

Item 5

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2008/0140/DM APPLICATION DATE: 25 March 2008

PROPOSAL: **ERECTION OF 17NO. LIGHT INDUSTRIAL/WAREHOUSE UNITS WITH ANCILLARY OFFICES (USE CLASS B1,B2 AND B8)**

LOCATION: **LAND AT SALTERS LANE INDUSTRIAL ESTATE SEDGEFIELD STOCKTON ON TEES**

APPLICATION TYPE: Detailed Application

APPLICANT: Easter Properties Ltd
4 Grosvenor Place, London, SW1X 7EG

CONSULTATIONS

1. SEDGEFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. ENV AGENCY
7. CIVIC TRUST
8. ENGINEERS
9. ENV. HEALTH
10. L.PLANS
11. ECONOMIC DEV
12. DESIGN
13. LANDSCAPE ARCH
14. Sustainable Communities

NEIGHBOUR/INDUSTRIAL

Alcoa Kama Europe Reynolds Foods Packaging
Filmco International Gordon Laboratory Group
Contract Suppliers Builders Merchants
Protec G Bolam & Sons Fin Machine Andrew Sykes Ltd
Ranger Transport Services Identitag Engraving Sedgefield Community Hospital
Fir Tree Farm Howle Hope Farm
Ryall Cottage Ryall Farm Office 1 Office 2 Office 3 Office 4 Office 5
Office 6 Office 7 Office 8 Office 9 Office 10 Office 11
Office 12 Office 13 Office 14
Office 15 Eastholme
Winterton Cottages:14,15,16,17,18,1,2,3,4,5,6,7,8,9,10
Winterton Avenue:2 Weterton Farm
Weterton House Cottages:1,2-3
Pasture Field:20,19,18,17,16,15,14,13,12,11,10,9,8,7,6,5,4,3,2,1
Weterton House
South East Lodge
St Lukes Crescent:29,30,31,32,33,34,35
Millclose Walk:7,6,5,4,3,2

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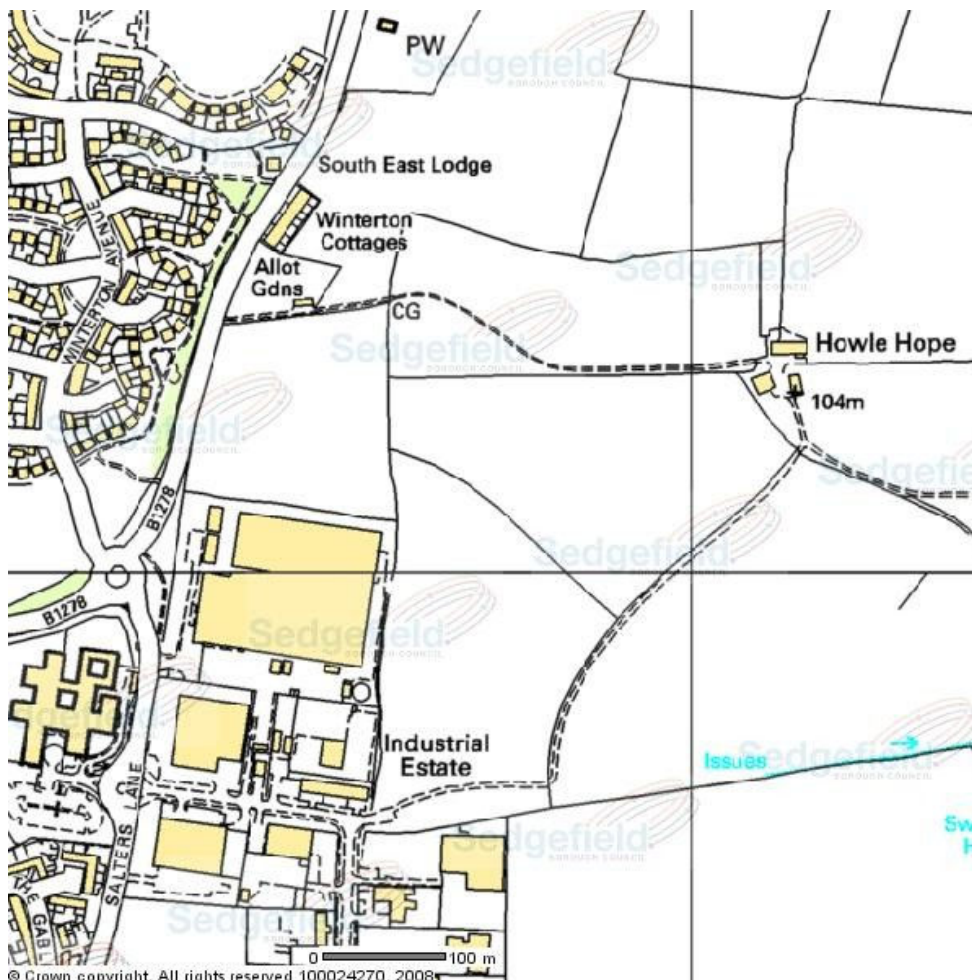
BOROUGH PLANNING POLICIES

- D1 General Principles for the Layout and Design of New Developments
 - D4 Layout and Design of New Industrial and Business Development
 - IB6 Acceptable uses in General Industrial Areas
 - E1 Maintenance of landscape character
 - D3 Design for Access
-

This application seeks detailed planning approval for the erection of 17 Light Industrial / Warehouse units with ancillary offices (Use Class B1, B2 and B8) including associated access road and parking at this parcel of land to the north east of Salter's Lane Industrial Estate, Sedgefield.

The application is accompanied by a Design and Access statement, a Transport Assessment, a Landscape scheme and an Ecological Survey.

The site measures approximately 6.44 acres (2.6 hectares) and lies adjacent to Salter's Lane Industrial Estate, as illustrated on the site plan below.



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Several existing industrial buildings are situated along the western and southern boundary of the application site.

An existing access road leading to Howle Hope Farm and Fir Tree Farm to the east runs through the southern section of the site. This access arrangement would be retained in a revised format as part of this planning application.

The site is currently undeveloped and appears to be utilised for informal pasture. Several hedgerows are located along the eastern, southern and western boundary of the application site. The area immediately to the north and east of the application site would remain in agricultural use.

Vehicular access to the site would be taken from the primary estate road serving the existing industrial estate. A new service road would, therefore, be constructed to serve the proposed extension of the Industrial Estate.

The proposed industrial units range in size from 225 sq. m to 2,215 sq. m with a total floor area 11,806 sq. m.

The proposed units comprise a mix of both individual units and small rows of between 2 - 4 units. The layout has been designed with the larger of the units positioned within the western section of the site adjacent to the existing Industrial Estate whilst the smaller of the units located on the northern and eastern sections of the site. The proposed site layout is outlined below.

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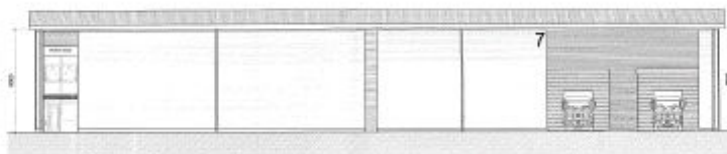


The majority of the proposed buildings are of pitched roof construction. The eaves and ridge level of the largest of the proposed units (Unit No. 7) measures 9.0 m and 11.2m, respectively. Because of the prominent location of this building at the entrance to the development the southern gable of the building has been designed with an active frontage including a mix of glazing and cladding detail.

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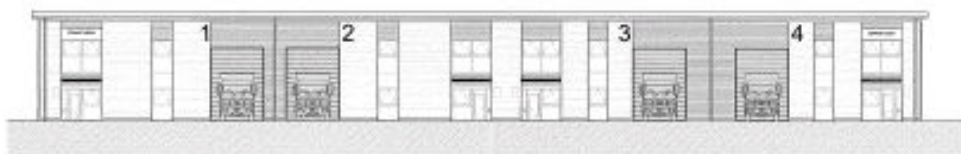


07 South Elevation / Unit 7

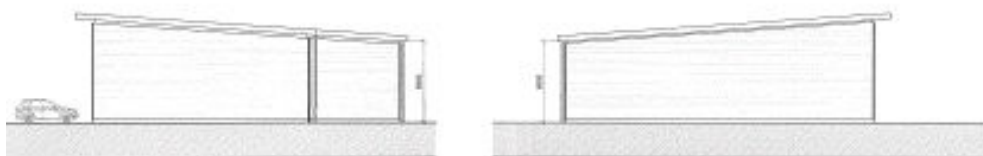


08 East Elevation / Unit 7

Units 1-4 and Units 14-17 are designed with mono-pitched roofs vary in height from 6m – 9.6m. It is proposed to clad all of the buildings in profiled steel cladding.



02 South elevation / Units 1-4



PUBLICITY AND CONSULTATION

Durham County Council, as Highway Authority, has confirmed that the Transport Assessment is satisfactory and this illustrates that the proposed development can be accommodated on the local highway network.

Several detailed comments have, however, been made with regard to the detailed layout of the proposal and it has been stated that the pedestrian linkages through the site need to be revised to improve their practicability and facilitate access within the application site.

