

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2007/0750/DM APPLICATION DATE: 20 December 2007

PROPOSAL: **ERECTION OF 60 NO. DWELLINGS AND ASSOCIATED WORKS**

LOCATION: **FORMER NEECOL SITE CHILTON LANE FERRYHILL CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Elcorp  
c/o Signet Planning, 26 Apex Business Village, Annitsford, Newcastle upon Tyne, NE23 7BF

#### CONSULTATIONS

1. FERRYHILL TOWN COUNCIL
2. Cllr. C. Potts
3. Cllr. T.F. Forrest
4. Cllr. B.F. Avery
5. Stephen McDonald
6. NEDL
7. Rodger Lowe
8. REGENERATION
9. Network Rail
10. DCC (PROWS)
11. POLICE HQ
12. LANDSCAPE ARCH
13. DESIGN
14. VALUER
15. Colin Holm
16. ENV. HEALTH
17. ENGINEERS
18. WILDLIFE TRUST
19. ENV AGENCY
20. BR TELECOM
21. BR GAS
22. NORTHUMBRIAN WATER
23. DCC (TRAFFIC)
24. L.PLANS
25. Sustainable Communities

#### NEIGHBOUR/INDUSTRIAL

Arthur Terrace:1,2,3,4,5,6,7,8

Three Rivers House

Blue Ridge House

The Cottage

Back Eldon Terrace:3,2,1

Croft Gardens:1,2,3,4,5,6,7,8,9,10,11,12

1A Eldon Terrace

Eldon Terrace:21,20,19,18,17,16,15,14,13,12,11,10,9,8,7,6,5,4,3,2,1

BOROUGH PLANNING POLICIES

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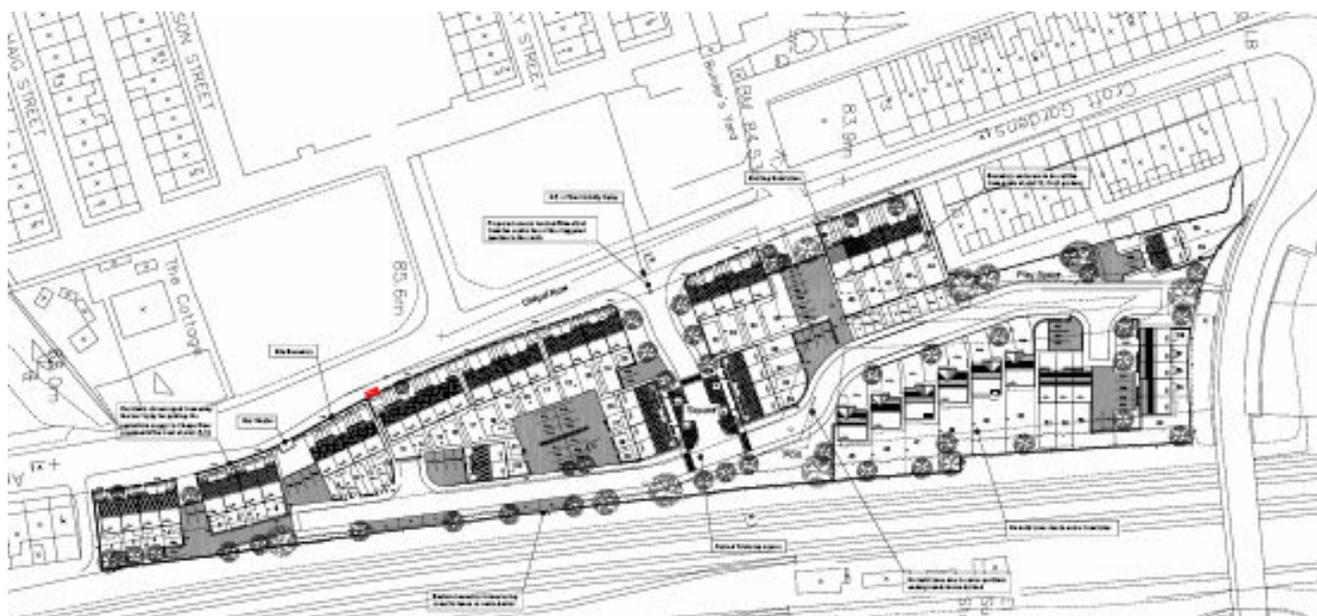
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- E23 Priorities for Environmental Improvements
  - H19 Provision of a Range of House Types including Affordable Housing
  - T3 Safeguarding Railway Lines
  - L2 Provision of Open Space in New Housing Developments
  - D1 General Design Principles
  - D2 Design for People
  - D3 Design for Access
  - D5 Layout of New Housing Development
- 

**PROPOSAL**

Detailed planning permission is sought for the erection of 60 dwellings on land east of Croft Gardens / Chapel Row, (the former Neecol site) at Ferryhill Station. The site extends to 1.28 hectares in area and has been cleared of buildings during commencement of ground works for a previously approved residential development. That earlier scheme has been abandoned and the land has been purchased from the original developer by the current applicant. The site is bounded to the north-west by a terrace of residential properties known as Croft Gardens to the south by a terrace of dwellings known as Arthur Terrace, to the east by the east coast main line and to the west by the Chilton Lane. The former filling station site, previously excluded from the development area, has now been included in the application site boundary. Vehicular access to the site would be by way of a single junction with Chilton Lane.

The application is accompanied by a flood risk assessment, noise and vibration assessment report, geo-environmental report, design and access statement and planning statement.



*Proposed site layout*

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**CONSULTATION AND PUBLICITY**

**Ferryhill Town Council** has no overall objection to the proposal, but has expressed objection to the high number of terraced / link houses in the layout, on the basis that Ferryhill already has a high proportion of this type of accommodation with over 80% of dwellings in the Band A council tax bracket.

**DCC Development Control (Highways) Section** made initial comments about the technical deficiencies of the layout, which has been revised accordingly. The Highway Authority is now satisfied with the amended proposal.

**DCC Public Rights of Way Section** has no objection to the proposal as no public rights of way are affected.

**The Environmental Health Section** recognises that the previous application was subject to noise and vibration assessments which were ultimately found to be acceptable. It is considered however that the same report has been used to support the current application, which now includes the former filling station site. The report is to some extent out of date, and it is recommended that it is updated with additional survey work.

**The Environment Agency** has raised no objection to the development on flood risk grounds but as the submitted site layout shows that development will slightly encroach onto the area covered by flood zones 2 and 3 in the south, the finished floor levels of 8 units should be 300mm above ground level. They have also suggested several conditions covering contaminated land and groundwater, and surface water drainage. Many of these conditions cover environmental factors raised by the Environmental Health Section.

**The Landscape Architect** has worked directly with the applicants to secure a landscaping scheme in advance of a recommendation being formulated on the proposal. This has not been achieved, although a landscape concept plan has been submitted which is considered acceptable, and can form the basis of a suitable condition for an appropriate scheme to be submitted and approved before commencement of development.

**Natural England** has not commented on the proposal.

**The Sustainable Communities Section (Countryside Officer)** has commented on a Great Crested Newt report that was requested after submission of the application because the site encroaches on a 500 metre consultation zone around recorded newt ponds to the north. The report's conclusion that there is a low risk of newt presence because of the distance, and intervening physical features including the main east coast railway line, is agreed. It is commented that emphasis ought to be placed on ecological value of existing peripheral landscape features.

**Publicity:** Site notices have been posted adjacent to the application site, an advertisement placed in a local newspaper and letters sent to neighbouring occupiers. No letters of objection have been received.

**PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

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- Whether the development accords in principle with national, regional and local policy
- Layout and design
- Landscaping
- Open space / play provision
- Ecology
- Affordable housing
- Renewable energy
- Noise attenuation

#### **Principle and policy**

Outline planning permission (7/2005/0726/DM) for residential development of the former Neecol site was granted on 3<sup>rd</sup> February 2006. At that time it was considered that the redevelopment of unsightly, previously developed industrial land would contribute to the overall regeneration aspirations for Ferryhill Station.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the existing Regional Spatial Strategy (Regional Planning Guidance 1 (RPG1) (November 2002)), the emerging Regional Spatial Strategy (Secretary of State's proposed changes to the Regional Spatial Strategy (RSS) (May 2007)), and the Borough Local Plan (1996). Diminishing weight should be attached to the local plan however, as it is becoming outdated. Material considerations include PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, PPG17: Planning for Open Space, Sport and Recreation and PPG24: Planning and Noise.

#### Housing Strategy

Paragraph 36 of PPS3 clarifies that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The emerging RSS identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.

The locational strategy for the NE region, enshrined in Policy 5 of RSS proposed changes, aims to support the development and redevelopment of the city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations and main towns, whilst allowing development appropriate in scale within the towns in the regeneration areas. Whilst Ferryhill is not explicitly identified as a regeneration town in the supporting text to RSS proposed changes Policy 5 (paragraph 2.46), the locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.

In setting out a strategy for the Tees Valley city region, the RSS proposed changes recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced. Policy 7 of the RSS proposed changes supports the regeneration of main towns for sustainable indigenous growth to meet local needs without adversely impacting on the regeneration initiatives within the Tees Valley conurbation. It is considered that permitting development of this scale in Ferryhill Station would not undermine

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these principles. This is on account that Ferryhill Station adjoins Ferryhill, which is a main settlement within the Borough and has schools, shops and services, and is an employment location. Additionally residents will be able to access these by a range of transport modes.

**Sequential Approach**

In identifying land for development, LPA's should adopt a sequential approach to site selection, taking into account the sustainability of the site. This approach is enshrined in RPG1 policies DP1 and DP2, and is also reflected in the RSS proposed changes 2 and 3. These policies seek to prioritise suitable previously developed sites and buildings in urban areas ahead of Greenfield sites, and provide a set of sustainability measures including accessibility; infrastructure capacity; physical constraints; the impact on the region's natural resources and environmental assets; and the contribution development might make to strengthening local communities.

This settlement is appropriate in general terms for the focus of new development, and performs adequately in considering it in relation to the sequential approach to site selection. Moreover the site is brownfield land, which falls into category 3 of the sequential approach (Suitable previously-developed sites and buildings in locations adjoining urban areas).

