

# DEVELOPMENT CONTROL COMMITTEE

Friday,  
20 June 2008  
10.00 a.m.

Council Chamber,  
Council Offices,  
Spennymoor

# AGENDA AND REPORTS



**This document is also available in other languages, large print and audio format upon request**

**العربية (Arabic)**

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

**বাংলা (Bengali)**

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

**(中文 (繁體字)) (Cantonese)**

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

**हिन्दी (Hindi)**

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

**polski (Polish)**

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

**ਪੰਜਾਬੀ (Punjabi)**

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

**Español (Spanish)**

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

**اردو (Urdu)**

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

## AGENDA

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

To notify the Chairman of any items that appear later in the agenda in which you may have an interest. (Pages 1 - 4)

**3. MINUTES**

To confirm as a correct record the Minutes of the meeting held on 30<sup>th</sup> May 2008. (Pages 5 - 12)

**4. TREE PRESERVATION ORDER NO. 54/2008 NORTH CLOSE**

Report of Head of Planning. (Pages 13 - 26)

**5. APPLICATIONS - BOROUGH MATTERS**

To consider the attached schedule of applications, which are to be determined by this Council. (Pages 27 - 66)

**6. DEVELOPMENT CONTROL - ADDITIONAL APPLICATIONS**

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

**Members are reminded that the applications to be considered under Items 4, 5 and 6 together with the plans submitted and all representations on the applications are available for reference in the relevant files in the Council Chamber, 30 minutes before the meeting or before that in the Development Control Section.**

**7. DELEGATED DECISIONS**

A schedule of applications, which have been determined by Officers by virtue of their delegated powers, is attached for information (Pages 67 - 78)

**8. APPEALS**

A schedule of appeals outstanding up to 11<sup>th</sup> June 2008 is attached for information. (Pages 79 - 82)

### **EXEMPT INFORMATION**

**The following item is not for publication by virtue of Paragraphs 1 and 6 of Schedule 12 A of the Local Government Act 1972.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

**9. ALLEGED BREACHES OF PLANNING CONTROL**

To consider the attached schedule of alleged breaches of planning control and action taken. (Pages 83 - 84)

**10. UNAUTHORISED DEVELOPMENT FENCE ERECTED IN EXCESS OF PERMITTED DEVELOPMENT HEIGHT AT ST JOHNS SCHOOL HOUSE SHILDON REF:H/2008/021**

Report of Director of Neighbourhood Services. (Pages 85 - 90)

**11. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

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

B. Allen  
Chief Executive

Council Offices  
SPENNYMOOR  
12<sup>th</sup> June 2008

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

All other Members of the Council

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact  
**Liz North 01388 816166 ext 4237**



# Item 2

## MEMBER'S DISCLOSURE OF INTEREST

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

<b>MEMBER'S NAME:</b>	
<b>MEETING OF:</b>	
<b>DATE OF MEETING:</b>	

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

The nature of that interest is \_\_\_\_\_ (2)

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

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

OR (5) [Delete if not applicable]

