to the Motocross track.
- 3 1 Submitted with the application is a Noise Impact Assessment produced by Environmental Noise Solutions that assesses the impact this proposal has on the nearest neighbouring properties.
- 3 2 A number of readings were taken from various locations which included Green Knowles, Hardwick Hall and Island Farm at Bishop Middleton.
- 3 3 The noise levels varied greatly depending on the prevailing meteorological conditions.
- 3 4 The most noise sensitive point at Green Knowles, when there was a slight easterly wind, did not suffer any adverse noise impact when motocross activity started.
- 3 5 Even with a moderate south westerly wind the ambient noise climate increased by only 4dB LAeq with the onset of motocross and quad bike activity.

**Wildlife Habitation**

- 4 0 The application site was previously used for arable and stock farming.
- 4 1 This particular part of the farm was used for intensive stock farming, thus such use provides little opportunity for habitation of wildlife.
- 4 2 It is not possible to submit any information on the levels of wildlife habitation at the site during this period but it is opined that such a use would have a negative impact on the likelihood of the variety and growth of wildlife.
- 4 3 Paragraph 5.1 of the Protected Fauna Survey produced by D. Whitcher Ltd states - *The current use of the land for quad bike and motorcycling gives an ideal opportunity*

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*to generate improved wildlife habitats that would not be possible if the land was used for intensive farming*

- 4 4 The result of this motorcycling activity is such that the track has had no detrimental effect on the wildlife habitation but has in fact lead to an increase in the variety and levels of wildlife adopting the site for habitation
- 4 5 There are two wildlife areas that now exist as a result of the applicant's considered approach to the layout and various activities occurring within the site
- 4 6 The wildlife areas are not to be used for motorcycling activity and this is made clear to motorcycle users These areas will be retained by the applicant
- 4 7 The application is submitted with a Protected Fauna Survey produced by Derek Whitcher Ltd, the contents of which are self explanatory
- 4 8 It is the opinion of the applicant that the current motorcycle activity has no detrimental effect on wildlife habitation but indeed the current use has led to an increase in the number and variety of wildlife present

**Community Need**

- 5 0 It is well documented that there have been problems experienced by Sedgefield residents in respect of anti social behaviour by the illegal use of motorcycles on public footpaths and walkways
- 5 1 Attached is an information communication issued by Sedgefield Borough Council highlighting the problem of illegal motorcyclist activity Please see appendix 2
- 5 2 Submitted with the application is a letter dated 12 September 2007 from Inspector Alan Hutchinson of Durham Constabulary (Appendix 3) stating that there is a need for a facility of this nature in order to try and reduce the number of incidents of motorcycles being illegally ridden off road The Durham Constabulary actively promote the motocross use at Low Hardwick Farm by distributing leaflets advocating people to use the motocross track
- 5 3 The applicant contends that by providing this facility motorcycle riders at least have an option of riding their motorcycles in a controlled environment that does not provide a hazard to the users of public footpaths and walkways
- 5 4 This is an important regional facility that serves an identified need to some of the local community and attempts to reduce the levels of illegal off road motorcycle use

**Existing Motor Cross Facilities**

- 6 0 The application seeks retrospective planning permission for the change of use of this part of the land for use as a motor cross track The creation of the track and the present facilities enjoyed by the users have evolved over a period of time
- 6 1 The applicant has initiated a number of measures in an attempt to mitigate the effect of the track on nearby residents and members of the public together with the track users

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Some of these initiatives are as follows -

- (i) The implementation of an earth bund to try and reduce the noise levels to nearby properties
  - (ii) Designated one way system for users entering and exiting the track
  - (iii) Marshall's placed on the entrance to the motor cross track, the car park, and at the track itself. The track side Marshall's have wooden boxes to stand in and are trained in accordance with the ACU rules. There is also a Marshall at the point where the existing bridleway runs adjacent to the track. The bridleway is indicated on the submitted photograph (Appendix 4)
  - (iv) Toilet facilities are in place for users and spectators (Appendix 4)
  - (v) Signs have been erected advising users of where they can and cannot ride together with instructions advising riders to modify their speed when using the various parts of the site
  - (vi) Chestnut fencing has been erected segregating the track at the point where it runs alongside the adjacent bridleway. This reduces noise and acts as a safety barrier to stop the bridleway users straying onto the track
  - (vii) A maximum number of riders on the track at any given time is limited to 40 with a maximum number permitted to enter the site itself is limited
  - (viii) The applicant has designed the track in order to try and minimise the amount of noise generated. One of the rules of riding is that track user's motorcycles must generate below 96Db
  - (ix) Following discussions with Environmental Health a separate car parking facility was formed in 2000
  - (x) The track is used purely for recreational use only. There is to be no competitive racing
  - (xi) During the summer months water is sprayed on to the track in an effort to keep the level of dust generated to a minimum
  - (xii) The applicant has arranged for a separate children's track area to allow children to partake in motorcycle activity without being a possible hazard to other users on the main track. Please see the attached aerial photograph Appendix 4)
  - (xiii) There is also a further area specific to riders who do not wish to use the main track and who just wish to ride around at a leisurely pace
- 6 2 Submitted with the application is an aerial photograph (Appendix 4) detailing the different site uses in respect of car parking, toilets etc. Also indicated are the areas for children and intermediate riders
- 6 3 The same photograph also shows the layout of the Motorcross track