**Effective Use of Land**

PPS3, Policy H4 of RPG1, RSS proposed changes Policy 31 and the Housing Green Paper released in 2007 encourage the re-use of previously developed land and the managed release of greenfield sites. Policy 30 of the RSS proposed changes sets a previously developed land target of 65% for County Durham. This proposal will contribute towards this target.

**Design and layout of the development**

SPG3 (Layout of New Housing) stipulates that new dwellings must function well for the people living there, providing sufficient space in and around their homes for children's play and outdoor recreational activity. New dwellings must also provide an adequate standard of privacy and attractive outlooks, and sufficient space should be provided around dwellings for access, parking, children's play, outdoor relaxation and for greenery. Whilst SPG3 does not prescribe minimum standards for the size of gardens, sufficient space should be provided to ensure adequate privacy, and that both a satisfactory appearance to surrounding neighbours and cramped appearance is avoided.

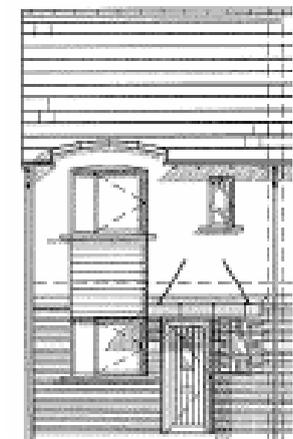
The Borough Council has also adopted the CABE guidance on layout and design as best practice. The proposed development should therefore accord with the fundamental principles of that advice.



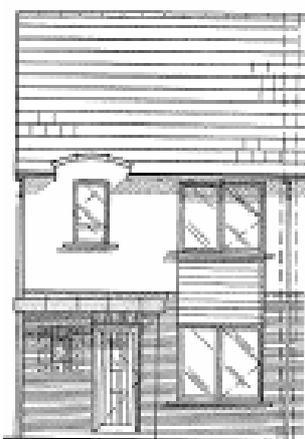
*Proposed street scene on Chilton Lane*

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*Type 1 terraced house*



*Type 2 terraced house*



*Detached house*

The application site lies between the main road highway and the main east coast railway line, and is of triangular shape, varying in depth from about 70 metres at the northern end to only 20 metres at the southern end. This limitation, together with its proximity to the railway, places significant constraints on how the site can be developed, and the originally submitted layout has been amended to make significant improvements to the way in which the development interfaces with the main Chilton Lane street scene. 34 dwellings would face outward at this point, overlooking the Chapel Rows redevelopment site. These dwellings would be arranged in short terraces of 4 and 5 units, and the sloping nature of the site provides an opportunity to introduce staggered ridge heights to three of the terraces to add visual interest. A single access point from the main road would provide vehicular and pedestrian access to two spur roads feeding the remainder of the site. Another 26 units of detached, semi-detached and terraced dwellings would be located here, together with all vehicle access and parking.

It is considered that the proposed development would be of reasonable architectural quality, and that it would complement the approved Chapel Rows redevelopment scheme to the west. Car parking areas would be behind the main frontage, away from general view, and the layout has been amended to eliminate blank gables being visible in the street scene. For these reasons, the proposal is considered to meet the main CABA criteria, with a resulting 'sense of place' both individually and more widely with the Chapel Rows housing development.

### **Landscaping**

Whilst the Landscape Architect has liaised directly with the applicant's agent to try to secure a detailed landscaping scheme in advance of planning permission being granted, it has only been possible to agree the essential principles of such a scheme. A landscape concept scheme was secured, the principles of which are deemed acceptable. For these reasons, it is proposed that an appropriate condition should be imposed to require a detailed scheme to be submitted for approval, along the lines of the concept proposals.

### **Provision of open space and play areas**

Policy L2 of the Borough Local Plan stipulates that housing developments should provide for open space at a minimum rate of 100 sqm of informal play space and 500 sqm of amenity space for every 10 dwellings. PPS3 however generally promotes higher housing densities, and it is rarely possible to meet the Policy L2 standards.

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To assess whether open space should be provided on this site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Open Space Needs Assessment (OSNA) which was undertaken by consultants and which has been completed. Paragraph 16 of PPS3 states that when assessing the design quality of a developers proposed housing scheme, LPAs are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies. This site is located close to an existing children's play area (Site 112). Section 4.3.4 of the PPG17 Study highlights that this site is one of 9 play areas within Ferryhill, and that whilst the majority of these sites are in reasonable condition, Site 112 was deemed to be particularly poor.

Paragraph 17 of PPS3 specifies that where family housing is proposed, it is important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well-designed, safe, secure and stimulating areas with safe pedestrian access. This supports a stance that to enable the play space to be safe, accessible and user-friendly, particularly for young children, an adequate provision must be provided on-site.

The PPG17 Study identifies that there are areas within Ferryhill where improvements to the quality of provision can be made. As mentioned above, Site 112 is currently particularly poor and it is doubtful whether these upgrades can be done without the benefit of a commuted sum. Therefore in this instance it is considered that a contribution of a commuted sum by the developer could be put to good use to improve the community children play facilities at Site 112. This would be beneficial to not only the occupants of the new dwellings, but more so the existing residents of Ferryhill Station and Chilton Lane. In summary, in addition to appropriate on-site provision being sought in accordance with PPS3, commuted sums from the developer should also be sought to upgrade the quality of provision at Site 112.

#### Open Space Calculation:

Total open space provision of proposal = 1500 square metres

Policy L2 requirement =  $60 / 10 \times 600 = 3600$  square metres

Shortfall = 2100 square metres (58.333%)

Committed sum = 60 dwellings @ £1000 per dwelling x 58.333% = £35,000

#### Equipped Play Areas Calculation:

The National Playing Fields Association standards recommend 2.4 hectares of outdoor sports and play areas per 1000 population, which equates to approximately 5m<sup>2</sup> per dwelling. The current cost of play equipment provision is £50 per 1m<sup>2</sup>. In this instance, the cost would be 60 (dwellings) x 5 (m<sup>2</sup>) x £50 = £15,000, plus 10% for maintenance = £16,500.

These calculated contributions would be required by a future Section 106 agreement.

#### **Ecology**

Upon close scrutiny of the application, it was discovered that the northern site boundary encroached marginally on the 500 metre consultation zone for ponds further to the north known to be used by great crested newts for breeding. As a precaution, an ecological risk assessment was requested from the applicant. Whilst the formal views of Natural England have not been forthcoming, the Council's ecologist concluded that by virtue of distance and the terrain, including the main east coast railway line, it was extremely unlikely that great crested news

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would inhabit the application site, and that the risk assessment gave an accurate representation of the ecological value of the site.

#### **Affordable Housing**

The provision of affordable housing where a need has been identified is encouraged through RPG1 policy H7 and RSS proposed changes policy 32 and provision of 20% affordable housing within a scheme of this magnitude would normally be sought. The site lies within the Ferryhill Station/Chilton Lane area and this consists of mainly pre-1919, terraced homes alongside the main East Coast railway line. As a former mining community, the settlement has suffered from under investment in its ageing housing stock. This has contributed to significant levels of disrepair, large numbers of empty dwellings and a general poor local environment. The current proposal therefore has the potential to complement regeneration proposals in the area, rather than compete with them. However, it is crucial that this proposal diversifies the housing stock of the area, as a key characteristic of a mixed community is a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. Analysis of the usual data sources suggests that the provision of affordable housing as part of this scheme could be justified. However, it is considered that this would fetter the developer's ability to provide a variety of housing, to cater for a mix of different households which would help to diversify the housing stock in the area. It is concluded that on balance, affordable housing should not be requested as part of this scheme as the requirement to do so, is out-weighted by the need to diversify the housing stock of the Ferryhill Station area.

#### **Renewable energy**

The application does not include details of sustainability in terms of renewable energy sources. In order for the development to accord with RPG1 policies EN1 and EN7 and the emerging RSS, which requires at least 10% embedded renewable energy in major new development, planning permission granted should be appropriately conditioned.

#### **Noise**

The eastern boundary of the application site is adjacent to the east coast main line with the actual railway line being approximately 10 metres from the boundary. The previously approved planning application was supported by a noise and vibration assessment, which was considered broadly acceptable against the background of PPG24. The same document has been submitted with the current application.

PPG24 'Planning and Noise' offers advice specific advice on dealing with development close to major sources of noise, including railway lines. The guidance introduces the concept of Noise Exposure Categories (NECs), ranging from A-D, with A representing the circumstances in which noise is unlikely to be a determining factor, while Category D relates to the situation in which development should normally be refused. Categories B and C deal with situations where noise mitigation measures may make development acceptable. In addition paragraph 12 of PPG24 advises that '*When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future*'. Essentially the values stated in PPG24 are based on the World Health Organisation (WHO) guidelines that recommend a level of less than 35 dBLAeq should be achieved to preserve the restorative process of sleep and that in general, daytime outdoor levels less than 55 dBLAeq are desirable to prevent any significant annoyance.

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The Environmental Health Section considers that the existing report should be updated with a more current survey, and this should be a condition of planning permission. It is also recognised that an acoustic barrier would be installed along the eastern boundary and again, full details of this could be required by condition. Whilst original details show that this would have a minimum height of 2 metres, previously considered to adequately attenuate noise levels to below 55 dBLAeq, its potential contribution to screening traffic on the elevated railway line is recognised. A 3 metre high acoustic barrier has therefore been secured. This will further attenuate noise levels and substantially improve the amenity levels for the occupiers of the proposed dwellings. It is anticipated that a proprietary green screen (ivy or similar climbing plants) could be used to improve its appearance, and this could be secured in the detailed landscaping scheme.