Sedgefield Borough Council's Countryside Officer has raised concern regarding the lack of detail submitted within the ecological survey information provided. It had been noted that several parts of the proposed development site appeared to include wet / marshy habitat which may be suitable for Great Crested Newts.

The site was also found to include small areas of species diversity within the grassland sward together with evidence that the area is used by several bird species including skylark and yellow hammer. The potential impact of this proposal on ground nesting birds needs to be adequately assessed and, if necessary, steps taken within the proposed landscaping of the site or the construction of the buildings to offer suitable habitat for protected species.

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It was, therefore, recommended that additional survey works be carried out on site to ensure that the potential impact of the development on species and habitats be addressed prior to the determination of this planning application.

Sedgefield Borough Council's Environmental Health Team has stated that the best practical means shall be utilised to minimise noise and dust nuisance for local residents during construction works.

The Environment Agency has raised no objection to the proposal subject to a planning condition being attached to ensure all surface water drainage from parking areas and hard standings are passed through an appropriately designed oil filter. The use of sustainable forms of drainage was also encouraged within the proposed scheme, as was the introduction of renewable energy.

Northumbrian Water have raised no objection to the scheme but they have stated that a public sewer bi-sects the application site and, as a result, the layout will have to be amended or the sewer diverted. It has, therefore, been suggested that a planning condition be attached restricting commencement until a detailed scheme for the diversion of the sewer has been submitted to and agreed by the Local Planning Authority, in consultation with Northumbrian Water.

Sedgefield Civic Trust has raised no objection to the proposed development for light industrial use. It was, however, stated that they are often parking problems with large vehicles parking on the entry road. As such, it was suggested that if planning approval is granted provision should be made for parking within the curtilage of the individual properties.

This planning application was the subject of a Press Notice, the posting of a site notice adjacent to the site entrance and direct neighbour notification. To date no representations have been received objecting to this proposal. Support for the application has been received from an existing business that has an interest in the land and already operates at the existing industrial estate.

PLANNING CONSIDERATIONS

In this case the principle issues that need to be addressed are

- Whether the development accords with the requirements of relevant National, Regional and Local Plan Policies.
- Layout, Landscaping and Design
- Have the ecological issues been fully and adequately addressed?
- Highway implications

Whether the development accords with the requirements of relevant National, Regional and Local Plan Policies.

National Planning Guidance expects the planning system to facilitate economic growth to improve the productivity of the UK and create more job opportunities. This proposal will cater for a broad range of business types such as small start-up business, through to small and medium sized enterprises as well as large commercial or industrial premises.

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Regional Planning Guidance also seeks to facilitate the economic renaissance of the region by encouraging inward investment opportunities and the growth of indigenous businesses.

Emerging Regional Spatial Strategy (RSS) sets out a long-term strategy for the spatial development of the North East. Policy 1 of RSS outlines the documents broad aim to facilitate a renaissance throughout the North East by delivering sustainable and inclusive economic prosperity and growth.

Policy 12 stipulates that the majority of new economic development and investment should be focused in the conurbations and main settlements within the Tyne and Wear and Tees Valley city regions, but that new economic activity of an appropriate scale and nature should also be encouraged in smaller settlements such as Sedgefield.

Policy 39 of the emerging RSS requires major new developments, such as this, to have renewable energy embedded within.

The Salter's Lane Industrial Estate is designated as a General Industrial Area within the Borough Local Plan, where business, general industry and warehousing are acceptable uses under Policy IB6. The primary objective of general industrial areas is to encourage the manufacturing industry

Policy IB14 of the Local Plan encourages the improvement of general industrial areas, and specifically identifies the construction of new industrial premises as a way to facilitate this improvement. These new light industrial units will assist in promoting the redevelopment and renovation of Salter's Lane Industrial Estate, and is therefore broadly compliant with the policies in the Local Plan. This development, if implemented, would contribute towards achieving this Local Plan objective by increasing the supply of industrial units. This proposal is, therefore, considered acceptable in principle.

Layout, Landscaping and Design

Although this proposal is satisfactory in principle the layout and design is considered to be in need of being amended and improved in order to meet the requirements of Local Plan Policies D1 and D4 and more recent guidance from CABE which seek to ensure that new development is designed to a high standard in terms of both the appearance of the units themselves and the associated landscaping.

The application site is highly visible from the B1278 and Winterton Cottages to the north. This proposed development would also be visible from south east and the east, although this is seen partly against the back drop of the existing industrial estate. Because of the prominent nature of the development site on the edge of the Industrial Estate it is considered that significant structural planting would be required along the outer edge of the site in order to ensure that the hard edge of the built development would be 'softened' when viewed from the surrounding countryside.

It is, therefore, considered necessary to provide additional structural tree planting along the northern, eastern and part of the southern boundary of the application site.

In addition to the structural planting referred to above it was also noted that little planting was proposed within the proposed development. This was considered to be particularly important at the site entrance adjacent to the existing Industrial Estate.

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Whilst the design of the proposed buildings was generally considered to be acceptable although it was suggested that the layout at the entrance to the development be improved when viewed from the primary access road serving Salter's Lane Industrial Estate and when entering the development site itself. It was also felt that the gable elevations on several units need to be further improved.

Have the ecological issues been fully and adequately addressed ?

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

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

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

The ecological information submitted has been fully evaluated by this Council's Countryside Officer who has raised concern regarding the lack of detail submitted in relation to the ecological survey information provided.

As such, the Local Planning Authority is, at this point in time, unable to fully assess the ecological implications of the proposed development. As such, the Countryside officer is of the opinion that the information provided to date fails to meet the requirements of PPS9 - which emphasises that adequate mitigation measures and compensation should be sought before planning permission is granted.

Highway implications

The submitted Transport Assessment has been found to be acceptable and it is felt that the traffic generation associated with the scale and location of the development will have minimal impact on the local highway network.

The layout and design of the internal road layout and the proposed levels of on site parking were deemed to be satisfactory in general. Concern was, however, raised that the main pedestrian link into and through the site would not be practical and it was stated that this needed to be amended to provide a clear and practical pedestrian linkage within the existing estate.

CONCLUSION

Whilst the principle of developing this site for industrial / warehouse use is acceptable in planning Policy terms, the layout and design of the proposal is currently considered to be

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unacceptable in that this does not provide sufficient structural planting around the northern and eastern perimeter of the site nor does the internal layout facilitate pedestrian access into and through the site.

Additionally, it has been identified that the ecological issues have not been fully or adequately addressed and these would require further work in order to ensure that the proposal does not detrimentally effect ecological interests in this area.

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

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

1. In the opinion of the Local Planning Authority the proposed development by virtue of the siting and scale of the buildings at this prominent location and lack of planting would have a significant and detrimental impact upon the character and appearance of the landscape and surrounding countryside and would fail to meet the necessary requirements for new business development contrary to Policies D1 and D4 of the Sedgefield Borough Local Plan.
2. In the opinion of the Local Planning Authority the proposed internal layout of the site fails to provide a practical pedestrian link within the development to the detriment of pedestrian safety, contrary to Policies D1, D3 of the Sedgefield Borough Local Plan.
3. In the opinion of the Local Planning Authority, the applicant has provided insufficient information in order to properly assess the impact of this proposal on protected species and habitats contrary to the requirements of PPS9 – Biodiversity and Geological Conservation.

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2. 7/2008/0197/DM APPLICATION DATE: 11 April 2008

PROPOSAL: **ERECTION OF UP TO 400 DWELLINGS (OUTLINE APPLICATION)**

LOCATION: **LAND AT ELDON WHINS NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Yuill Homes
Cecil House, Loyalty Road, Hartlepool, TS25 8BD

CONSULTATIONS

1. GREAT AYCLIFFE TC
2. Cllr. V Crosby
3. Cllr. D Bowman
4. Cllr. Irene Hewitson
5. Durham Bat Group
6. FIRE AUTHORITY
7. DCC (PROWS)
8. POLICE HQ
9. LANDSCAPE ARCH
10. DESIGN
11. L.PLANS
12. ENV. HEALTH
13. ENGINEERS
14. ENV AGENCY
15. ENGLISH NATURE
16. NORTHUMBRIAN WATER
17. DCC (TRAFFIC)
18. Lee White
19. RAMBLER
20. MIDDRIDGE P.C.
21. SPORTS COUNC.
22. Sustainable Communities

NEIGHBOUR/INDUSTRIAL

Foxglove

Close:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,
33,34,35,36,37,21a,24a,31a,32a

Middridge Parish Council

Sandown Drive:25

Lancelot

Close:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30

The Close:3

Gamul Close:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22

Eden Grove:6

Raddive Close:1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18

Wilton Court:28

Spooner Close:1,2,3,4,5,6,7,8

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Karles Close:15

Alverton

Drive:28,30,32,34,36,38,40,42,44,46,48,50,5,7,9,11,13,15,17,19,21,51,53,55,57,59,61,63,65,67,69

Luttryngton Court:8 Wolveston Close:9,10,11,12,13,14,15,16,17,18,19,20

Hambleton Court:24

Blue Bells

Ridge View

Malbri Neath

Elwick Avenue:2,4,6,8,10,12,14,16,18,20,22,24,26,28,30,32,34,36,38

Lascelles Avenue:20

Claxton Court:8,9,10,11,12,13,14,15,16,17

Gulf Petrol Filling Station

Eldon Moor Cottage

Eldon Moor House

Middridge Farms:16,15,14,13,12,11

BOROUGH PLANNING POLICIES

H2 Major Housing Sites in above Four Towns

H7 Development at Eldon Whins, Newton Aycliffe

D1 General Principles for the Layout and Design of New Developments

THE PROPOSAL

Outline planning approval is sought to construct up to 400 dwellings on land to the west of Greenfield Way (C35) and north of Middridge Road at Newton Aycliffe. The appearance, landscaping, layout and scale of the proposed housing are all 'reserved' for future consideration if this application were to be approved.