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- 6 4 The track is existing and settled and future changes would require planning permission.
- 6 5 The application seeks to legitimise a previous use
- 6 6 As farm diversification has taken place motor leisure use now produces the sole income for the applicant

#### **Sedgefield Borough Local Plan**

- 7 0 There is a specific policy, this being Policy L6, in the Sedgefield Borough Local Plan that deals with planning applications for leisure facilities and leisure uses outside towns and villages
- 7 1 The Sedgefield Local Borough Plan states the reasons why this policy has been incorporated within the Local Plan

*This policy provides a framework to enable the Council to consider proposals for major leisure developments that require to be located in the urban fringe or the countryside*

*With the encouragement of agricultural diversification and trends in the development of leisure facilities there is likely to be an increasing variety of proposals for leisure activities in the countryside. There is a need to ensure that such facilities are located so as not to adversely affect the appearance of the landscape and countryside, where they will not affect the amenity of local residents and where the local road network is adequate to serve the development*

#### **Motor Sports**

*Motor sports cover a wide range of motor car, motor cycle, go-kart and four wheel drive vehicles racing over tracks or rugged ground. These sports generate a lot of noise and some may attract a large volume of traffic from spectators*

*The main concerns with such proposals are to protect the quality of the surrounding countryside, the amenity of residents and other land users in the area. Sites for motor sports should normally not be located close to housing, they should have a good means of access and be well screened*

- 7 2 The track is purely used for leisure facilities only and not for competitive racing. Therefore there is unlikely to be the same levels of noise and traffic generated as described above
- 7 3 As no racing is involved spectator numbers are likely to be restricted as they will be accompanying the riders. It is submitted that such a restrictive use is highly unlikely to encourage individual spectators to visit the site
- 7 4 It is submitted by the applicant that this site is ideally suited and sits well when assessed against Policy L6
- 7 5 The site is sufficiently removed from the major housing settlements in Sedgefield and has a very minor number of residential dwellings, the nearest being Green Knowles. The attached Noise Assessment concludes that there is very limited impact on the residents at this location, and no impact in respect of noise should there be favourable

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weather conditions

- 7 6 Access to the site is very good due to its proximity to the A177 which provides easy access to Sedgefield and beyond
- 7 7 The natural setting of the site provides a very effective screen The site is not visible from the A177 and it has the benefit of existing number of tree plantations, such as the Tile Shed, Brick Kiln and Bath Plantations to provide additional screening
- 7 8 The site is only visible from one public view point, that of the bridleway Even this is restricted due to the erection of the Chestnut fencing The track is not causing a problem to the users of the bridleway and the bridleway users are given the reassurance presence of track Marshall's on days when the Motocross track is open
- 7 9 To the west of the site there are no residential properties, the nearest possible view point is on the A1 which provides a very limited viewing opportunity

#### **Conclusion**

The need for a motor cross track is clearly evident as is demonstrated in the accompanying documentation These provide details of incidents of illegal motorcycle activity that have taken place in the district and the steps taken to try and curb such use The letter from Durham Constabulary iterates the problem and states that the motor cross facility at Low Hardwick Farm is actively promoted by the police in order to try and reduce the number of incidents involving the police and illegal motorcycle users