#### CONCLUSION

It is considered that the principle of residential development in this location is acceptable with a layout that is in accordance with local plan policy. The southern tip of the application site encroaches slightly into floodzones 2 & 3, and whilst this presents very low risk, as a precautionary measure the floor level of 8 dwellings close to the perimeter of the flood plain are to be set at least 300mm above the ground level as required by the Environment Agency. In terms of noise generated from the east coast main line, the applicant has provided information that indicates that the noise levels likely to be experienced by future occupiers would be in accordance with the WHO guidelines and would be less than 55 DBLeaq in the garden areas. Within the dwellings a condition is suggested that would ensure noise would not exceed 34 dBLAeq. It is proposed however that the noise and vibration report is updated and submitted for approval before commencement of development.

The applicant will be required to enter into a Section 106 agreement to secure the commuted sums calculated in the open space and play areas section above.

#### HUMAN RIGHTS IMPLICATIONS

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

#### RECOMMENDATION

It is RECOMMENDED that:

Planning permission is granted subject to the conditions set out in Appendix 1 to this report.

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APPENDIX 1 - LIST OF CONDITIONS FOR PLANNING PERMISSION 7/2007/0750/DM

1	<p><b>Time limit (Detailed)</b>  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.</p>
2	<p><b>Materials</b>  Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof of the buildings 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.</p>
3	<p><b>Amended application</b>  The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans:</p> <ul style="list-style-type: none"> <li>• Amended site layout plan, drawing no. P-500 revision G (<i>received on 20<sup>th</sup> May 2008</i>)</li> <li>• Amended street elevations, drawing no. P-501 revision A (<i>received on 16<sup>th</sup> May 2008</i>)</li> <li>• Landscape concept plan, drawing no. 2478.01 (April 2008) (<i>received on 16<sup>th</sup> May 2008</i>)</li> </ul> <p>Reason: To ensure that the development is carried out in accordance with the approved documents.</p>
4	<p><b>Surface water drainage</b>  No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.  Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Planning Policy Statement (PPS)25 (Development and Flood Risk).</p>
5	<p><b>Levels</b>  No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.  Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan.</p>

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6	<p><b>Finished floor levels</b></p> <p>Notwithstanding the general requirements of condition 5 of this planning permission, finished floor levels of the dwellings on plots 1 to 8 inclusive shall be set at least 300mm above the existing ground level.</p> <p>Reason: To protect the development from flooding in compliance with Planning Policy Statement (PPS)25 (Development and Flood Risk).</p>
7	<p><b>Contamination</b></p> <p>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), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:</p> <ol style="list-style-type: none"><li>1. An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li><li>2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</li></ol> <p>Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: For the protection of controlled waters in compliance with Planning Policy Statement (PPS)23 (Planning and Pollution Control).</p>
8	<p><b>Monitoring</b></p> <p>Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: For the protection of controlled waters in accordance with Planning Policy Statement (PPS)23 (Planning and Pollution Control).</p>
9	<p><b>Surface water drainage limitation</b></p> <p>No infiltration of surface water drainage into the ground is 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 controlled waters.</p> <p>Reason: To ensure no increase in leachability of remnant contamination towards the major aquifer and to comply with Planning Policy Statement (PPS)23 (Planning and Pollution Control).</p>
10	<p><b>Piling and foundations</b></p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may</p>

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	<p>be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To minimise the risk of downward migration of contaminants to the major aquifer and to comply with Planning Policy Statement (PPS)23 (Planning and Pollution Control).</p>
11	<p><b>Revised noise and vibration survey</b></p> <p>The development hereby approved shall not be commenced until the following events have occurred:</p> <ol style="list-style-type: none"><li>1. A further noise and vibration survey for the whole of the application site has been carried out and the originally submitted noise and vibration assessment report (no. HC/FS/07/05) by QEM Environmental Consultants has been updated in accordance with those further survey results.</li><li>2. The updated report has been submitted to and approved in writing by the Local Planning Authority.</li></ol> <p>The updated report shall provide for a scheme of sound attenuation to the dwellings, and shall ensure that the noise level shall not exceed 34 dBLAeq within the bedrooms of the approved dwellings. Prior to any dwelling being occupied the dwelling shall be insulated in accordance with the recommendations of the approved noise and vibration report.</p> <p>Reason: To ensure that occupants of the properties are not adversely affected by noise from the adjacent railway line, and to comply with Planning Policy Guidance Note (PPG)24 (Planning and Noise).</p>
12	<p><b>Acoustic barrier</b></p> <p>Prior to the commencement of the development an acoustic barrier shall be installed along the entire common boundary of the application site with the adjacent main east coast railway line in accordance with detailed specifications to be submitted to and approved in writing beforehand by the Local Planning Authority. The acoustic barrier shall have a minimum height of three metres above ground level of the development site and shall be retained and maintained thereafter to the satisfaction of the Local Planning Authority. Following installation of the acoustic barrier the noise level when measured within the garden areas of the dwellings hereby approved, shall not exceed 55 dBLAeq. All noise measurements shall be made using a type 1 sound level meter (as defined within BS EN 61672) fitted with a « inch diameter microphone, between 1.2 - 1.5 metres above ground level.</p> <p>Reason: To ensure that occupants of the properties are not adversely affected by noise from the adjacent railway line, and to comply with Planning Policy Guidance Note (PPG)24 (Planning and Noise).</p>
13	<p><b>Landscaping- Details</b></p> <p>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 detailed scheme shall accord with the</p>

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	<p>principles of the submitted landscape concept plan by AWP (ref.2478.01, dated April 2008). The landscaping shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
14	<p><b>Landscaping – Implementation</b></p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
15	<p><b>Details of enclosure</b></p> <p>No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments), and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.</p>
16	<p><b>Access</b></p> <p>The proposed development shall be served by vehicular access(es) constructed in accordance with details to be submitted to and approved beforehand in writing by the Local Planning Authority. The approved access shall be constructed prior to first occupation of the development.</p> <p>Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety, and to comply with Policy D3 (Design for Access) of the Sedgefield Borough Local Plan.</p>
17	<p><b>Remove GPDO (Extensions)</b></p> <p>Notwithstanding the provisions of Class A,B,C,D,E,F,G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of visual and residential amenity, and to comply with Policy D5 (Layout of New Housing Development), Policy H15 (Extensions to Dwellings) and Policy H16 (Extension to the Front of Dwellings), of the Sedgefield Borough Local Plan.</p>

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### PLANNING APPLICATIONS - TO BE DETERMINED

18	<p><b>Remove GPDO (Means of enclosure)</b> Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority. Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.</p>
19	<p><b>Energy efficiency</b> Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing. Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.</p>
20	<p><b>S106 for commuted sums / contributions in lieu</b> The development hereby approved shall not commence by the undertaking of a material operation as defined by Section 56(4) of the Town and Country Planning Act 1990 until the completion of a legal agreement/planning obligation to secure the following:</p> <ol style="list-style-type: none"><li>1. A contribution of £35,000 in lieu of the shortfall in the amount of open space within the site; and</li><li>2. A contribution of £16,500 in lieu of the provision of equipped play space within the site.</li></ol> <p>No development shall commence until the applicant, or subsequent developer has received written confirmation from the Local Planning Authority that the payment of the commuted sums have been paid. Reason: The development fails to provide adequate open space or play provision within the site Policy L2 (Provision of Open Space in New Housing Development) of the Sedgefield Borough Local Plan, contributions are being sought for off site open space / play provision and/or associated environmental improvement works.</p>

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

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

In the opinion of the Local Planning Authority the proposal is substantially surrounded by housing and would not lead to an extension of development into the open countryside, and would not prejudice design and environmental restraint policies of the development plan.

#### **INFORMATIVE: 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:

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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- E23 Priorities for Environmental Improvements
- H19 Provision of a Range of House Types including Affordable Housing
- T3 Safeguarding Railway Lines
- L2 Provision of Open Space in New Housing Developments
- D1 General Design Principles
- D2 Design for People
- D3 Design for Access
- D5 Layout of New Housing Development

**SEDGEFIELD BOROUGH COUNCIL**

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2. 7/2008/0130/DM APPLICATION DATE: 3 March 2008

PROPOSAL: **ERECTION OF 18 NO. DWELLINGS**

LOCATION: **LAND AT MOUNT PLEASANT GRANGE SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Lexington Payne Homes  
Longbeck Estate, Marske, Redcar, TS11 6HD

**CONSULTATIONS**

1. SPENNYMOOR TC
2. Cllr. Mrs. Barbara Graham
3. Cllr. Mrs A M Armstrong
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. ENGLISH NATURE
7. BR GAS
8. BR TELECOM
9. ENV AGENCY
10. ENGINEERS
11. ENV. HEALTH
12. VALUER
13. L.PLANS
14. DESIGN
15. LANDSCAPE ARCH
16. POLICE HQ
17. DCC (PROWS)
18. Green Lane
19. NEDL

**NEIGHBOUR/INDUSTRIAL**

The Manse

Mount Pleasant View:1,2,3,4,5,6

Tudhoe

Moor:93,91,89,87,85,83,81,79,77,75,73,71,69,67,65,63,61,59,57,55,53,51,49,47,45,43,41,39,37,35,33,31,29,27,25,23,21,19,17,15,13,11,9,7,5,3,1

Mount Pleasant Close:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16

**BOROUGH PLANNING POLICIES**

- H19 Provision of a Range of House Types including Affordable Housing
  - L2 Provision of Open Space in New Housing Developments
  - D1 General Design Principles
  - D2 Design for People
  - D3 Design for Access
  - D5 Layout of New Housing Development
-