Vehicular access to the site would be taken from a proposed new roundabout which would be constructed at the junction of Middridge Road and Greenfield Way. The proposed round about is the subject of a separate planning application (App. No. 7/2008/0198).

The application is supported by the following documents:

- Site Layout Plan
- Design and Access Statement
- Supporting Planning Statement
- Site Search Report
- Transport Assessment
- Travel Plan
- Landscape Assessment
- Landscape Appraisal
- Statement of Community Involvement
- Extended Phase 1 Habitat Survey
- Archaeological Desk-Based Assessment
- Flood Risk Assessment

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The applicant has stated that the development will be designed and constructed to a high standard of Sustainability to meet Code of Sustainable Homes - level 4. As such, the scheme would include the provision of a Sustainable Urban Drainage system (SUD's), which will result in swales and a balancing pond between constructed to cater for surface water run off from the development site.

The proposal would involve the development of a series of home zone clusters consisting of a combination of mixed house types and tenures.

In addition to the proposed housing it has been suggested that the development will also incorporate a range of recreational facilities including a 'pocket park' and wildlife areas within the development.

The proposal would comprise two-storey development with a central core of three storeys.

THE SITE

The application site, which is located to the north west of the junction of Greenfield Way with Middridge Road, Newton Aycliffe, measures approximately 11.5 hectares.

The proposed housing would be located in three parcels of land, which are sub-divided by two existing tree belts. The illustrative master plan submitted in support of this planning application shows that the bulk of the tree cover in these areas would be retained within the development scheme. However, the central section of each belt would be removed to facilitate vehicular access from the central area to the remaining sections of the site.

Area 1 is centrally located within the site and access to the development would be taken from a single access point formed by the construction of a new roundabout with a fourth spur leading into the site at the junction of Greenfield Way and Middridge Road.

This tri-angular shaped parcel of land measures approximately 2.1 hectares in area. This is bounded to the north and west by an existing area of woodland.

Area 2 is located to the west of Area 1. This site, which is broadly rectangular, measures approximately 4.8 hectares. Cobblers Hall Plantation, an area of mature woodland is located to the north of this site whilst the area to the west in is agricultural use. Middridge Road is located at the southern boundary of the site.

Area 3 is located to the north of Area 1. This site measures approximately 2.8 hectares and is bounded to the north, east and west by Cobblers Hall Plantation.

The application site is outlined below.

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The applicant has identified that the Sustainable Urban Drainage and additional planting could be located on land immediately to the west of the application site. Although this provision was illustrated in the supporting documentation, this area was not contained within the application site boundary. The agent has subsequently confirmed that these elements can be incorporated within the scheme because this land is still within the control of the applicant. If outline approval is granted it has been suggested that this matter be controlled via the imposition of conditions to be discharged at the “reserved matter” stage.

The application site is located within the Middridge Parish Council administrative area. The village of Middridge is located approximately 800m to the west of the application site.

A number of public footpaths radiate from Middridge and the application site would be particularly visible from the public footpath network to the west of the application site. Further footpath links are located to the north of the application site linking Burn Lane with Eldon Moor House.

CONSULTATION AND PUBLICITY RESPONSES

Middridge Parish Council has formally objected to this application, with the main objection being that the proposed development is totally inappropriate, being outside the current natural boundary of Newton Aycliffe and on the other side of busy roads that totally negates any claim that the development is pedestrian friendly.

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The Parish Council also raise concern that some of the documents submitted in support of the planning application contain significant errors of fact or interpretation.

Concern has also been raised that the informal pre-application public consultation should be given little weight because this did not include the Parish and the consultation event was held some significant distance away from the application site itself.

The flood risk assessment makes no mention of existing flooding problems caused by run off from the site and does not deal with problems downstream in Woodham Burn which will be caused by any development.

The travel plan discusses accessibility without offering a solution to the problem of crossing the busy road between the site and the town.

The size of the proposed development would almost quadruple the size of the community at Middridge.

A copy of this response is appended to the rear of this report.

Great Aycliffe Town Council has no comment regarding this proposal.

Durham County Council's Ecologist has raised concern that there is insufficient protected species data. Specifically that the adjacent pond which is within 500m of the site has not been surveyed in respect of Great Crested Newts. The ecological information did not identify that the Cobblers Hall Plantation contains a known badger sett, and that although a number of trees are flagged up as potential bat roosts no survey has been carried out. It is stated that the submitted report does not provide enough content on which planners can make decisions and is not in compliance with PPS9. It has been suggested that the application is refused or be withdrawn until these issues are addressed.

Durham County Council's Highways Officer has stated that the Transport Assessment has been examined and is deemed satisfactory. However, he has raised several detailed points in relation to this scheme including the need to upgrade pedestrian linkages and access to public transport stops. It has also been mentioned that the roads in this area are already subject to regular flooding, a factor which needs to be given due consideration within this proposal.

Durham County Council's Archaeologist has raised no objection subject to a suitably worded planning condition being attached requiring an archaeological evaluation to be submitted as part of the Reserved Matter application.

The Environment Agency formally object because the flood risk assessment does not adequately consider flood risk. Concerns have been raised with regard to both the rate of discharge and the location of discharge. The location of discharge is of particular concern because of the history of surface water flooding in this vicinity.

Natural England has confirmed that it has major outstanding concerns regarding the proposal at this stage as it considers that further information needs to be provided prior to the determination of this planning application to demonstrate whether or not the development would have an adverse effect on protected species including bats, Great Crested Newts, badgers and BAP species including linnet, skylark, song thrush and lapwing.

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Sport England has formally objected to this application and advises that there is a need for the applicants / Local Authority to examine the sport and recreational needs likely to arise from this development and ensure that provision is addressed through the application or a Section 106 Agreement.

Durham Bat Group state that a full bat survey is needed to identify bat roost sites.

The Ramblers Association has formally objected to this proposal. Concerns were raised that the consultation procedure undertaken prior to submission was inadequate, that this greenfields site is inappropriate for development and that this site is prone to flooding. It was also stated that this proposal would detrimentally affect ecology, increase traffic generation and detract from the enjoyment of those using the public footpath network in this area.

Sedgefield Borough Council's Countryside Officer has raised concern that the ecological information submitted in support of the planning application is insufficient to properly assess whether the proposed development would detrimentally affect protected species including Great Crested Newts, bats and Badger.

It has also been stated that a breeding bird survey is necessary to establish the current value of the site for birds, prior to the determination of the planning application. The results of this survey would then determine what mitigation would be put in place to negate the impact of this development.

Sedgefield Borough Council's Forestry Officer has raised concerns that Cobblers Hall Plantation, owned by Great Aycliffe Town Council, would be greatly affected due to increased use and it has been suggested that it is worth exploring a 106 agreement for biodiversity/woodland works in this important community resource as mitigation for undoubted degradation of the plantation.

The perimeter road is also considered to be too close to the Cobblers Hall Plantation boundary and a soft landscaping buffer should be designed adjacent the Plantation. Additional thought needs to be given to the final treatment and management of the semi mature shelter belts which will be degraded by the proposal. Concern was also expressed that the 'Green Boulevard' in an east – west axis would be too densely planted and lead to shade conflict with the residents to the north.

Sedgefield Borough Council's Environmental Health Team have recommended that construction works should be carried out in such a way to minimise dust, noise and disturbance. That working hours be restricted and that measures be implemented to clean internal roads and highways. It was also recommended that an Air Quality Assessment be carried out to assess pollutants arising as a result of this scheme. It was also stated that the developer is responsible to ensure that any proposed development is not affected by contamination on site.

Residents Comments / Objections

To date 14 letters of objection have been received together with a further 6 letters commenting on this proposal.

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Highway safety concerns were identified as a key issue. Several respondents felt that the access leading onto Burn Lane, which is located approximately 150 metres to the north east of the site, needed to be improved - particularly bearing in mind existing housing sites under construction in this area.

The development would be outside the natural boundary of Newton Aycliffe which would set a precedent for further development to the north of the C35.

That the housing should be located within settlement / on brownfield sites and the housing is not required.

The development would be located on a greenfield site which is currently used as productive agricultural land and this development would have a detrimental impact on the landscape in this area.

Potential flooding risk arising from this scheme. One respondent has submitted details to show that surface water already collects within the site and at Middridge Road itself. He has raised concern that this built development would lead to an increase in flow rate from the application site onto adjacent land.