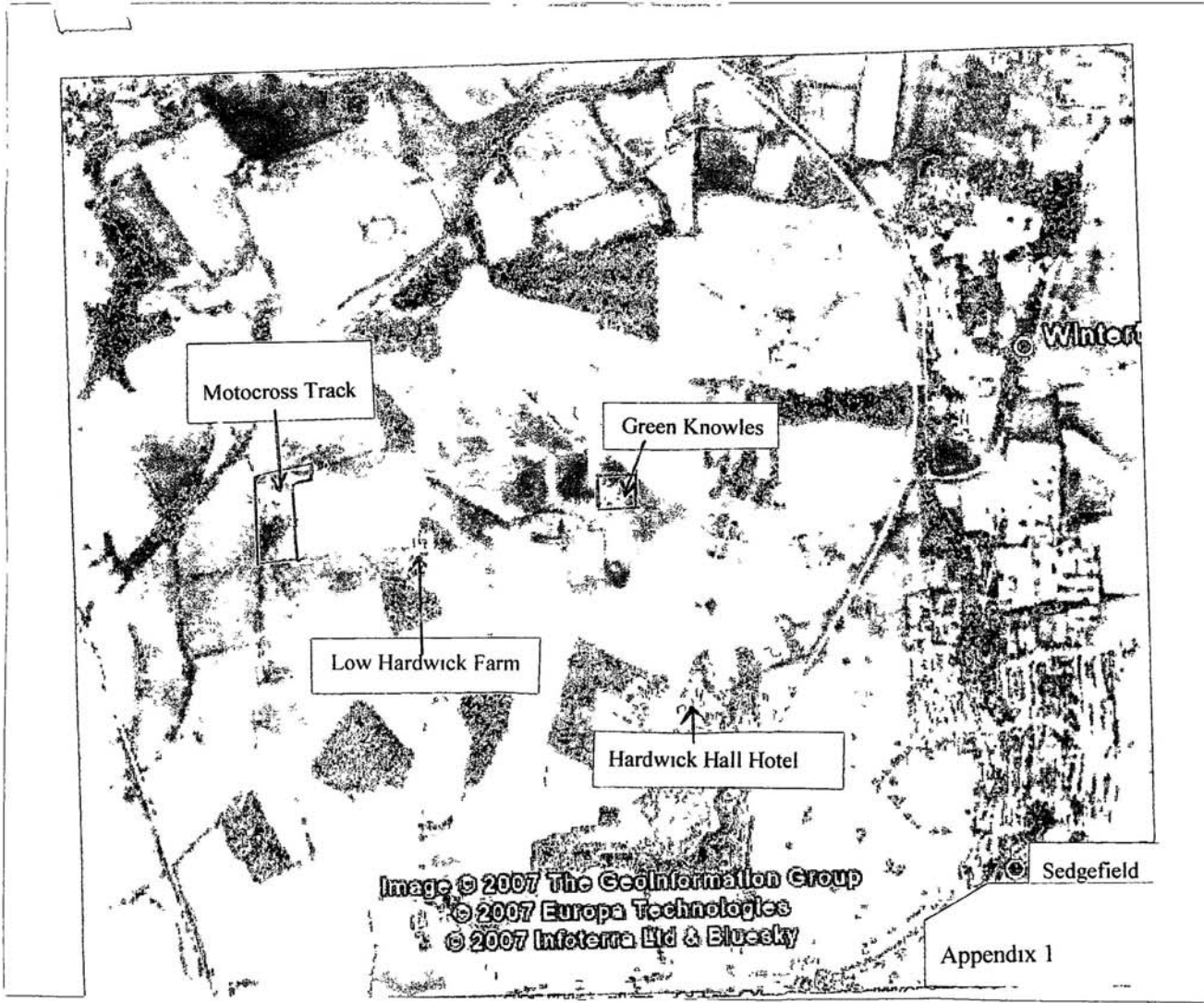
The motor cross track at Low Hardwick Farm provides a controlled and safe environment for motorcycle users and spectators There is the availability of segregated car parking and dedicated routes for motorcyclists to use The track is managed to a high standard and has on site marshalling to ACU standard together with eating and toilet facilities The number of riders using the track at any one time is restricted as is the maximum number of permitted vehicles wishing to access the site

The layout of the track has been designed to mitigate the level of noise generated whilst insertion of a noise attenuation bund is an attempt by the applicant to minimise disturbance to local residents The attached Noise Assessment demonstrates that the level of noise the nearest sound sensitive areas are subjected to is attributed to the prevailing meteorological conditions Even when the weather conditions are likely to cause the most impact the resultant increase in noise levels are so low as to be considered as a moderate noise impact The Guidelines for Community Noise produced by the World Health Organisation indicates that the majority of people would not be annoyed by the noise generated by the motocross track