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

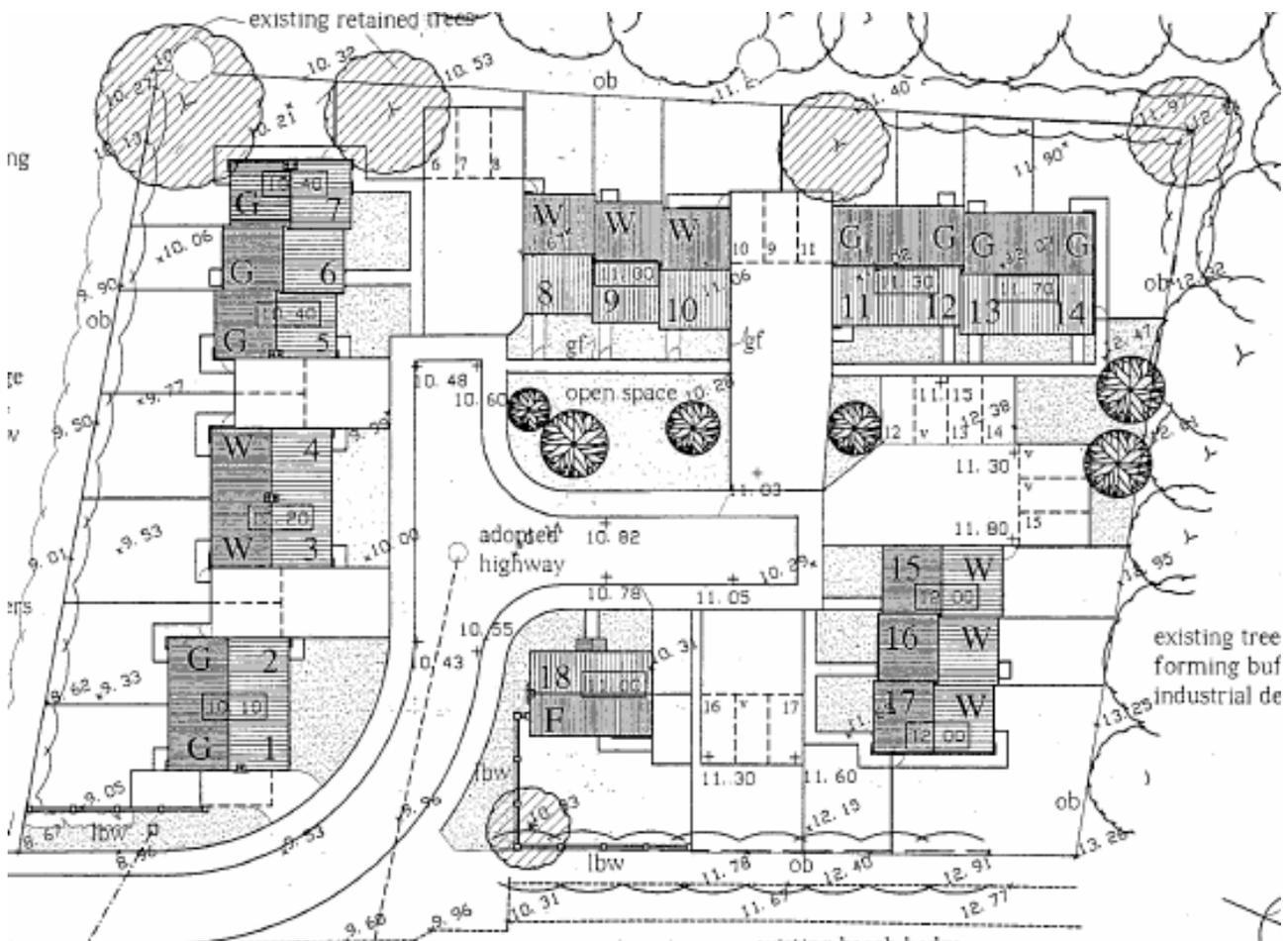
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**THE PROPOSAL**

Detailed planning permission is sought for the erection of 18 dwellinghouses on the site of the former Mount Pleasant Grange sheltered accommodation at Tudhoe Moor, Spennymoor. The building has been demolished and the 0.41 hectare site was cleared some time ago, the land having partly regenerated naturally with the passage of time. Some debris remains following demolition of the original building, and there is evidence of vandalism and misuse of the site, including damage to trees.

The proposed development would be built around a cul-de-sac off Mount Pleasant, and would comprise 1 detached house, 4 semi-detached houses and 13 terraced houses in three blocks. The site is located in a relatively tranquil area, bounded to the south by existing residential properties. Allotment gardens lie immediately to the west, and industrial land adjoins the site to the north and east. The site is quite well screened by significant peripheral landscaping including mature trees and hedgerows, but much of this lies outside the application site boundary and is deciduous in nature.

The current application is a resubmission of an earlier proposal that was withdrawn after certain issues could not be resolved within the statutory time period.



*Proposed site layout*

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**CONSULTATION AND PUBLICITY EXERCISE**

**Spennymoor Town Council** has not responded.

**The County Highway Engineer** has not raised fundamental objections, but concerns have been raised about the possibility of forward visibility being restricted by the shrub planted area adjacent to Plot 1. (*following research this is not considered to be a problem as the species within the visibility zone – Cotoneaster Coral Beauty – grows to a maximum height of only 450mm*) The importance of the footpath link towards Mount Pleasant View is reiterated, and a condition recommended ensuring its construction before occupation of the development.

**The Durham County Access and Rights of Way Officer** has confirmed that the development would not conflict with the recently diverted public right of way, and has recommended specific advice to the developer on working practices to prevent any conflict with users of the footpath. That advice can be passed on by way of an informative attached to any planning permission granted.

**The Tree Officer** has stated that the trees within the site are not good specimens in their own right, but they still contribute to the screening between this site and the allotments and Thorn site to the west and north respectively. It has been suggested that a tree preservation order could be made to protect those trees which have the highest value, but a more practical approach to the landscaping issue is proposed in the planning considerations below.

**The Police Architectural Liaison Officer** has no objections and has suggested design features that ought to be incorporated in order to meet crime and safety objectives expressed in PPS1 and PPS3.

**The Environmental Health Section** has indicated some potential for future complaints from occupiers about noise from the industrial estate. It is acknowledged however that the principle source would be the new Thorn Lighting factory, but that this cannot be quantified because the site is not complete and operational.

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

**Natural England** comments have been received relatively late in the consideration of the proposal. Concerns have been expressed that trees identified for removal may have potential to support bat roosts. Because this is not known, further survey work (including an emergence survey) has been requested, to rule out implications to bats as a protected species. Comments on the current position are made in the planning considerations below.

**The Countryside Team** inspected the site during consideration of the earlier withdrawn application and concluded that the ecology issues could easily be addressed by a Phase 1 habitat survey and simple risk assessment for protected species. The ecology report submitted with the current application was initially considered acceptable, but further comments have been made in light of Natural England's response. The current position is referred to in the planning considerations below.

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**CONSULTATION AND PUBLICITY**

Consultation letters were sent to neighbouring occupiers, site notices erected and a press notice published in a local newspaper. No comments have been received.

Green Lane Residents Association has no objections to the proposal.

**PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

- Whether the development accords with the locational requirements of National and Regional Planning Policy
- Design and layout of the development and impact on neighbouring occupiers
- Highway safety and car parking
- Renewable energy
- Affordable housing
- Open Space / play equipment
- Ecology
- Landscaping

**Whether the development accords with the locational requirements of National and Regional Planning Policy**

Policy H1 of the Borough Local Plan has in the past been used to assess proposals for housing development within the Borough's four main towns. However, this policy has now been deleted because it has been superseded by more recent housing policies and guidance contained at a national and regional level. The proposal has therefore been assessed against PPS3: Housing (2006), Regional Planning Guidance 1 (RPG1) (November 2002) and the Secretary of State's proposed changes to the Regional Spatial Strategy (RSS) (May 2007).

The locational strategy for the region, established in policy 5 of RSS proposed changes, aims to support the development and redevelopment of the city regions. This will be achieved by concentrating the majority of new development and house building in the conurbations and main towns, whilst allowing development appropriate in scale within the towns in the regeneration areas. Spennymoor is identified as a regeneration town in the supporting text to RSS proposed changes policy 5 (paragraph 2.46). The locational strategy reflects the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.

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

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In setting out a strategy for the Tees Valley city region, the RSS proposed changes recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced. Policy 7 of the RSS proposed changes supports the regeneration of Spennymoor for sustainable indigenous growth that meets local needs without adversely impacting on the regeneration initiatives within the Tees Valley conurbation. It is considered that permitting development of this scale in Spennymoor is therefore consistent with RSS proposed changes policy 5.

In identifying land for development, the council should adopt a sequential approach to site selection, taking into account the sustainability of the site. This approach is established through RPG1 policies DP1 and DP2, and is also reflected in the RSS proposed changes 2 and 3. These policies seek to prioritise suitable previously developed sites and buildings in urban areas ahead of greenfield sites, and provide a set of sustainability measures including accessibility; infrastructure capacity; physical constraints; the impact on the region's natural resources and environmental assets; and the contribution development might make to strengthening local communities.

Spennymoor is appropriate in general terms for the focus of new development, and performs well in considering it in relation to the sequential approach to site selection. The site is brownfield land, and centrally located within the urban area of Spennymoor. This would fall into category 1 (highest priority) of the sequential approach (Suitable previously-developed sites and buildings within urban areas). In this regard it is not considered that the development could be accommodated on a more sequentially preferable site.

PPS3, RPG1 policies H1 and H4, RSS proposed changes policy 31 and the Housing Green Paper released in 2007 encourage the re-use of previously developed land. The plan, monitor and manage approach and the sequential test adopted by the RSS proposed changes also encourages the use of previously developed land and the managed release of greenfield sites. Policy 30 of the proposed changes sets a previously developed land target of 65% for County Durham. This proposal would contribute towards the objectives of these policies.

The provision of affordable housing where a need has been identified is encouraged through RPG1 policy H7 and RSS proposed changes policy 32. The application proposes 3 affordable dwellings as part of the scheme, just short of the usual 20% requirement. There would be concerns if such provision were not made in light of the emerging conclusions in relation to the strategic housing market assessment. The Forward Planning Section supports an element of affordable housing within this scheme, but stresses that in terms of the overall design of the affordable dwellings it is important that they are indistinguishable from the open market properties i.e. tenure blind. A condition ought to be imposed to ensure delivery, retention and future management of the affordable housing provision.

In summary, the proposal is considered to be in general conformity with PPS3, RPG1 and the RSS proposed changes. This is because the proposal involves previously developed land within Spennymoor's urban area.