That existing facilities including local schools would be unable to cope with increased demand – it was noted that one school referred to in the supporting information did not, in fact, exist.

Detrimental impact upon ecology and the existing woodland in this area. It was also pointed out that where housing is constructed next to existing woodland the existing trees are subject to both immediate danger from construction works themselves but these are also subject to demands for further pruning and felling because of concerns over overshadowing, leaf fall etc.

Poor inter connectivity from proposed housing to local services inc. shops because of the sites location on the 'wrong' side of two busy main roads.

Loss of views and loss of privacy.

The proposed layout and scale of the scheme was also felt to be ill conceived and unduly high and that only very limited space has been set aside within the scheme for recreational use.

The proposed development would dominate the existing bungalows at Ridge View and Malbri Neath because of the elevated level of the site.

Concern was raised that the proposed phasing would mean that this scheme would take 8 years to complete causing significant noise and disturbance over a very prolonged period. Whilst the principle of the wetland drainage scheme was welcomed concerns were raised with regard to the long term maintenance of this area.

PLANNING CONSIDERATIONS

Policy Background

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The application site has previously been identified for residential development within the Sedgefield Borough Local Plan adopted in 1996. At this time it was estimated that 8 hectares of this site was capable of accommodating an estimated 160 dwellings.

However, the Local Plan is now 12 years old and in several aspects this is now inconsistent with more recent planning Policy, guidance and advice contained in more recent national and regional planning Policy. The Local Planning Authority was able to redress the balance when Local Plan policies were re-assessed to see whether they should be “saved” indefinitely until Local Development Documents were adopted to replace them, or “deleted” if it was felt that they were out of kilter with those at a national and regional level.

Two Local Plan policies Policy H2 and Policy H7 directly relate to the application site.

Policy H2 (Major Housing Sites in the Four Towns) was requested to be “saved”, and the justification, which was accepted by the Secretary of State was that *“not all allocations in Local Plan policy H2 have been implemented and therefore the allocations should remain but any development proposal must be in accordance with Planning Policy Statement 3: Housing (PPS3) and submission draft Regional Spatial Strategy (RSS) Policy 3”*.

It is argued by the applicant that because Policy H2 was saved, Eldon Whins remains a valid housing allocation. This Council’s Forward Planning Team, however, stress that the policy was saved in order to safeguard sites such as Agnew 5 and Whitworth Park, but not Eldon Whins. Regardless of this difference of opinion, the justification accepted by the Secretary of State is clear; new development must accord with PPS3 and the RSS.

Further evidence that Eldon Whins was no longer considered a suitable housing site, is shown by the deletion of Policy H7 (which related specifically to housing development at Eldon Whins). The reasoned justification was that *“the existing allocation is a Greenfield extension to Newton Aycliffe. Other sites within the existing built-up area of Newton Aycliffe are still to come forward. Given the existing housing land permissions, there is no need to keep this policy. Site allocations will be considered through new Major Allocations DPD”*.

Notwithstanding the fact that the Local Plan is out of date with more recent planning guidance, the Forward Planning Team consider that Eldon Whins is no longer part of the Borough Local Plan, and the housing proposed by this application is on unallocated Greenfield land. Therefore there is significant conflict with the Local Plan. It is therefore necessary to appraise the merits of this proposal against more up to date planning advice, such as the RSS and PPS3. This matter is considered in further depth in the Planning considerations section of this report.

Although no planning applications have been submitted on the application site itself, two planning applications have previously been submitted with regard to the construction of a roundabout and access road into this site to facilitate the development of this site. Both applications submitted in 1999 and 2004 were approved but these were never implemented. Hence, the submission of the third application which is currently under consideration at this time (App. No. 2008/0198).

Key Issues

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

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- Whether the proposed housing development would be sustainable in terms of its location, or whether it comprises inappropriate development outside the settlement of Newton Aycliffe; and
- Whether the site should be released for housing development, having regard to the housing land supply situation.
- Is the Flood Risk Assessment adequate ?
- Have the ecological issues been fully and adequately addressed ?
- Would the proposal unacceptably affect visual amenity / landscape Character?
- Would the proposal be acceptable in highway safety terms ?

Whether the proposed housing development would be sustainable in terms of its location or whether it comprises inappropriate development outside the settlement of Newton Aycliffe

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 Regional Spatial Strategy 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 North East region, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns including Newton Aycliffe. 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 identifying land for development, Local Planning Authorities are required to adopt a sequential approach to site selection, taking into account the sustainability of the site. 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.

Eldon Whins is located in open countryside outwith the built-up area of Newton Aycliffe. As such, the Forward Planning Team consider that there are sequentially more preferable sites (which could accommodate the development) available within the existing urban area of Newton Aycliffe. Moreover, other housing sites are available at Cobbler's Hall (Site's N & O) and Agnew 5, and the Regional Spatial Strategy dictates that these must be developed in preference to the application site on account that they are sequentially more preferable. In this regard, this proposal conflicts with the development plan.

Although the agent has submitted a site search report to support this planning application the Local Planning Authority is of the opinion that this report gives an overly optimistic evaluation of the site's sustainability credentials. It has been noted that whilst the application site itself scores highly at 43 points, a site immediately to the north of Cobblers Hall Plantation attracts a

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substantially lower score of 14 points. This Council has carried out its own assessment of housing land availability under the Strategic Housing Land Assessment (SHLAA)

Sedgefield has recently released the first stage of its SHLAA. This SHLAA is a key component of the evidence base to support the delivery of sufficient land for housing to meet the community's need for more homes. These assessments are required by PPS3 (Housing) and seen as a key tool in the development of local housing policy and proposals, and in demonstrating a 5-year supply of deliverable housing sites. The primary role of the SHLAA is to identify sites with potential for housing and assess when they are likely to be developed. This site at Eldon Whins has been classified as unsuitable for housing development.

To summarise this issue, the RSS is clear; new development should adopt a sequential approach to the identification of land for development and to give priority to previously-developed land and buildings in the most sustainable locations. Clearly, the proposal contravenes it and comprises inappropriate development outside the settlement of Newton Aycliffe involving unnecessary encroachment into the open countryside. It is considered that there is significant conflict with the development plan and national planning advice.

Whether the site should be released for housing development, having regard to the housing land supply situation

Policy 30 of the RSS sets the levels for housing development in Sedgefield for 2004-2021 of 4,385 dwellings, or an average of 260 per annum. PPS3 advises that housing figures can be adjusted to take account of housing supply and demand, and the RSS emphasises that the housing figures contained in Policy 30 are guidelines and do not represent a ceiling. It therefore allows LPAs the opportunity to make the case for a higher figure as appropriate.

The housing land availability study has been updated as of 31st March 2008, and the Borough currently has **7.49** years supply of housing in terms of schemes with planning permission.

This demonstrates that there is not an urgent need to permit a significant Greenfield housing development, as the Borough currently has well in excess five-years supply of housing.

A key component of demonstrating a continuous five-year supply of deliverable sites available for housing is achievability (i.e. there is a reasonable prospect that housing will be delivered on the site within five years). Whilst it is acknowledged that it is possible that not all the sites with the benefit of planning permission will be completed within 5 years.

LPAs need to consider whether granting permission for further sites would undermine achievement of their policy objectives. Permitting housing on this land would undermine the established regional housing objective of ensuring that housing land in sustainable locations is developed ahead of less sustainable sites.

Given that the Council has more than a five-year housing land supply based on the requirements of the emerging RSS, the Forward Planning Team is satisfied that it would be able to meet its RSS housing requirement on sites that are more sustainable than the application site.

As such, the Forward Planning Team concludes that there is no need to release the land for housing development, having regard to the housing land supply situation.

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Is the Flood Risk Assessment adequate ?

A key planning objective of Planning Policy Statement 25: Development and Flood Risk (PPS25) is to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUD's).

In this case, the Environment Agency has formally objected to this proposal because the flood risk assessment does not adequately consider the flood risk. Particular concerns have been raised with regard to both the rate of surface water discharge and the location of this discharge.

Have the ecological issues been fully and adequately addressed ?

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

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

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

On this occasion the application has been accompanied by a Phase 1 habitat survey. This document has been fully evaluated by both internal and external consultees including Natural England.

Natural England has confirmed that it has major outstanding concerns regarding the proposal at this stage as it considers that further information needs to be provided prior to the determination of this planning application to demonstrate whether or not the development would have an adverse effect on protected species including bats, Great Crested Newts, badgers and BAP species including linnet, skylark, song thrush and lapwing.

These concerns are also shared by the ecologist at Durham County Council and this Council's Countryside Officer.

As such, it has been stated that this Council, as Local Planning Authority, Natural England, the County Council's ecologist and this Council's Countryside officer are of the opinion that the information provided to date fails to meet the requirements of PPS9 – Biodiversity and Geological Conservation.

Although additional survey work has now been commissioned by the agent with regard to the outstanding survey information, the results of this survey work had not been received at the time of drafting this report.

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Would the proposal unacceptably affect visual amenity / landscape character

The application site is located in open countryside outwith the physical framework of either Newton Aycliffe or Middridge village. This site is currently utilized for agricultural purposes and contains two areas of woodland. Cobblers Hall Plantation is located immediately to the north of the application site and would provide a significant degree of screening when approaching the application site from the north.