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

**SIGNED:** ..... **Dated** .....

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

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

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

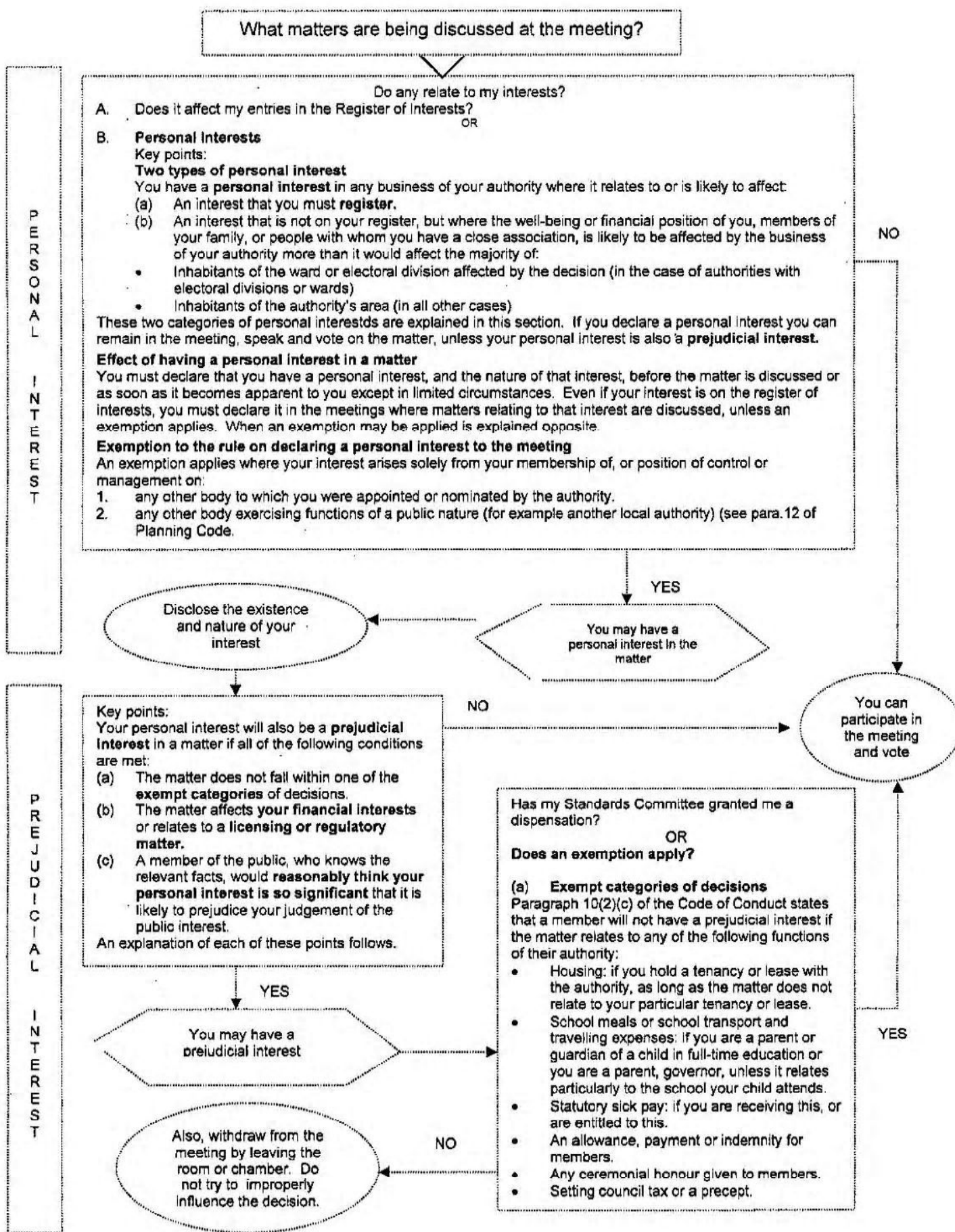
A Member with a prejudicial interest in any matter must also:

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

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

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



**IMPORTANT NOTE**

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

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# Item 3

## SEDGEFIELD BOROUGH COUNCIL

### DEVELOPMENT CONTROL COMMITTEE

Council Chamber,  
Council Offices,  
Spennymoor

Friday,  
30 May 2008

Time: 10.00 a.m.

**Present:** Councillor A. Smith (Chairman) and

Councillors B.F. Avery J.P, W.M. Blenkinsopp, T. Brimm, D.R. Brown, V. Chapman, Mrs. K. Conroy, Mrs. P. Crathorne, Mrs. L. M.G. Cuthbertson, T.F. Forrest, Mrs. B. Graham, A. Gray, G.C. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, A. Hodgson, T. Hogan, J.G. Huntington, Mrs. H.J. Hutchinson, Mrs. S. J. Iveson, Ms. I. Jackson, B. Lamb, Mrs. E. Maddison, D.A. Newell, B.M. Ord, Mrs. E.M. Paylor, B. Stephens, K. Thompson, A. Warburton, T. Ward, W. Waters and Mrs E. M. Wood

**Apologies:** Councillors Mrs. A.M. Armstrong, Mrs. D. Bowman, J. Burton, D. Chaytor, V. Crosby, D. Farry, P. Gittins J.P., Mrs. J. Gray, D.M. Hancock, J.E. Higgin, Mrs. L. Hovvels, G.M.R. Howe, J.M. Khan, C. Nelson, Mrs. C. Potts and J. Robinson J.P