**Design and layout of the development and impact on neighbouring occupiers**

The proposal has been considered against SPG3 (Layout of New Housing). This stipulates that new dwellings must function well for the people living there, providing sufficient space in and around their homes for children's play and outdoor recreational activity. New dwellings must

## SEDGEFIELD BOROUGH COUNCIL

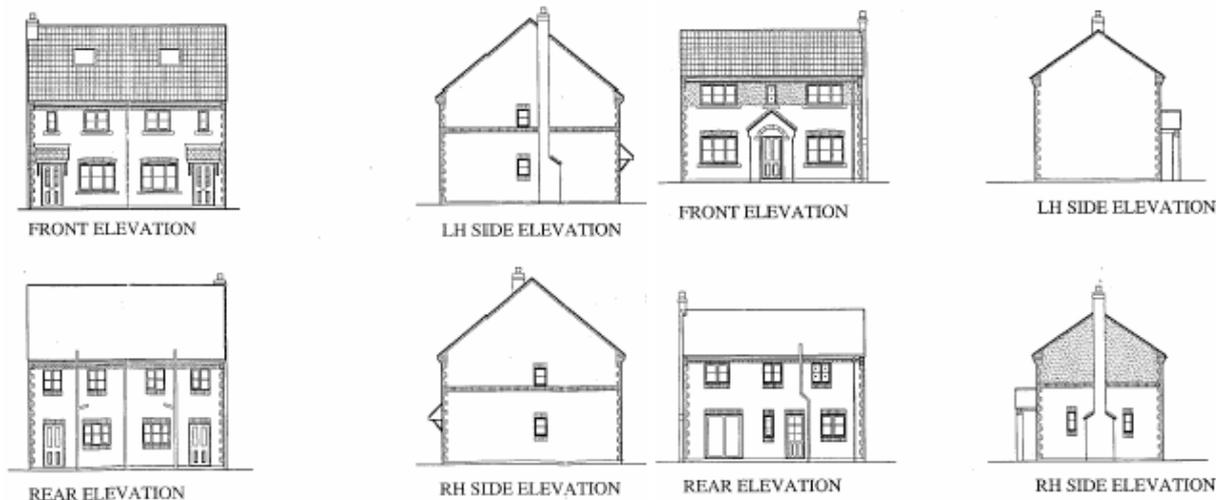
### PLANNING APPLICATIONS - TO BE DETERMINED

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also provide an adequate standard of privacy and attractive outlooks, and sufficient space should be provided around dwellings for access, parking, children's play, outdoor relaxation and for greenery. Whilst SPG3 does not prescribe minimum standards for the size of gardens, sufficient space should be provided to ensure adequate privacy, and that both a satisfactory appearance to surrounding neighbours and cramped appearance is avoided.

The design and access statement demonstrates that the applicant has considered CABA guidance in arriving at the design and layout of the scheme. Minor improvements have however been obtained to the gable designs of the dwellings on plots 1 and 18 because they would be prominent at the entrance to the development.

The proposal is considered to perform well against SPG3.



#### *Typical elevations*

#### Highway safety and car parking

The Highways Authority has offered no objection to the proposal in principle, particularly as the improved access road from Mount Pleasant is now included within the application site. It is considered that Policy D3 of the Local Plan is satisfied.

#### Renewable energy

The proposal does not incorporate any embedded renewable energy generation, or demonstrate how it intends to reduce energy consumption. This does not reflect the objectives of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. The RSS proposed changes goes a step further, by requiring the incorporation of embedded renewable energy in major new development. This proposal would better reflect the objectives of regional planning policy by incorporating energy efficiency measures and embedded renewable energy generation. Therefore these dwellings should have embedded within them a minimum of 10% energy supply from renewable sources unless it is demonstrated that this would be unviable. This would reflect the objectives of RPG1 policies EN1 and EN7, and RSS proposed changes policies 39 and 40.

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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*Affordable housing*

**The application indicates that 3 units (17%) of affordable housing will be provided, delivered by way of partnership with a Registered Social Landlord. This is welcomed, because it would broadly meet the usual requirement for 20% and it would be 'tenure blind' (indistinguishable from the open market properties) in accordance with the comments of the Forward Planning Section.**

*Open space / play equipment*

**The proposed development incorporates a centrally located area of open space, although this is quite modest in size. The requirements of Policy L2 cannot reasonably be imposed, given the constraints of higher housing densities in more recent national planning policy. The density of the current proposal would equate to 43 dwellings per hectare. There is a significant amount of open space that can be used for informal recreational purposes immediately to the north and east of the site, easily accessible by way of existing paths and tracks, linking through to a network of public rights of way. An equipped children's play area is located next to Tudhoe Moor Nursery School, which lies only 200 metres to the south.**

It is considered that on this occasion, the close links to existing open space facilities means that the provision of only 125 square metres of open space within the site would not undermine the reasonable amenity expectations of future residents, and that the proposal could raise substantial contributions in lieu of the under provision of open space / play equipment on the site, to be used for enhancement of those existing facilities in the locality to the wider benefit of the community.

Open space calculation: Policy L2 requires 500m<sup>2</sup> informal recreation space and 100m<sup>2</sup> equipped play provision for every 10 dwellings. In this case, this equates to 600m<sup>2</sup> x 18/10 = 1080m<sup>2</sup>. The proposal provides for 125m<sup>2</sup>, which is only about 11.6% of the Policy L2 requirement. A pro rata calculation would be 18 dwellings at £1000 per dwelling at 88.4% = £15912.

Play equipment calculation: The National Playing Fields Association standards recommend 2.4 hectares of outdoor sports and play areas per 1000 population, which equates to approximately 5m<sup>2</sup> per dwelling. The current cost of play equipment provision is £50 per 1m<sup>2</sup>. In this instance, the cost would be 18 (dwellings) x 5 (m<sup>2</sup>) x £50 = £4,500, plus 10% for maintenance = £4,950.

These calculated contributions would be required by a future Section 106 agreement.

Ecology

The application is accompanied by an Ecological Survey report, which has been prepared by Elliott Environmental Services Ltd. Natural England's comments on the report were received late, and raised an issue of the potential for roosting bats in the small number of trees to be removed. An update of the report was recommended and, if necessary, an emergence survey. The Council's ecologist had previously visited the site and commented on other issues. Further investigation reinforces the view of Natural England, and that this matter should not be dealt with by way of planning conditions.

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The issue was raised with the applicants who referred the matter to their ecological consultant. A more comprehensive inspection of the trees and an emergence survey were carried out on the evening of 21<sup>st</sup> May 2008. A summary of the findings (reported verbally to the case officer on the morning of 22<sup>nd</sup> May) is as follows:

- the emergence survey did not reveal bats around the trees
- the only bats seen were flying at height from the west
- there were no trees with good potential for bats
- the only loose or cracked bark was at low level and damaged by horses
- otherwise the bark was well sealed

At the time of writing this report, a written report is yet to be submitted. It has been agreed with the applicants and their consultant that a written report will be submitted before Development Control Committee on 30<sup>th</sup> May 2008.

#### Landscaping

The existing peripheral landscape features are essential to providing a buffer between the future housing development on this site and adjoining land uses, particularly the industrial developments immediately to the north and east. There is clearly limited scope for screen planting within the application site, although a number of key trees on or within the boundary could be protected by the imposition of conditions. Fundamentally, a relatively thin tree buffer exists immediately outside the northern and eastern boundaries, and given its predominantly deciduous nature, it could be enhanced with additional tree and under-story planting to make a more effective screen to the industrial development beyond. In many respects it makes more sense to bolster a tree belt on local authority land because it would be less vulnerable to future pressures to remove trees, so often experienced when they are within privately owned residential plots.

It is proposed therefore that if planning permission is granted, it is conditional that commuted sums for peripheral landscape improvements be a requirement of a future Section 106 agreement.

Whilst the application includes a tree report and a basic landscaping scheme, a more comprehensive scheme is required, following the recommendations of the tree report, and this can be the subject of a condition.

#### CONCLUSION

The proposal meets the policy requirements in respect of location, design and layout, impact on neighbouring occupiers, and highway safety and car parking. Renewable energy could be addressed by way of planning condition in the usual manner. Whilst open space provision within the site would be limited, its close proximity to easily accessible existing recreational and amenity open space, and an equipped play area, makes on-site provision less important in this instance. Furthermore, the modest open space, together with open plan frontages and the unusual peripheral trees and hedgerows will create a pleasant, landscape rich environment and a good standard of amenity for the residents. The ecology matters have been resolved to a point where this report could be prepared for inclusion in the 30<sup>th</sup> May 2008 agenda. If the applicants fail to provide the requested written report in respect of bats, this will be reported

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**PLANNING APPLICATIONS - TO BE DETERMINED**

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verbally to Development Control Committee on the day with an appropriate update to the recommendation below.

**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 is granted subject to the conditions set out in Appendix 1 to this report.