The site is, however, highly visible when approaching the site from Middridge and Shildon to the west. The development of this site for residential purposes would inevitably alter the undeveloped character of the area. The site is also highly visible from the public footpath network to the west of the application site. Substantial structural planting would be required to screen the proposed development from the west, however, this would by its very nature require a significant period of time to reach full maturity, particularly when it has been indicated that the proposed development would include a mix of both two and three storey development. The introduction of structural planting along the western boundary of the application site would by its very nature result in a significant proportion of the site being 'lost' to development.

The development would also detrimentally alter the character of the landscape when viewed from the series of informal footpaths which exist within Cobblers Hall Plantation which is located to the north of the application site.

Notwithstanding the tree planting areas which are located on the outer perimeter of the recent housing sites south of Middridge Road the application site, and hence the development proposals, would be clearly visible from both the ground and first floor rooms of these properties and the footpath network.

The housing at the central section of the proposed development site would also be visible from Greenfield Way and the existing bungalows at Ridge View and Malbri Neath.

The Local Planning Authority are of the opinion that this Greenfield site does not need to be developed to meet housing land supply figures and any limited benefits gained would be clearly outweighed by the impact of the proposal upon the landscape character and amenity of those using the footpath network in this area.

Would the proposal be acceptable in highway safety terms?

Significant local concern has been expressed regarding the highway implications of this proposal both because of the traffic implications arising from this scheme and because of the inter relationship of this site with the other housing developments planned and under construction at Cobblers Hall and in Shildon.

The Highway Authority has confirmed that the Transport Assessment has been robustly assessed and it was found that the additional impact of the additional traffic on the local highway network, after the construction of the proposed round about would be minimal. It could, in fact, be argued that the introduction of a roundabout at this location would improve safety for road users in this area, particularly, those travelling along Middridge Road to and from Middridge and Shildon.

It was, however, noted that existing footpath provision in the vicinity of the site is poor. In fact, the site was considered to be remote from suitable footway / cycleway provision. As such,

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significant improvements to both the public footpath links to Greenfield Way and a cycle link to Byerley Park Junior and Infant School were recommended.

Other Matters

Sport England has formally objected to this application and advises that there is a need for the applicants / Local Authority to examine the sport and recreational needs likely to arise from this development and ensure that provision is addressed through the application or a Section 106 Agreement. Although a pocket plan has been illustrated within the illustrative master plan, this element is not considered satisfactory to accommodate the additional local sports and recreational needs that would result from a development of this size and nature. Sport England have calculated that a development of this scale should make provision for investment in sports facilities either on part, or via the payment of a commuted sum of £276, 287.

Whilst this matter could potentially be resolved as part of the reserved matters application it should be noted that the provision on site would have a further impact upon the site area available to accommodate the residential element of this scheme. The suggested housing figure of 400 units would, therefore, be affected unless a commuted sum was negotiated and agreed between the parties concerned.

Concerns were raised that this proposal would lead to an unacceptable loss of privacy between the new housing and the proposed development. Bearing in mind the rather isolated location of the development in relation to the existing housing, loss of privacy is not considered to be so significant so as to justify refusal of this outline planning application. The layout, scale and inter relationship of the dwellings would, of course, be considered in detail at "reserved matters" stage were planning approval to be granted 'in principle'.

Other issues raised related to concerns over loss of view this matter, however, is not a material planning consideration.

CONCLUSION

In conclusion, the development of this site for residential purposes is considered to be contrary to established PPS3 and the RSS this proposal is felt to comprise inappropriate development outside the settlement boundary of Newton Aycliffe involving unnecessary encroachment into the open countryside. The Local Planning Authority also strongly contend that the housing land supply figures submitted in support of this planning application are incorrect.

Notwithstanding the above mentioned objection 'in principle', the Local Planning Authority are of the opinion that insufficient ecological information that has been supplied to date in order to adequately assess the ecological status of the existing site or to assess the implications of development. The Flood Risk Assessment is flawed and the proposed development of this site would detrimentally affect the character and visual amenity of this site and unacceptably detract from the amenity of those using the informal footpath network in this area including the Cobblers Hall Plantation.

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.

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SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

RECOMMENDATION

It is RECOMMENDED that the application be refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal involves the development of housing on greenfield land outwith the settlement of Newton Aycliffe involving unnecessary encroachment into the open countryside contrary to the provisions of PPS1 – Delivering Sustainable Development , PPS3 – Housing and Policy RSS (SoS Further Proposed Changes, February 2008).
2. In the opinion of the Local Planning Authority they is no need to release this green field site to meet projected housing land supply. To do so would contrary to PPS3 – Housing and RSS in that this would undermine established national and regional planning policy which seeks to ensure that housing land in sustainable locations are developed ahead of less sustainable sites.
3. In the opinion of the Local Planning Authority, the Flood Risk Assessment submitted does not adequately consider flood risk both with regard to the rate of flow and the location of discharge, contrary to the provisions of PPS25 - Development and Flood Risk.
4. In the opinion of the Local Planning Authority, insufficient information has been provided by the applicant in order to properly assess the impact of this proposal on protected species and habitats contrary to the requirements of PPS9 – Biodiversity and Geological Conservation.
5. In the opinion of the Local Planning Authority, the proposed development would unacceptably detract from the Flood Risk Assessment submitted does not adequately consider flood risk both with regard to the rate of flow and the location of discharge, contrary to the provisions of PPS25 (Development and Flood Risk).
6. In the opinion of the Local Planning Authority, the development of this greenfield site which is located in the open countryside would detrimentally affect the landscape character of this area, contrary to the provisions of PPS7 – Sustainable Development in Rural Areas.
7. In the opinion of the Local Planning Authority, the application site is poorly related in terms of the public footpath network linking this site with existing community facilities and insufficient provision has been made for pedestrians to cross Middridge Road or Greenfield Way, contrary to Local Plan Policy D1 (F) of the Sedgefield Borough Local Plan.

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Planning Application by Yuill Homes
For housing development at Eldon Whins

1 Executive summary

This report reviews the planning application made by Yuill Homes for a housing development at Eldon Whins.

The various submitted documents are discussed and it is noted that some of the contain significant errors of fact or interpretation.

The public consultation did not include the Parish in which the development is proposed and was held at such a distance away from the site as to be almost a sham consultation.

The planning policy and supporting statement is shown to be at least misleading, as the score for the site is significantly inflated whilst downgrading scores of other sites.

The flood risk assessment makes no mention of existing flooding problems caused by run off from the site and does not deal with problems downstream in Woodham Burn which will be caused by any development.

The travel plan discusses accessibility without offering a solution to the problem of crossing the busy road between the site and the town, the effect of which will prevent disabled users from getting to the accessibility of a nearby non-existent school, supporting its case by marking it on a map!

Middridge Parish Council wishes to oppose the application, considering that the main objection is the fact that the proposed development is totally inappropriate, being outside the current natural boundary of Newton Aycliffe and on the other side of busy roads that totally negates any claim that the development is pedestrian friendly.

The size of the proposed development would nearly quadruple the size of the community of Middridge and totally overshadow what is at present a quiet rural village.

Middridge Parish Council requests that the planning application be refused.

2 Introduction

It is noted that planning permission has expired both for any housing development at Eldon Whins and for the associated roundabout.

The planning application therefore requires adequate fresh justification if it is to be found acceptable in the current environment. A very strong argument will be needed to justify extending the development of Newton Aycliffe into the parish of Middridge on the other side of the main roads which currently provide a natural boundary to the town.

As might be expected, the information provided by Yuill Homes to support the application is extremely biased in favour of the proposed development and in some parts definitely misleading.

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3 Public consultation

The proposers claim to have carried out a public consultation after distributing adequate notice to those affected. This is patently not so.

- No notice was given to the Parish Council which is responsible for the region in which the development is proposed.
- The journal in which the "consultation" was advertised is not circulated in the parish in which the development is proposed.
- The "consultation" was held at a hotel some 4km away from the site rather than at the available hall in the village of Middridge approximately 800 metres from the site.

Of the only 25 respondents to the questionnaire, it is evident that some came from the immediate vicinity of the hotel in which the "consultation" was held and lived at least 3 km from the proposed development. It is not surprising that villagers from Windlestone would support fresh housing development at this distance from their property rather than on their own doorstep.

The survey does have the honesty to admit that almost all respondents raised the subject of both current and potential future traffic management problems. It is also noted that the sample of business replies does not represent a significant response and from which no conclusions can be drawn.

Rather surprisingly in view of conclusions of the flood risk assessment (see below), flood issues were raised by most respondents, one of whom brought in photographs of the standing water on Middridge Lane after a short period of rain.

4 Planning policy and supporting statement

Section 1.2 of the executive summary of the report states that the application site is allocated within the adopted plan for housing. Part of the land was once so allocated when it was originally purchased by the Aycliffe Development Corporation to prevent what was considered unsuitable leisure development and therefore had to be allocated for housing so as not to exceed their powers,

Any planning permission resulting from this allocation has now expired. The proposed development is an isolated site in open countryside between the rural village of Middridge and the town of Newton Aycliffe, rendered inaccessible to pedestrian access by the main roads which bound it on two sides.