#### DC.1/08 **DECLARATIONS OF INTEREST**

The following Councillors indicated that they would be declaring an interest as follows :

Councillor Mrs. E. Maddison	-	Personal interest – Item 4 – Application 2 – Member of Spennymoor Town Council
Councillor Mrs. B. Graham	-	Personal interest – Item 6 – Member of Durham County Council
Councillor B. Stephens	-	Personal interest – Item 6 – Member of Durham County Council
Councillor Mrs. S.J. Iveson	-	Personal interest – Item 6 – Member of Durham County Council
Councillor K. Thompson	-	Personal interest – Item 6 – Member of Durham County Council
Councillor B.M. Ord	-	Personal interest – Item 6 – Member of Durham County Council
Councillor Mrs. E.M. Paylor	-	Personal interest – Item 6 – Member of Durham County Council
Councillor J.G. Huntington	-	Personal interest – Item 6 – Member of Durham County Council

#### DC.2/08 **MINUTES**

The Minutes of the meeting held on 4<sup>th</sup> April 2008 were confirmed as a correct record and signed by the Chairman.

**NB : In accordance with Section 81 of the Local Government Act 2000 and the Members Code of Conduct Councillor Mrs. E. Maddison declared a personal interest in Application No. 2 and remained in the meeting.**

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

In respect of Application No : 1 – Erection of 60 No. Dwellings and Associated Works – Former NEECOL Site, Chilton Lane, Ferryhill, Co. Durham – Elcorp, c/o Signet Planning, Annitsford, Newcastle-upon-Tyne – Plan Ref : 7/2007/0750/DM – it was explained that following representations from the applicant's agent officers were recommending approval of the application subject to Condition 20 being amended so that the commuted sum would need to be paid upon occupation of the first dwelling on site rather than before the development commencing.

With regard to Application No : 2 – Erection of 18 No. Dwellings – Land at Mount Pleasant Grange, Spennymoor – Lexington Payne Homes, Longbeck Estate, Marske, Redcar – Plan Ref : 7/2008/0130/DM – it was explained that since the preparation of the report an ecological survey in relation to the site had been received which was satisfactory.

It was noted that Spennymoor Town Council had concerns regarding the width of the access road leading to the site. The County Highway Engineer initially only had concerns regarding visibility being restricted by the shrub planted area adjacent to Plot 1. However, following research, this was not considered to be an issue as the species planted within the visibility zone would only grow to a maximum height of 450mms. As the adequacy of the access had not been called into question by the Highway Authority it was considered that there were no highway grounds to refuse the application.

It was considered that Condition 15 relating to the Section 106 Agreement for commuted sums/contributions in lieu should be amended to be consistent so that the commuted sum would be paid upon occupation of the first dwelling on the site rather than before development commencing.

Regarding Application No : 3 – Erection of Grain Store and Processing Building (Retrospective Application) – Land adjacent to the Tilery, Bradbury – Mr. M. Corney, Elstob Hall, Great Stainton – Plan Ref : 7/2008/0136/DM – it was explained that this was a retrospective application for approval to retain two existing interlocked buildings which had already been erected without prior consent on the site.

It was explained that it was considered the proposal was contrary National Planning Policy outlined in the Planning Policy Statements 1 and 7 and Policy E3 of the Sedgefield Borough Local Plan as it had not been proven that the existing activities constituted an agricultural operation or that these

were directly linked to the farmholding where the building was located. It was also considered that the accumulative visual impact unacceptably detracted from the historic landscape of the Bradbury Mordon and Preston Carrs, the adjacent transport corridors and the open countryside in general.

The Committee was informed that Mr. Burrows, Chairman of Bradbury Parish Meeting, was present at the meeting to outline the Parish Meeting's objections to the application. Mr. Burrows explained that the Parish Meeting was opposed to the unauthorised development because of the considerable size of the development.

The development was visible from the A1, the railway, the historic Carrs and the A689 and was visually intrusive. The trees which were to provide a screen would only grow to 1.5 mts. and would not adequately screen the development.

Furthermore, reference was made to the silo which was facing the village and which was visually intrusive. Concerns were also raised regarding traffic through the village particularly trailers and tractors during harvest time. The Parish Meeting was therefore supporting officers recommendations that the application be refused and the extension be removed.