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APPENDIX 1 - LIST OF CONDITIONS FOR PLANNING PERMISSION 7/2008/0130/DM

1	<p>Time limit (Detailed)</p> <p>The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.</p> <p>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.</p>
2	<p><b>Materials</b></p> <p>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 of the buildings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p>
3	<p>Affordable housing</p> <p><b>The development hereby approved shall provide for a minimum of three units of affordable housing as set out in the Design and Access Statement by Lexington Payne Homes Ltd., entitled 'Mount Pleasant, Tudhoe, Spennymoor' and dated 'Feb 2008'. No development shall commence until a scheme for delivery and future management of the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:</b></p> <ul style="list-style-type: none"> <li><b>i. The numbers, type and location of the units of affordable housing provision to be made;</b></li> <li><b>ii. The timing of the construction of the affordable housing;</b></li> <li><b>iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and</b></li> <li><b>iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.</b></li> </ul> <p><b>Reason: In order to ensure that an appropriate amount of affordable housing is provided, retained and properly managed within the development and to comply with Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing) of the Sedgefield Borough Local Plan.</b></p>
4	<p><b>Surface water drainage</b></p> <p>No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Planning Policy Statement (PPS)25 (Development and Flood Risk).</p>
5	<p><b>Levels</b></p> <p>No development shall commence until details of the existing and proposed site levels</p>

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	<p>have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans. Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan.</p>
6	<p><b>Landscaping- Details</b> Notwithstanding details of landscaping in the submitted application, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive 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 detailed scheme shall incorporate the recommendations of the submitted Tree Report, prepared by Batson Environment and Leisure Ltd., reference 'MC 0004412' and dated '14/1/2008'. 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.</p>
7	<p><b>Landscaping – Implementation</b> 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.</p>
8	<p><b>Details of enclosure</b> No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments), and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.</p>
9	<p><b>Access</b> The proposed development shall be served by vehicular access(es) constructed in accordance with details to be submitted to and approved beforehand in writing by the Local Planning Authority. The approved access shall be constructed prior to first occupation of the development. Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety, and to comply with Policy D3 (Design for Access) of the Sedgefield</p>

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	Borough Local Plan.
10	<p><b>Remove GPDO (Extensions)</b> Notwithstanding the provisions of Class A,B,C,D,E,F,G of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved by the Local Planning Authority. Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of visual and residential amenity, and to comply with Policy D5 (Layout of New Housing Development), Policy H15 (Extensions to Dwellings) and Policy H16 (Extension to the Front of Dwellings), of the Sedgfield Borough Local Plan.</p>
11	<p><b>Remove GPDO (Means of enclosure)</b> 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.</p>
12	<p><b>Energy efficiency</b> Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing. Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.</p>
13	<p><b><u>Wheel washing facility</u></b> Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site in accordance with details, including its siting, to be agreed beforehand by the Local Planning Authority. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times. Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgfield Borough Local Plan.</p>
14	<p><b><u>Ecology</u></b> The development hereby approved shall be carried out entirely in accordance with the recommendations and mitigation measures specified in the Ecological Survey report prepared by Elliott Environmental Surveyors, reference 'EES07-150' and dated '20</p>

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	<p><i>December 2007</i>.</p> <p>Reason: To contribute to the maintenance of a favourable conservation status of LBAP habitats and species and to comply with PPS9 (Biodiversity and Geological Conservation).</p>
15	<p><b><u>S106 for commuted sums / contributions in lieu</u></b></p> <p>The development hereby approved shall not commence by the undertaking of a material operation as defined by Section 56(4) of the Town and Country Planning Act 1990 until the completion of a legal agreement/planning obligation to secure the following:</p> <ol style="list-style-type: none"><li>3. A contribution of £15,912 in lieu of the shortfall in the amount of open space within the site;</li><li>4. A contribution of £4,950 in lieu of the provision of equipped play space within the site; and</li><li>5. A commuted sum towards the cost of carrying out additional tree planting and landscaping improvements within the tree belt that surrounds the application site on its northern and eastern boundaries.</li></ol> <p>No development shall commence until the applicant, or subsequent developer has received written confirmation from the Local Planning Authority that the payment of the commuted sums have been paid.</p> <p>Reason: The development fails to provide adequate open space or play provision within the site and the proposed layout is such that essential screening of industrial developments to the north and east would not be possible within the application site itself. In order to satisfy the requirements of Policies L2 (Provision of Open Space in New Housing Development) and D1 (Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan, contributions are being sought for off site open space / play provision and/or associated environmental improvement works, and an off-site landscape improvement scheme.</p>

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

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

In the opinion of the Local Planning Authority the proposal is substantially surrounded by housing and would not lead to an extension of development into the open countryside, and would not prejudice design and environmental restraint policies of the development plan.

**INFORMATIVE: 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:

H19 Provision of a Range of House Types including Affordable Housing

L2 Provision of Open Space in New Housing Developments

D1 General Design Principles

D2 Design for People

D3 Design for Access

D5 Layout of New Housing Development

3. 7/2008/0136/DM

APPLICATION DATE: 28 March 2008

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**PROPOSAL:           ERECTION OF GRAIN STORE AND PROCESSING BUILDING  
(RETROSPECTIVE APPLICATION)**

**LOCATION:            LAND ADJACENT TO THE TILERY BRADBURY STOCKTON ON TEES  
TS21 2ES**

**APPLICATION TYPE:   Detailed Application**

**APPLICANT:         Mr Martin Corney  
Elstob Hall, Great Stainton, Sedgefield, TS21 1NH**

**CONSULTATIONS**

1.                   BRADBURY P.C.
2.                   Cllr. Mr. J. Robinson
3.                   Cllr. D R Brown
4.                   DCC (TRAFFIC)
5.                   Lee White
6.                   L.PLANS
7.                   LANDSCAPE ARCH

**NEIGHBOUR/INDUSTRIAL**

Fir Tree Hill Cottage  
Westwinds  
The Garth:1,1,Bradbury Parish Meeting  
Pennywell House  
Amberwell House  
Amberwell House  
Chapel Cottage  
High Farm  
Swan Carr Farm  
Stoneleigh  
Rosemount  
Rosemount  
Chapel View  
Burleighmead  
Burlieghmead  
Autumn House  
Autumn House

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**PROPOSAL**

The application seeks retrospective planning approval for the retention of two existing inter-locked buildings, which have already been erected at The Tilery, Bradbury. Visually, the buildings divided into two parts. The larger eastern section of the building has a floor area measuring 38.6m long x 20.25m wide. The eaves and ridge level of this building measure 4.6m and 7.3m in height respectively.

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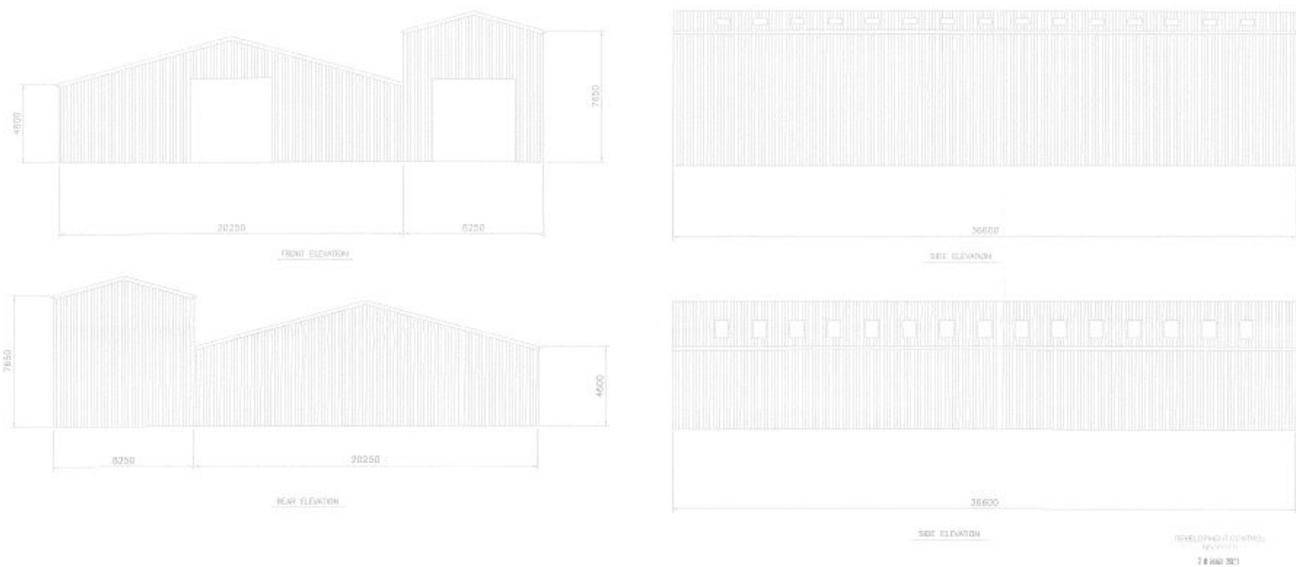
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The remaining section of the building is 36.6 m long x 8.25 m wide. The eaves and ridge level of this building measures 7.65 m and 8.8 m respectively. Providing a total floor area of 1043 square metres of floor space. Both buildings have a steel frame construction with steel external sheets to ground level.

No details of the equipment or other facilities to be installed in the buildings as part of the grain drying / milling process are included on the submitted plans, nor has the extent of storage space for grain been illustrated.

However, following a site visit to the building it has been established that these are currently utilised to mix and bag bulk grain, which is then sold as pigeon feed. The taller of the two sections of the building is utilised to house a range of hoppers where grain is cleaned, processed, mixed and bagged. The larger and lower section of the buildings is used to store the bagged feed before this is dispatched to the customer.

Elevational Drawings illustrating current Planning Application

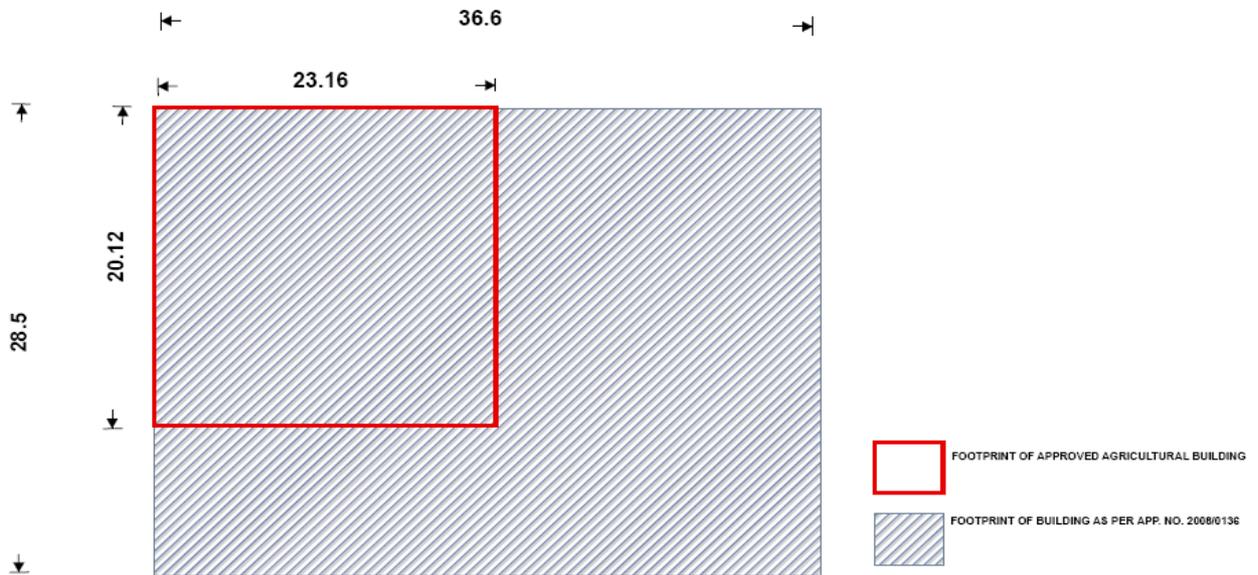


The floor layout below illustrates how the floor area of the building has increased since the original agricultural building was erected on site.