Section 1.3 claims that Sedgefield Borough Council cannot show an adequate supply of available housing land. However the study of potential housing sites intended to support this conclusion does not even include the authorised development for 270 housing units at Spout Lane in nearby Shildon.

Section 1.5 claims the highest levels of design and sustainability and is claimed to include a Sustainable Urban Drainage System. It fails to point out that the planned SUDS is outside the area scheduled and would require fresh planning permission for change of use and the acquisition of additional land.

Section 1.7 claims that a public consultation exercise was carried out. This hollow claim is adequately dismissed in clause 3 above which deals with the claimed "public" consultation.

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The number of dwellings planned and noted in the introduction is far more than the site could reasonably be expected to support, especially if the extensive on-site open spaces proposed are provided. Before the planning permission expired and with the latest planning standards taken into account, only 242 dwellings were proposed in the Local Development Framework: June 2007 Major Allocations Alternative Options Report.

In section 3 it is claimed that the site is 1.6 km from the town centre. This may be so from the edge of the site to the edge of the town centre as the crow flies but by road the figure is nearer to 2.5 km.

The planning policy discussion in clause 6 notes the need to take on board accessibility and sustainable transport needs. It is submitted that the position of the development on the other side of main roads bordering the current town would not contribute to pedestrian accessibility, and the distance from available school places would lead to increased car use, either by inhabitants of the proposed development or by the parents of those displaced from what is at present their nearest school. The site is not accessible to non-car modes of transport as claimed in 6.9.

The area proposed to contain the wetland pond and swampy areas is outside the area of the development, and would require further new planning permission and the acquisition of additional land. It would also require significant new drainage arrangements to prevent road flooding and also to prevent flooding further downstream in Woodham Burn.

Clause 6.18 claims that the site is within walking distance of a wide range of facilities. It is in fact approximately 3 km from the town centre and from available school places, on the other side of the busy roads, which at present form the natural boundary to the town of Newton Aycliffe. The site would constitute a new "island" dormitory development between Newton Aycliffe and Middridge in the countryside and separated from any other housing development by two main roads. There are very few jobs available within no-car modes of transport as claimed in 6.21 and the site cannot be said to be accessible to community facilities and services as the nearest police station, public library and benefit office are over 3 km away.

The application for 400 dwellings is based upon a very high density development on the highest possible estimate for the area of the site of 11.5 Ha which includes the current tree belts and which does not allow for tree belts claimed to be proposed at the western edge of the site. It is noted that previous plans used a figure of 8 Ha as the real available area of development.

The development proposed would continue over a period of 8 years at about 50 dwellings per year. This would mean a significant extended disruption to what is at present a peaceful area and would cause a long period of additional site traffic.

Clause 6.40 deals with flood risks, which although they may not be very great for the actual site itself, the assessment fails to point out that the additional run off will create a risk which will be greatly increased for Middridge Lane and other areas further downstream adjacent to Woodham Burn.

Clause 7 states that Sedgefield District Council do not have a sufficient housing supply to meet current government targets. Unfortunately once again, this analysis ignores the Spout Lane development in Shildon. It is believed that Sedgefield Borough Council has prudently planned for an adequate supply of housing over more than 8 years without use of the site subject to this planning application.

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The section on site allocation makes a number of erroneous claims as discussed in 4 below. The sequential test claiming to deduce that the site is the most suitable site within Sedgefield Borough is shown in section 6 below to be based on biased information which inflates the score for the applicant site whilst downgrading scores for other sites.

It is noted that the SUDS that is proposed under the sustainability discussion is outside the area of the site and would entail extra planning permission for an additional 1.5 Ha and the purchase of additional land. If the SUDS were to be contained within the original site area the number of dwellings would have to be reduced by approximately 50 to 350.

Clause 7.5 refers to the "public consultation" which was carried out in the Eden Arms Windlestone, some 4 km distant claiming that community centres in Newton Aycliffe were not available. No enquiry was made as to the availability of Middridge Village Hall, only some 800 metres away in the parish where the development is applied for.

5 Design and access statement

The design and access statement is somewhat contentious. The size of the site may be somewhat exaggerated. The land taken up by the proposed housing is of the order of 10.5 to 11.5 Ha depending on whether the tree belts are counted, although the previous plans only envisaged only 8 Ha being built on, the other 2 Ha to the west being scheduled for a tree shelter belt.

The site analysis in 2.1.1 claims that there are educational facilities within walking distance. The nearest primary schools with available places are Stephenson Way Junior and Infants (at 1.8 Km) and Horndale Infants/St Francis Church of England Junior School in Scholar's Path 9 (at just over 1 Km). Realistically, both of these would require to be accessed by car as they are on the other side of busy main roads. The nearest Comprehensive School (at 1.5 Km) is working at full capacity and so the nearest available secondary education would be at Woodham, some 4 Km away.

Many families whose children currently attend schools nearest to the proposed development would find their children displaced to schools even farther away. Children in the village of Middridge would be particularly badly affected as they already experience difficulty in finding places due to the developments in Woodham and Cobbler's Hall

If the tree belts are "largely maintained" as claimed in 2.2.1, the available housing area is reduced by some 1.5 ha. The potential landscape feature to the west, although much reduced compared to previous plans, will consume a further 1 Ha approx, thus reducing the housing area further and increasing the effective housing density of the 400 houses proposed.

It is noted that in 3.2, the development proposes larger dwellings, **over** three storeys in the central plot, which markedly conflicts with the landscape visual assessment, which states in 1.3 that the proposed dwellings will be limited in height to two stories only, so that the site does not "constitute a large scale development".

The layout is claimed to offer multiple routes around the development but the only road access to the site would be by a single roundabout giving access to the main road. The claimed pedestrian footpaths and cycle ways on the south of the site will be unable to provide integration with Newton Aycliffe as claimed unless some special provision such as a pelican crossing or a pedestrian underpass is made available so as to permit crossing over the busy boundary roads.

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In the absence of information on the maps, it is not clear how the swampy hollows (swales) will connect to the SUDS pond whilst at the same time allowing publicly accessible walks in the area.

6 Study of potential sites for housing

Yuill Homes has prepared a site search report to support its planning application. In this report the site is described as having a total area of 11.3 Ha (2.5) and refers to the site being in the Sedgefield Borough Local plan (2.7) without mentioning that any such planning permission has now expired as noted in 2.8.

It is noted that in assessing relative scores for site suitability, Yuill Homes claims that Eldon Whins comes top in both scores for Major allocations search sequence approach and for the ISHL methodology. A brief study of the information given makes it abundantly clear that the scores for Eldon Whins are inflated and that those for other sites are marked down. These scores are clearly based on inaccurate assessments. It is patently obvious that Eldon Whins cannot score a whole 10 points higher than "Land west of Middridge Road" in terms of distance from various facilities when the two sites are contiguous. The two sites cannot possibly give 17 points of difference in the Sedgefield approach to scoring.

The quoted distance from primary schools takes no account of the availability of school places. If the development were to be permitted, a number of potential pupils who are presently eligible to attend local primary schools would be excluded due to their relative distance from the school and would be condemned to attending even more remote schools. It is claimed, for example, that a primary school is available within less than 500 metres when the nearest available vacant places are between 1.8 Km to 2.8 Km away across a busy road.

The site search report submitted by Yuill Homes is clearly biased and the information that it contains needs to be more clearly justified following a proper unbiased assessment of the relevant facts.

7 Flood risk assessment

It is noted that the geology assumes the land to consist of boulder clay overlying magnesium limestone. The survey notes in 5.5 that the assessment of the green field run off from the site was made using the ADAS 345 method without any confirmation being made of the site conditions.

It is clear that this lack of confirmation has led to erroneous results as the lower part of the site floods regularly, with the flooding extending on to Middridge Lane several times per annum after any significant rain. It appears that the landowners referred to in clause 8 gave incorrect information as to the flood risk of the site.

It is clear that any additional run off due to the provision of hard surfacing would require the provision of special drainage arrangements. It is not clear that the proposed swampy areas (swales) and the proposed pond would be sufficient to deal with the problem.

If the water is discharged through a new culvert into the existing watercourse, limiting the discharge to the current theoretical discharge would lead to more local road flooding. If the flow was increased to prevent road flooding on Middridge Lane, it is probable that downstream flooding would occur and problems would be created in the area of Blind

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Lane unless a new culvert was built where the stream goes under the road. There would also be further flood risk downstream within Newton Aycliffe itself.

The depth and thickness of the clay stratum under the topsoil is unknown but it is known from speleological activity nearby that the magnesium limestone in the area is fissured and eroded, and it is believed that any significant increase in the water flow through it due to piercing of the clay cover could lead to undermining and pitfalls in other areas of Newton Aycliffe.

8 Travel plan

The travel plan places much stress on the accessibility of the site to pedestrian and cyclists, and yet gives no proposals for dealing with the difficulty crossing the busy road to the facilities in Newton Aycliffe itself. Midridge Lane, an unrestricted road, will prove a major hazard to pedestrians, especially young children trying to get to school, and together with Greenfield way, will prove an almost insurmountable hazard to disabled residents.