**RESOLVED :** 1. *In respect of Application No : 1 - Erection of 60 No. Dwellings and Associated Works – Former NEECOL Site, Chilton Lane, Ferryhill, Co. Durham – Elcorp, c/o Signet Planning, Annitsford, Newcastle-upon-Tyne – Plan Ref : 7/2007/0750/DM – the application be approved subject to Condition 20 being amended to read as follows :*

*'The commuted sum shall be payable in full no later than the date of occupation of the first dwelling on site.'*

2. *That Application No : 2 - Erection of 18 No. Dwellings – Land at Mount Pleasant Grange, Spennymoor – Lexington Payne Homes, Longbeck Estate, Marske, Redcar – Plan Ref : 7/2008/0130/DM – the application be approved subject to Condition 15 being amended to read as follows :-*

*'The commuted sum shall be payable in full no later than the date of occupation of the first dwelling on site.'*

3. *That the remainder of the recommendations detailed in the report be approved*

**CONSULTATIONS FROM DURHAM COUNTY COUNCIL**

**NB :** In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Conduct, Councillors Mrs. B. Graham, B. Stephens, Mrs. S.J. Iveson, K. Thompson, B.M. Ord, Mrs. E.M. Paylor and J.G. Huntington declared personal interests in this item as Members of Durham County Council.

Councillors Mrs. S.J. Iveson, B.M. Ord and Mrs. E.M. Paylor left the meeting for the duration of the discussion and voting thereon.

The remainder of the named Members stayed in the meeting.

Consideration was given to a schedule of applications which were to be considered by Durham County Council and upon which the Council had been invited to comment. (For copy see file of Minutes).

*RESOLVED :* That the report be received and the recommendations contained therein adopted.

**DELEGATED DECISIONS**

Consideration was given to a schedule detailing applications which had been determined by officers by virtue of their delegated powers. (For copy see file of Minutes).

*RESOLVED :* That the schedule be received.

**APPEALS**

Consideration was given to a schedule of appeals outstanding up to 21<sup>st</sup> May, 2008. (For copy see file of Minutes).

*RESOLVED :* That the schedule be received.

**EXCLUSION OF PRESS AND PUBLIC**

*RESOLVED:* That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12a of the Act.



**DC.7/08**

**ERECTION OF RETAIL FOOD STORE AND ADJACENT NON FOOD UNIT AND ASSOCIATED PARKING LAND AT WESLEYAN ROAD, SPENNYMOOR, CO. DURHAM PLANNING APPLICATION REF : 7/2007/0339/DM - IMPLICATIONS OF THE DUTY TO GIVE SUMMARY REASONS OF APPROVAL AND DETAILS OF RELEVANT DEVELOPMENT PLAN POLICIES AND THE REFERRAL OF "DEPARTURE" APPLICATIONS TO GOVERNMENT OFFICE**

Consideration was given to a report of the Solicitor to the Council and the Director of Neighbourhood Services (for copy see file of Minutes) providing legal advice clarifying the situation with regard to the above application.

*RESOLVED : That the report be received and the recommendations contained therein adopted.*

**RE-ADMITTANCE OF PRESS AND PUBLIC**

*RESOLVED : That the press and public be now re-admitted to the meeting.*

**DC.8/08**

**ERECTION OF RETAIL FOOD STORE AND ADJACENT NON FOOD UNIT AND ASSOCIATED PARKING - LAND AT WESLEYAN ROAD, SPENNYMOOR, - PLANNING APPLICATION REF NO : 7/2007/0339/DM**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above.

It was explained that the purpose of the report was to receive information on the response to the Government Office North East on whether or not to call in the application, to formulate a summary reasons for approval and identify relevant Development Plan policies, and to seek Committee approval in respect of conditions to be imposed. It was explained that the application had been referred to Government Office in order to make a decision on whether or not to call in the application for consideration by the Secretary of State. On this occasion the Secretary of State had concluded that intervention would not be justified as there was not sufficient conflict with National Planning policies or any other sufficient reason to warrant calling in the application for determination. The application therefore was to remain with Sedgefield Borough Council for decision.

Members of the Committee were therefore invited to provide adequate reasons for approval and also relevant policies which could be incorporated into the Planning Approval Certificate.