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Floor Layout Plans



The application site is to be located on land to the east of Bradbury Services, which is located adjacent to Junction 60 on the A1 (M) with the A689. The application site has direct access to the A689 via a short farm track. An existing residential property West Winds is located approximately 440 metres to the south west of the application site. Whilst the closest residential properties at Bradbury village are approximately 900 metres to the west of the application site.

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**Supplementary Information provided in Support of the Planning Application**

The applicant states that grain will be transferred from eight surrounding farms – six of these farms are located within 5 miles of the application site and the other two are located in Stockton and Shildon. The supporting information states that these farms lie within the same ownership, are part of the same business, but are farmed on a tenanted basis.

Approximately 3 years ago the applicant planted approx. 80 acres of woodland around the application site in order to negate the potential impact of the building on the open countryside. The supporting information that accompanies the application has stated that these trees will serve as a visual barrier, promoting a more attractive environment and also increase the diversity of the natural habitat for wildlife conservation purposes.

This application also includes provision of additional tree planting of approximately 16,230 sq. m to the east, south and west of the existing building. It is also proposed to plant two additional lengths of hedgerow measuring 230 and 130 metres to the east and west of the buildings in question.

In support of the planning application it is stated that planning approval has already been granted for the larger of the two buildings under Agricultural Permitted Development Rights in 2003 and that the taller of the buildings would not be significantly more prominent than this.

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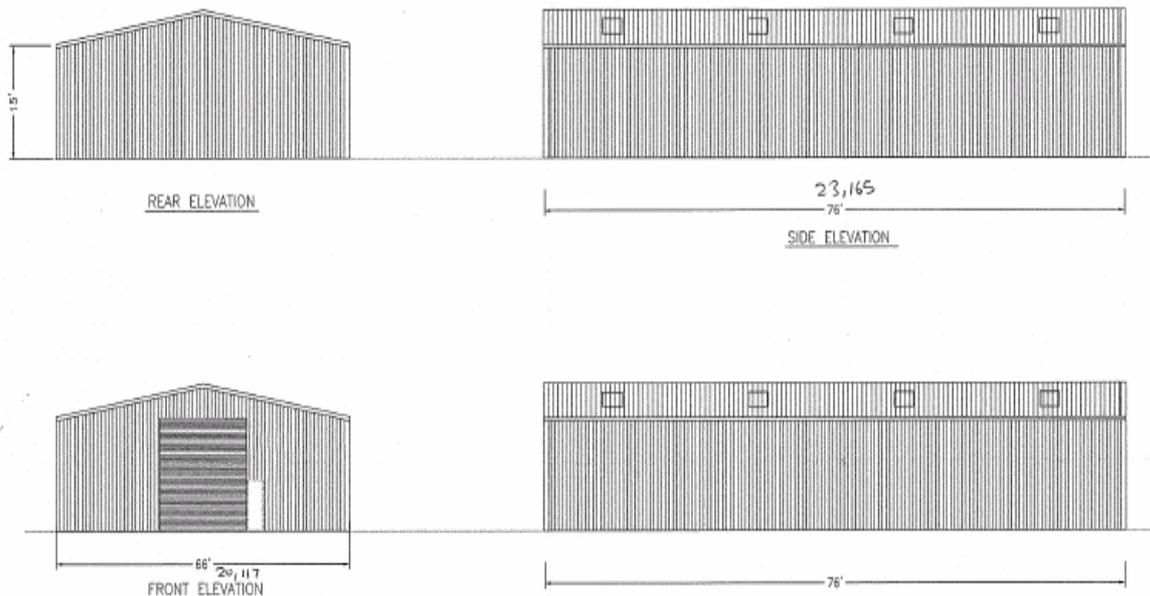
**SITE HISTORY**

This site has a complex planning history a summary of which is outlined below. This new application is aimed at regularising the existing building, which has already been erected on site.

In April 2003 the Borough Council determined an application under the prior notification procedure for agricultural development relating to the construction of a grain store /dryer /mill and distribution at this site. The 'foot print' building in question measured approximately 30 metres in length x 15 metres in width whilst the pitched roof measured 4.6 metres to eaves level and 6.1 metres to ridge level. The applicant confirmed that this building was to be used purely for agricultural purposes.

This application was subsequently amended to reduce the length of the building and increase the width of the building. These amendments were approved in February 2004 so that the footprint of the building measured 23.16 metres in length x 20.11 metres in width. The floor area of the building would form approximately 465 square metres. The elevational drawings are illustrated below.

Elevational Drawings showing Agricultural Building Approved under Prior Notification Procedure



A further application was submitted in January 2004 (App. No. 2004/0045/DM) for the erection of new building at the side of the existing building measuring 8.25 metres in width x 36.6 metres in length. This submission included proposals to extend the length of the existing building from 23.2 metres to 36.6 metres. This building formed a side and rear extension to the building that was built under Agricultural Permitted Development Rights in 2003. The floor area of the enlarged building would, therefore, increase to 1043 square metres.

It would appear that construction works for the extension to the side and rear of the building commenced **prior** to a decision being issued by the Local Planning Authority. When the

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applicant was informed that the works were unacceptable and the application was to be recommended for refusal the application was withdrawn by the applicant in June 2004.

Because of concerns regarding the degree of importation of raw materials onto the site, concerns regarding the usage of the building and its design the Local Planning Authority suggested that the applicant explore the possibility of relocating this operation to other alternative sites, which would be more appropriate to this type of activity. Although the supporting statement submitted with the application states that significant time has been spent considering other alternative sites for the proposed development no evidence has been provided to substantiate this claim.

A further planning application was submitted in May 2007 with further details including photomontages of the building and the landscaping belt submitted in December 2007. This application sought planning approval to erect a single grain store and processing building. The proposed building would measure 38.6m long x 28.5m wide, providing 1042 square metres of floor space. The central section, which is 8.8m in overall height, with lower wings on either side being 4.9m up to eaves level. The proposed building would be of steel frame construction with steel external sheets to ground level.

**Elevational Drawings of Planning Application No. 2007/0283/DM**



This planning application was due for consideration with a recommendation for refusal at the meeting of this Council's Development Control Committee held in March 2008 prior to the application being withdrawn by the agent.

**PUBLICITY AND CONSULTATION RESPONSES**

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**Bradbury Parish Meeting** have stated that they did not oppose the original building on site on the basis that this not excessive in size and they believed it appropriate to allow agriculture to continue on the 80 acres of land .... since that date, *however, they have consistently and vehemently opposed the development as extended for commercial purposes without approval.*

The Parish Meeting state that *the sheer size of the existing building means it can be seen from almost the whole of the historic Bradbury and Mordon Carrs as well as from the Bradbury – Mordon road and that ... it is particularly intrusive for the owners of Westwinds.*

It has also been stated that *since the recent removal of an area of woodland at the Bradbury filling station the building is now visible from the A19M)/ A689 interchange and along the A689.*

*The Meeting acknowledge that the developer has planted some 80 acres of woodland but in over 3 years these have grown to approximately 1.5 metres in height and that these would take some 20 years to screen the building. Concern was also raised that the colour of the building makes this stand out against the skyline. .*

Concern was also raised that the traffic figures provided does not take into account those tractors and trailers delivering grain through the harvest period when it is estimated that upto six deliveries a day were passing through Bradbury *often at unreasonable speeds.* Concern was also raised that lorries *delivering materials from other parts of the country and abroad* have been known to travel through Bradbury itself when looking for The Tilery and that vehicles heading east on the A689 turn across the westbound traffic into the site.

As such, The Parish Meeting unanimously agreed to oppose the proposal and to seek enforcement action, if necessary, to reduce the building to its original approved size.

**Durham County Council (Highways Section)** – The Highway Authority have stated, based upon the information provided with the planning application - that the expected traffic movements of 2 trucks making 2 or 3 deliveries per week, no highway objections are raised.

The Highway Authority has also assessed Road Traffic Accident (RTA) Statistics in the vicinity of the existing junction onto the A689. The Highway Authority has confirmed that there have no Road Traffic Accidents recorded during the last 5 years in the vicinity of the junction that they involved vehicles related to traffic movements in or out of the existing junction onto the A689.

**Durham County Council (Archaeology Section)** – has stated that the building does not directly impact upon the Ridge and Furrow remains in this area. However, concern was raised that the additional woodland planting proposed to the east of the building would detrimentally affect these archaeological features. It was therefore suggested that the proposed planting be reduced and amended to safeguard the Ridge and Furrow remains in this area.

**Sedgefield Borough Council (Local Plans)** has recommended that planning approval for the taller of the two buildings be refused and that the larger building be utilised purely for agricultural purposes. It is noted that the site is located in an isolated area of the countryside away from any other related farming structure, and development would have a detrimental upon the surrounding landscape. A situation which would be exacerbated by the retention of the taller of the two buildings and the resultant increase in floor area. Secondly the structures proposed would not be subject to any effective screening until the adjacent woodland matured. The Local Plans team state that the proposed development fails to accord with Planning Policy Statement 7 PPS7 (Sustainable Development in Rural Areas).

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**Sedgefield Borough Council (Landscape Officer)** has stated that rail and road communication routes about the site and it is noted that the proposed development will be very prominent from the road linking Bradbury to Mordon and the main railway.