Among the nearby amenities quoted in 3.4 are a non-existent primary school in Burnhill Way, the submission even showing this "school" marked on the map in figure 2!

It is clear that the submission fails to "establish the high level of accessibility for pedestrians" claimed in section 4.1 of the document. The proposal offers no more than to employ a person to advise on the use of alternatives to the car.

9 Transport assessment

There is little comment on the views expressed in the transport assessment except to note that however good the footpaths on the site are and also the footpaths within Newton Aycliffe, the plan shows no provision for a safe pedestrian crossing of Midridge Lane or of Greenfield Road. This will make it difficult to encourage walking instead of car use.

The proposed development would be the only housing site in Newton Aycliffe that requires the unprotected crossing of a main road to get to shopping and other facilities.

10 Landscape appraisal

There is no comment on the landscape appraisal except to note the conclusion that the site is, in its undeveloped state, valuable to the community.

11 Landscape visual assessment

The landscape visual assessment states in 1.3 that the proposed dwellings will be limited in height to two stories only so that the site does not "constitute a large scale development". This conflicts with the statement in Chapter 4 of the Design and access statement that there will be 3 storey blocks around the access point to "create a framed view" although these larger dwellings are described as "over 3 storeys" in 3.2 of the same document.

This confusion makes it difficult to place any trust in the information given.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

12 Archaeological assessment

There is no comment to be made on the archaeological assessment of the site.

13 Habitat survey

The "extended" habitat survey somehow fails to have noticed the deer, barn owls and mallard that have been seen in the area and which, especially the deer, would be significantly disturbed by such a development.

14 Conclusions

Any development on the site of Eldon Whins is strongly opposed by Middridge Parish Council. The site forms an unwarranted expansion of Newton Aycliffe into another parish across the natural boundary formed by the outer ring roads which would form a significant traffic hazard for anyone living in such a development if it were to be permitted.

Furthermore, the size of the proposed development would nearly quadruple the size of the community of Middridge and totally overshadow what is at present a quiet rural village.

Yuill Homes' planning application is supported by a number of documents in many of which the information given is so slanted as to give a completely false impression of the suitability of the site. It is clear that a full and proper unbiased study is required of the information which is claimed by Yuill to support the planning application.

It is submitted that the application should be refused. Any further application must be justified with more correct figures so as to determine whether any proper argument exists to support the development.

SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

3. 7/2008/0198/DM APPLICATION DATE: 4 April 2008

PROPOSAL: **CONSTRUCTION OF NEW ROUNDABOUT AND ACCESS ARRANGEMENTS**

LOCATION: **LAND AT MDDRIDGE ROAD/GREENFIELD WAY NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Yuill Homes
Cecil House, Loyalty Road, Hartlepool, TS25 5BD

CONSULTATIONS

1. GREAT AYCLIFFE TC
2. Cllr. V Crosby
3. Cllr. D Bowman
4. Cllr. Irene Hewitson
5. DCC (TRAFFIC)
6. ENV AGENCY
7. ENGINEERS
8. L.PLANS
9. Sustainable Communities
10. MDDRIDGE P.C.

NEIGHBOUR/INDUSTRIAL

Blue Bells
Ridge View
Malbrineath
Gulf Petrol Filling Station
Alverton Drive:57,59,61,63,65,67,69,38,40,42,44,46,48,50
Gamul Close:10,9,8,7
Raddive Close:10,11,12,14

THE PROPOSAL

Detailed planning permission is being sought for the construction of a 4 arm roundabout and associated access arrangements at land at Greenfield Way and Middridge Road, Newton Aycliffe.

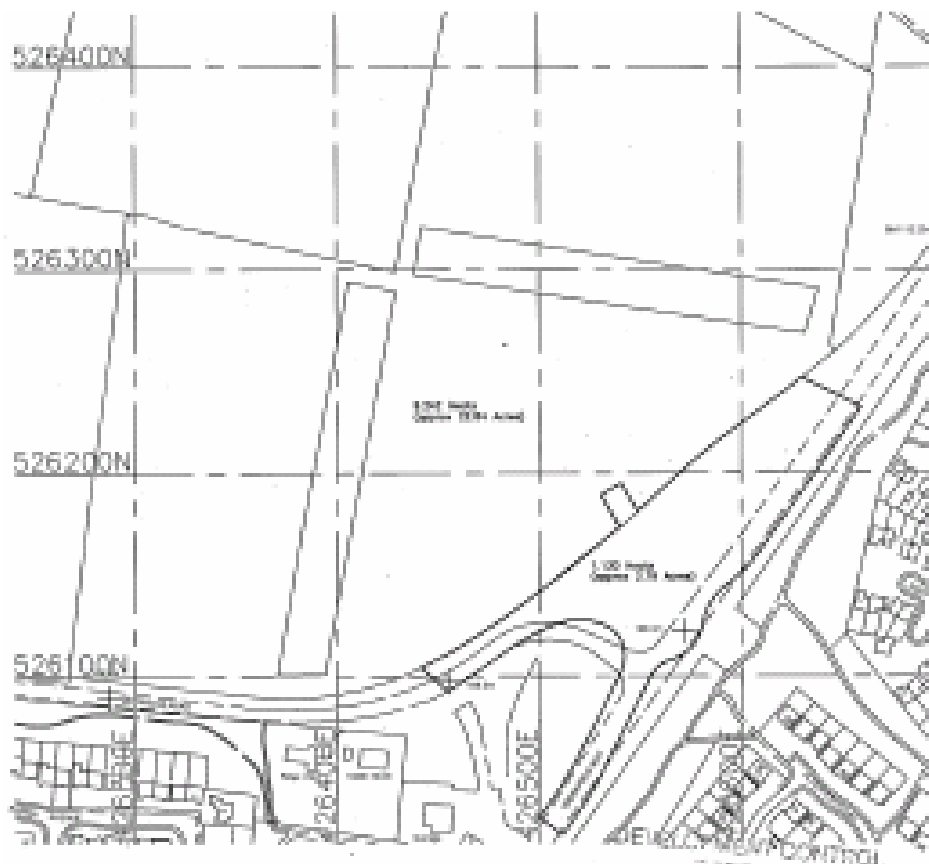
The application has been accompanied by a Design and Access Statement to explain how the location of the roundabout and access road has been designed to minimise the visual and environmental impact of the proposal whilst accommodating both the estimated traffic flow for the local traffic and the proposed development site.

SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

The design of the proposed roundabout and revised access road forms part of an overall master plan for the development of a residential site at Eldon Whins to the west of Greenfield Way and to the north of Middridge Road which is to be considered separately under planning application No. 07/2008/0197/DM.

It is proposed to replace the current unsatisfactory 'T' junction with a roundabout, the centre of which would be located in the existing highway verge to the north of the existing junction of Middridge Road and Greenfield Way.

The site location is outlined below.



SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

The proposed roundabout would have four roads leading off it namely Middridge Road westwards towards Middridge Village and Shildon, Greenfield Way to the north east towards Rushyford, Greenfield Way to the south west towards the western parts of Newton Aycliffe and lastly a northern leg to serve the proposed housing development site at Eldon Whins.

Greenfield Way would be substantially re-aligned to meet the roundabout and Middridge Road would be re-aligned to join the roundabout thereby eliminating the sharp bend in the road immediately before the existing junction is reached.

Supporting information submitted with the planning application demonstrates that the junction design is predicted to operate well within capacity for the assessment years of 2007 and 2017 including traffic generated by the proposed housing site at Eldon Whins.

In addition to providing vehicular access into the site an added benefit of the scheme would be to slow down traffic currently travelling along Greenfield Way and create a safer environment for pedestrians, cyclists and road users in general.



Two Ash trees are located in this highway verge but both of these are to be safeguarded within this proposal. The submitted details do not include detailed plans of the associated landscaping, footways, cycle paths, bus lay bys or street lighting details. It has been suggested that these details be agreed by condition.

SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

PLANNING HISTORY

Two planning applications have previously been submitted and approved to construct a roundabout in this location to provide vehicular access into the adjacent proposed housing development at Eldon Whins (App. No. 199/00047/DM and 2004/0589/DM). Although both schemes were approved these have not been implemented, hence, the current planning application.

CONSULTATION RESPONSES

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

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

Durham County Council's Highway Engineer has stated that the principle of the roundabout at this location has been established for some time. The layout of the proposed roundabout is generally considered acceptable, however, the detailed design and construction of the works associated with the roundabout would need to be carried out by Durham County Council under a Section 278 Agreement under the Highway Act 1980.

It was also stated that there may be a need to create bus lay-bys on the northeastern exit and approach to the roundabout if bus penetration cannot be achieved into the adjacent housing site. It was also noted that the construction works would alter the street lighting arrangements in this area. It was also pointed out that the current siting of the proposed roundabout may potentially require the permission of the Borough Council as landowner, an issue that needs to be clarified prior to commencement.

It was also recommended that the proposed roundabout, including footway / cycleway links and any public transport infrastructure works must be completed prior to the occupation of any dwelling located at the adjacent planning application site.