The land was originally used for farming which due to the very nature of intensive farming leaves little opportunity for the new habitation to form and for wildlife to settle The creation of the track has provided the chance for a variety of wildlife, which includes badgers, hares and deer The applicant has also created a number of ponds which provide amphibian habitat It is clear that the current use of the land provides an ideal place for wildlife to inhabit and grow The use of the motocross track has no detrimental effect on wildlife but actually the reverse A variety of wildlife and fauna is actively forming within the site, an event that would not have been possible due to the intensive farming that existed before the track was formed

This application site is purely used for recreational activity This is where riders visit the site and pay to use the track and is only for a **limited number of days** per week There are **no competitions or racing held at the site.**

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APPENDIX 2  
APPLICATION REFERENCE NO.7/2007/0613/DM

SUMMARY OF RESPONSES FROM LOCAL RESIDENTS

**Respondent 1.**

- Despite court order noise and disturbance from motor bikes and quad bikes has progressively worsened.
- Noise from the motor bikes is unbearable, and situation is intolerable.
- Respondents cannot enjoy living in their own home.
- Assert that there are errors and inconsistencies present in documents in the Application.
- Wildlife Habitation -How can it state there is no detrimental effect on wildlife habitation but in Para
- it is not possible to submit any information on the levels of wildlife habitation at the site?
- Asks what care has been afforded to the area of magnesium limestone which is listed as rare habitat?
- Asserts that there is a hazard to those who wish to cross Low Hardwick Farm on the public footpath/bridleway.
- The (8) tracks that have evolved since 1995 Court case and Planning Enquiry are illegal and contrary to planning and development.
- Initiatives to mitigate the noise of the track on nearby residents are all questionable.
- The *max* number riders on track any given time is 40, representing one track of the 8 shown on aerial photographs.
- *Asks if* planning permission granted in 2000 for the construction of the car parking?
- *Respondent has never seen* water sprayed on track to keep level of dust to a minimum.
- Implies that whilst only 1 track appears to exist, there are 8 tracks, a car park for 100 vehicles and access track.
- Car park for 100 vehicles and access track has resulted in destruction of the countryside.
- Applicant's conclusion is both inaccurate and unsubstantiated.
- Noise assessment report is both inadequate and inaccurate and fails to give a true reflection at Green Knowles.

Comments on Noise Impact Assessment

- Reference is made to documents from World Health Organisation Guidelines on Community Noise and the Mineral Policy- both reports are substantial and rely heavily on 'accurate' information relating to Noise levels, a true and fair assessment around the area subject of the noise disturbance as well as a true and fair reflection of the cause of the noise and the reasonably anticipated noise levels.
- Independent Specialist report in respect of a Noise Impact Assessment isn't Independent, Specialist nor Accurate.

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- Implication that the Motocross track is a proposal when there are numerous tracks visible and in use.
- Alleges that report contains numerous cited errors, factually inaccurate measurements and claims and statements that are technically impossible.
- Contends that report is contrived to facilitate the application.

#### **Respondent 2**

- Constant droning and incessant wailing of motorcycle engines every Saturday and Sunday lunchtime onwards.
- Noises are extremely annoying, their pitch varying, quieter and louder and last for hours each day.
- Can hear the noise from garden and the full enjoyment of garden is spoiled by it.
- Respondents are Keen walkers - Middleham Round Walk is absolutely ruined when the track is in use.
- The noise levels ruinous to countryside enjoyment and become horrendous when nearing the lake.
- Loss of tranquility by the lakeside.
- Footpaths/bridleways from the lake toward Sedgefield particularly virtually impassable due to massive dust clouds thrown up by the motorcycles.
- Passing on foot will most certainly result in filthy clothing etc
- Asks why should we be subject to this while exercising our right to walk the countryside?
- Concerned for the safety of walkers who run the risk of potential accident from out of control vehicle.
- Asks if safety barriers (if any) are capable of stopping a 100kg motorcycle plus rider at 50mph.
- Claims there must be health and safety issues surrounding this matter,
- Public safety issue for walkers and the facility users themselves.
- Proposals will affect the natural habitat and the animal population from within the surrounding area.
- Feels that swans on the lake may be driven away?

#### **Respondent 3**

- Weekends have been affected considerably by the noise emanating from site.
- Noise impact report phrases such as "barely audible" "moderate impact" are gross understatements.
- In Bishop Middleham noise nuisance is considerable and respondent is more than "moderately annoyed".
- Noise has a considerable impact on the nearby Country Park and Bishop Middleham circular walk.
- Background noise spoils relaxing leisure facilities cited above.