Whilst it is acknowledged that significant tree planting has been carried out around the building and that this would provide a good degree of screening when this planting becomes established after approximately 15 years. Regrettably, however, the planting will not mitigate the development in the immediate future. Improvements have been suggested such as a 20 year management plan and new hedgerow planting. The mitigation measures proposed in relation to the tree planting are welcomed.

**Residents Objections**— twelve individual letters of objection were received from householders residing in the Bradbury area.

Ten of these responses were submitted on a standard pro-forma, which objected to this proposal on the following grounds:

1. The buildings, and has been used for commercial not agricultural purposes since its erection some four years ago.
2. The large size of the building and its colour intrude on the views across the adjacent historic farmland.
3. There is a danger to other road users both by traffic turning across and onto the A689, and to pedestrians and other road users in the village by the excessive numbers and speed of the tractors serving the production facility.
4. The proposed screening of the building is not anticipated to become effective for 20 years.

It was, therefore, requested that this application be refused and that the building be reduced to its originally approved size including the removal of the silo,

The other two letters of objection re-iterated the above concern that the existing building is being utilised for a commercial rather than agricultural purposes. That this proposal is detrimental to the visual appearance of this area being *a blot on the landscape* and that use is potentially hazardous to highway safety and that the operations, which at times operate 6 days a week, generate unacceptable levels of noise.

***PLANNING CONSIDERATIONS***

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

- Is the proposal an Agricultural or a General Industrial Use?
- Is this site an appropriate location for this Activity?
- Would the proposal unacceptably detract from the visual amenity of this area?
- Would the proposal be acceptable in highway safety terms?

The applicant has claimed that the principle of the use has been established due to the previous prior notification application. Having taken specialist advice from a planning consultancy, which specialise in agricultural development the Local Planning Authority firmly dispute this view in

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that Permitted Development rights only apply to development 'reasonably necessary for the purposes of agriculture within that unit'.

It is the opinion of the Local Planning Authority that it is now wholly legitimate to re-assess the proposals as a whole given that the proposed development would serve more than the immediate land holding and bearing in mind the increased scale of the proposed buildings. It should be noted that no cereal is grown at this location with all the crops being imported onto this site.

It should additionally be noted that the floor area of the building currently under consideration has substantially increased since the date of the original planning application, which was determined under the prior notification procedure in April 2003. The floor area has increased from 465 sq. metres to 1042 sq. metres.

The Government's objectives for rural areas are outlined with of Planning Policy Statement 7 PPS7 (Sustainable Development in Rural Areas). This Policy together with Planning Policy Statement 1 (Delivering Sustainable Development) seeks to promote sustainable patterns of development by focusing most development in, or next to existing towns and villages; preventing urban sprawl; and discouraging the development of 'greenfield' land.

Government guidance also strives to protect the countryside for its own sake, and therefore, development is not normally allowed without special justification. Agricultural development is an accepted part of the countryside and the role of agriculture can be a key influence upon the character of the landscape. However, this acceptance is based upon the view that farm buildings are suitably positioned and designed and that these are required for the agricultural purposes or an ancillary use deriving from the agricultural activities carried out on that site.

New industrial development in the countryside might be appropriate in a limited number of circumstances where there is a requirement to be close to a source of raw materials. These circumstances would typically include the excavation of minerals or forestry where it is essential that the activity take place close to the source of raw materials.

A key principle of Planning PPS7 is that all development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

**Is this Proposal an Agricultural or Light / General Industrial Use (B1/ B2)?**

The Local Planning Authority accepts that the storage and processing of grain grown on site can be regarded as a bona fide ancillary use to the agricultural activity.

However, on this occasion, the grain to be processed / stored in the buildings would be imported from a variety of farms including locations at Stockton and Shildon. Whilst, the supporting information submitted with the planning application states that these farms are within the same ownership, are part of the same business, but are farmed on a tenanted basis. This Council's planning consultants have expressed concern that the applicant has submitted no evidence to substantiate this claim.

Based on the limited amount of information submitted there is no means of clearly assessing the appropriate scale and extent of either the grain store element or associated processing

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facilities. The applicants supporting statement does not explain the exact purpose of any processing, type of grain being stored or intended end use/ product.

However, on the basis of the information provided by the existing operator that the building is being used to store and mix grain for pigeon feed. The Local Planning Authority are of the view that this operation represents a B1 or B2 Use.

The view is given further weight because it is stated that five full time staff are employed in the facility. This level of staffing would infer a commercial scale processing use with a need to import products to ensure on-going production.

**Is this Site an Appropriate location for a B1 or B2 Use?**

Whilst it is common practice to store grain at existing farmsteads where the crop has been grown the Local Planning Authority are of the opinion that grain processing does not require a rural location outside a settlement as a base. Whilst it is accepted that a location on an industrial estate would add to the set up costs of the business, the same could be said of any other business seeking a new operating base.

It is considered that the centrality of the application site to the extensive business catchment area and the advantage to the applicant of a convenient storage area do not create a substantial level of need for the application site as a base to weigh against the harm to the countryside (The site is in close proximity to the Bradbury, Mordon and Preston Carrs historic landscape). It is considered that the applicant has not been able to demonstrate that the proposed activity has an essential requirement for this rural location, and the use of the application site is not linked to any significant extent to activity on this site. The processing of bird food could easily be located within an existing / established industrial area.

Furthermore, the information submitted by the applicant is inconclusive in terms of the benefits in terms of sustainability associated with any perceived reduction in travel or appropriateness/ scarcity of other suitable sites for the processing element in the area.

Notwithstanding the support for commercial and light industrial businesses in rural areas, PPS7 states that such development would normally be expected to be in or adjacent to existing towns and villages. As such, the Local Planning Authority are of the opinion that food processing activities such as this should be located within the physical framework of existing towns and villages where these sites are best served via a range of public transport options and maximise the potential for employees to walk and cycle to work. This focus of new development within built up areas also helps the redevelopment of brown field sites and minimises sporadic development in the open countryside.

It is considered that the use of the application site is explicitly contrary to national policies contained within in PPS7 (Sustainable Development in Rural Areas) which aims to safeguard the countryside for its own sake, and to strictly control new building in the open countryside, whilst encouraging diversification which can bring benefits to the rural economy.

**Visual Impact**

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A key principle of Planning Policy Statement 7 is that all development in rural areas should be well-designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside.

In order to assess the visual impact of this proposal a number of photomontages have been provided from several viewpoints around the application site. Notwithstanding the recent tree planting around the site and the additional planting now proposed the photomontages demonstrate that the tree belt would take some 15 years to become established as an effective screen that would minimise the impact of the development on the surrounding landscape. In the mean time, however, this planting will not screen the buildings which will appear to be unduly prominent within the landscape when viewed from the adjacent land and transport routes including the road linking Bradbury and Mordon, the main railway line and the A693.

Notwithstanding that planning approval has previously been granted for an agricultural building to be erected on site under the Prior Notification procedure the Local Planning Authority are of the opinion that the increase in the size and height of the proposed buildings is of such a degree that the cumulative impact of the two buildings now proposed would unacceptably detract from the visual appearance of the countryside in general and the historic landscape of Bradbury, Mordon and Preston Carrs, in particular, contrary to Local Plan Policy E3 which states that the Council will seek to conserve the historic landscape Character of the Bradbury, Mordon and Preston Carrs when approving proposals by ensuring that they do not damage the character and appearance of the area.

The visual appearance of the two buildings with varying widths and heights is also considered to be poorly co-ordinated and ill conceived in design terms. Although recognising the functional nature of this type of building the Local Planning Authority are of the opinion that good quality design should be promoted rather than build a poorly designed building and then attempt to screen this.

### **Highway Safety Issues**

Based upon the information provided in support of the application – that the expected traffic movements generated by the operations are estimated to be 2 trucks making 2 or 3 deliveries per week - the Highways Authority have raised no objection on highway safety grounds. The existing operator has recently been granted interim approval for two vehicles and trailers to operate from the site no more than 3 movements per week. It is acknowledged that additional traffic movements may result from tractors and trailers from the constituent farms visiting the site, however, bearing in mind the Road Traffic Accident statistics it is felt that the level of traffic movements would not be sufficient so as to justify refusal on highway safety grounds.

### **CONCLUSION**

In conclusion, given the facts of the case it is considered that the proposal is contrary to the policies of the National Planning Policy outlined within Planning Policy Statement 1 and 7 and Policy E3 of the Sedgefield Borough Local Plan as it has not been proven that the existing activities constitute an agricultural operation or that these are directly linked to the farm holding where the building is located. The Local Planning Authority does not except that the grain-processing to form pigeon feed needs to be located in the open countryside and are of the opinion that the cumulative visual impact of the larger, taller and more poorly designed buildings would unacceptably detract from the historic landscape of the Bradbury, Mordon and Preston Carrs, the adjacent transport corridors and the open countryside in general.

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It is, therefore, recommended that this planning application be refused planning consent. It should, however, be noted that the applicant would be able to utilise the 'fall back' position of the smaller scale building originally granted planning approval in February 2004 (when the footprint of the building measured 23.16 metres in length x 20.11 metres in width) provided that the building is utilised for a 'bona fide' agricultural use. The floor area of the building would measure approximately 465 square metres.

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

**HUMAN RIGHTS IMPLICATIONS:**

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

**RECOMMENDATION**

(i) That the application is refused for the following reasons:

1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the processing, storage and mixing of grain for bird seed has an essential requirement for a rural location, contrary to Policies laid out within PPS7 Development in the Countryside.
2. In the opinion of the Local Planning Authority this development is located in an unsustainable location, in the open countryside which is poorly located in relation to both existing towns and villages and modes of transport other than the private car, contrary to the policies laid out in PPS1 (Delivering Sustainable Development).
3. In the opinion of the Local Planning Authority this building would appear unduly prominent within the landscape when viewed from the adjacent land and transport routes (inc. the main railway line) and the historic landscape of Bradbury, Mordon and Preston Carrs, contrary to the policies laid out in PPS7 Development in the Countryside and Policy E3 of the Sedgefield Borough Council.

(ii) That should Members be minded to refuse the application or in the event that the current application is withdrawn that consideration be given to instigating enforcement proceedings as outlined in the Committee Report at Item (?) of this agenda.