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

The Environment Agency has confirmed that they would not object to this proposal provided that surface water is disposed of into main sewers, as stated within the planning application. However, if the sewerage system owner does not agree to total discharge they have been asked to be reconsulted.

Sedgefield Borough Council's Countryside Officer has stated that the highway verge where the roundabout is to be located is currently being managed traditionally, by an annual late summer hay-cut, in order to encourage a high species diversity.

As such there are a variety of plant species, which are currently present within the grassland sward. This verge forms part of a larger corridor, locally known as Aycliffe Butterfly Meadows, which runs from Bluebell Garage, through to the Town Council Offices. The whole of this linear habitat is managed in the same way, and as such has a good variety of plant species. This verge therefore forms an important corridor for species (plant and animal) migration. Road

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

Verges of Conservation Importance are listed as a priority habitat under the Durham Biodiversity Action Plan (DBAP), and as such is capable of being a material consideration in the making of planning decisions (PPS 9 - Biodiversity and Geological Conservation).

It has been recommended that a phase 2 vegetation survey be undertaken of this stretch of grassland verge, to ascertain the current range of plants in this area. This would determine what our options are with respect to maintaining or enhancing biodiversity as part of this application.

Sedgefield Borough Council's Highways Engineer has no objections on highway grounds to the proposal provided that the design and specification of the proposed roundabout is agreed with the Highway Authority.

PUBLICITY RESPONSES

The application has been advertised via a press notice, the posting of several site notices around the application site and direct neighbour notification. As a result one written representation was received with regard to this planning application from a resident living at Alverton Drive, Newton Aycliffe.

The respondent queried how the applicant had carried out their community consultation prior to the submission of the formal planning application. Concern was also raised that the respondent's master bedroom would be subjected to excessive light pollution arising from the additional street lighting in the area and that the additional traffic generated by the housing scheme would lead to additional road noise, increased pollution and congestion.

Other roads improvements were put forward including not building the roundabout but installing traffic lights at the site entrance and up grading the road towards Rushyford or by constructing a roundabout at the Burn Lane junction rather than at this site.

PLANNING CONSIDERATIONS

Planning Policy

Notwithstanding the principle objection to the residential development proposal at the adjacent site the proposed roundabout itself is considered acceptable in Policy terms.

Highway Implications

As mentioned above the principle of the new roundabout is considered to be acceptable subject to the applicant entering into a Section 278 Agreement and the proposed roundabout, including the footway / cycleway links and any public transport infrastructure works, are completed prior to the occupation of the first dwelling at the adjacent development site, if this is granted planning approval.

It was also recommended that the proposed roundabout, including footway / cycleway links and any public transport infrastructure works must be completed prior to the occupation of any dwelling located at the adjacent planning application site.

Have the ecological issues been fully and adequately addressed ?

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

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

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

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

This Council’s Countryside Officer has stated that the highway verge where the roundabout is to be located is currently being managed to encourage a high species diversity. It has also been identified that this site forms part of a larger linear habitat that is managed to encourage a wide variety of plant species.

This verge therefore forms an important corridor for species (plant and animal) migration. Road Verges of Conservation Importance are listed as a priority habitat under the Durham Biodiversity Action Plan (DBAP), and as such is capable of being a material consideration in the making of planning decisions (PPS 9 - Biodiversity and Geological Conservation).

As such, a phase 2 vegetation survey would need to be undertaken of this stretch of grassland verge, to ascertain the current plant community assemblage. This would determine what our options are with respect to maintaining or enhancing biodiversity as part of this application.

As such, the County Council’s Countryside officer is of the opinion that the information provided to date fails to meet the requirements of PPS9 – Biodiversity and Geological Conservation.

CONCLUSION

In conclusion, it is considered that this proposal is satisfactory in planning Policy terms. However, the Local Planning Authority are of the opinion that insufficient ecological information that has been supplied to date in order to adequately assess the ecological status of the existing site or to assess the implications of development.

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.

HUMAN RIGHTS IMPLICATIONS

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

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.

It is RECOMMENDED that the application be refused for the following reasons:

1. In the opinion of the Local Planning Authority, insufficient information has been provided by the applicant in order to properly assess the impact of this proposal on protected species and habitats contrary to the requirements of PPS9 – Biodiversity and Geological Conservation.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

4. 7/2008/0255/DM APPLICATION DATE: 19 May 2008

PROPOSAL: **INSTALLATION OF NEW ATM MACHINE TO FRONT ELEVATION**

LOCATION: **WEST END POST OFFICE 2 PARKER TERRACE FERRYHILL CO
DURHAM
DL17 8JY**

APPLICATION TYPE: Detailed Application

APPLICANT: The Post Office
c/o EC Harris, European Operations Centre (EOC)-Milton Keynes, The
Pavillion, Sunrise Parkway, Linford Wood, Milton Keynes, MK146LS

CONSULTATIONS

1. DCC (TRAFFIC)
2. FERRYHILL TOWN COUNCIL
3. BUILDING CONTROL
4. ENGINEERS
5. ENV. HEALTH
6. DESIGN
7. POLICE HQ
8. Cllr. J. Higgin
9. Cllr. K Conroy
10. Cllr. D Farry

NEIGHBOUR/INDUSTRIAL

Parker Terrace:1,2A,3,3A,4
Black Bull Hotel
1B Main Street
1A Main Street
Main Street:1
Darlington Road:5,6,1,2A,2-4

BOROUGH PLANNING POLICIES

S1 Promotion and Protection of Role of Town Centres

This proposal would normally be dealt with under approved procedures of delegation. Whilst the application has not been made by an elected Member of the Council, and the application does not state that it has been made on behalf of such an elected Member, the application site is in the control of an elected Member or his/her family, and it is considered expedient therefore to present the application to Development Control Committee for consideration and determination.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

THE PROPOSAL

Planning permission is being sought for the installation of 1no. ATM machine into the front (east facing) elevation of the West End Post Office, situated on Parker Terrace, Ferryhill. This site is located within the defined Town Centre boundary for Ferryhill, adjacent to a busy road junction between Parker Terrace, Main Street and the B6287.

Submitted plans show this ATM to be installed into the external wall to the right of the existing Post Office primary window frontage and main customer entrance, into a space currently occupied by a painted mural feature (to be removed). Internally, this machine will be accessed via the secure area to the rear of the Post Office counter.

This installation is shown to measure a maximum 1100mm (h) by 900mm (w), projecting only a negligible distance from the external wall of the front elevation. It will be positioned at a height of approximately 900mm above ground level, and adjacent to a wide area of public highway for easier access by all user groups without significantly obstructing the public highway. It is considered that this ATM will be proportionate in scale and design to the existing frontage and immediate surroundings, not appearing overbearing to its setting.

CONSULTATION RESPONSES

As part of the consultation exercise for this application, a site notice was displayed adjacent to the application site, and all neighbouring properties were notified. No objections were received in response to this exercise. Furthermore:

- Ferryhill Town Council have raised no objections to this proposal,
- The Durham County Police Architectural Liaison Office has raised no objections to this proposal, noting this machine to be fitted in accordance with Post Office security standards, although has explained that the area around the machine be illuminated,
- The Sedgefield Borough Environmental Health Team have raised no objections to this proposal,
- The Durham County Highways Engineer has raised no objections to this proposal on highway grounds, with no anticipated highway or traffic implications or need for security bollards and
- The Sedgefield Borough Highways Engineer has not commented on this application,

No other comments have been received with regard to this application.

PLANNING HISTORY

- P/2006/0592/DM (Installation of new ATM machine – Informal enquiry) – PP required. Possible Advertisement Consent required if outside surround is to be illuminated.

PLANNING CONSIDERATIONS

Adopted Local Plan Policy S1 (*Promotion and protection of role of Town Centre*) seeks to permit development which would lead to the improvement of town centres across the Borough, with the provision of a new ATM not considered to detract from this requirement. On this occasion it is not considered that the proposed works will be in any way detrimental to the shopping function of Ferryhill Town Centre or the adjacent land uses, instead supporting and complementing the services on offer in this town centre which is served by sufficient off-road parking in the local area.

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

Meanwhile, Local Plan Policy D2 (*Design for people*) seeks to maintain acceptable access needs for all potential users whilst taking into consideration personal safety and security. Here it is noted that this ATM will be located in an extremely prominent and well lit area of Ferryhill Town Centre, being situated at a height and within an area of wide pedestrian concourse, therefore being DDA compliant.

CONCLUSION

It is considered that this proposal is of an acceptable scale and design which is proportionate to its location and which will not appear incongruous or detrimental to the surrounding Town Centre Environment or neighbouring uses. This application is seen to comply with the requirements of adopted Local Plan Policies S1 and D2.

HUMAN RIGHTS IMPLICATIONS

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

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

RECOMMENDATION

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

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

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

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSIONIn the opinion of the Local Planning Authority the proposal represents an acceptable town centre development which would improve the environment and shopping function of the town centre.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISIONThe decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance: S1 Promotion and Protection of Role of Town Centres

INFORMATIVE

The applicant is hereby reminded that separate advertisement consent may be required for any signage or illumination to be displayed around the proposed ATM installation.