In formulating reasons the following were suggested :

1. To build a new flagship store in the area would enhance the environment.
2. The development would increase shopping and retail investment in the area.
3. The development would be a short walk from the main shopping area.

4. It would provide car parking and additional disabled parking spaces.
5. The firm was investing heavily in the North East.
6. It was what the public wanted.
7. The development would provide a choice.
8. Planning should not inhibit competition.

Members of the Committee, having considered the reasons stressed the need for the development to be of appropriate design given the importance of this gateway site at the entrance to the town centre. It was hoped that the firm would take this issue on board. Furthermore, it was stressed that the car parking needed to be available to all members of the public not just for sole use by Lidl customers.

The Committee then considered the policies which were relevant to the development. These included :-

- Regional Planning Guidance RD1 and TC1
- Local Plan policies D1, D2, D3, S1 and S2
- North East Regional Spatial Strategy Policy 25

Mr. Krassowski was present at the meeting to speak on behalf of Lidl. He expressed Lidl's gratitude to those Members who had supported the application. He explained that the firm would be working closely with officers in relation to design and materials etc. It was anticipated that the store would open in January next year. In relation to the proposed conditions he explained that Lidl had had some reservations relating to Conditions 10 and 12. In relation to Condition 10 the concern related to the cost benefits. However, Lidl would work with officers in relation to the Condition. In respect of Condition 12 the amendment proposed by officers was acceptable to Lidl. Mr. Krassowski also explained that although Lidl were not opposed to Condition 18 it was queried whether the Condition was necessary. Members suggested that this Condition could be deleted.

- RESOLVED :*
1. *That the decision of Government Office North East not to call in the application for determination by the Secretary of State be noted.*
  2. *That the reasons for approval and relevant planning policies be as outlined above.*
  3. *That Members endorse the planning conditions in Appendix 3 to the report subject to Condition 18 being deleted.*

## **EXCLUSION OF PRESS AND PUBLIC**

*RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 2000 the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12a of the Act.*

**DC.9/08 UNAUTHORISED LOPPING OF A TREE AT THE FOX AND HOUNDS KIRK MERRINGTON, IN A CONSERVATION AREA WITHOUT PRIOR NOTIFICATION OR CONSENT FROM THE LOCAL PLANNING AUTHORITY.**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above breach of planning authorisation.

*RESOLVED : That the report be received and the recommendations contained therein adopted.*

**DC.10/08 UNAUTHORISED DEVELOPMENT AT THE TILERY BRADBURY**

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) relating to a building which had been erected at the Tilery in Bradbury in an area of open countryside.

*RESOLVED : That the report be received and the recommendations contained therein adopted.*

**DC.11/08 ALLEGED BREACHES OF PLANNING CONTROL**

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

*RESOLVED : That the schedule be received.*

## **RE-ADMITTANCE OF PRESS AND PUBLIC**

*RESOLVED : That the press and public now be re-admitted to the meeting.*

**DC.12/08 TREE PRESERVATION ORDER NO : 53/2007 (BRADBURY SERVICES)**

Consideration was given to a report of the Head of Planning Services (for copy see file of Minutes) the purpose of which was to consider whether it would be appropriate to make the above Tree Preservation Order permanent.

It was explained that the Provisional Tree Preservation Order which was made at the above site on 3<sup>rd</sup> January, 2008 must be confirmed within six months of being made or the Order would be null and void.

The woodland that was the subject of the Order provided amenity value to the area and was considered worthy of protection to preserve the character of the area.

*RESOLVED : That Tree Preservation Order No : 53/2007 Bradbury Services be confirmed.*

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**ACCESS TO INFORMATION**

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

# Item 4

ITEM NO.

REPORT TO DEVELOPMENT CONTROL

20 June 2008

REPORT OF HEAD OF PLANNING

## Planning and Development Portfolio

### Tree Preservation Order No. 54/2008 North Close

#### 1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 12 April 2008. The purpose of this report is therefore to consider whether it would be appropriate to make the Order permanent, amend the Order or allow the Order to lapse.
- 1.2 The Town and Country Planning Act 1990 enables Local Planning Authority (LPA) to make a TPO if it appears to be “expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area”. The Order must be confirmed within 6 months of being made or the Order will be null and void. The serving of the TPO is normally a delegated function, whilst the confirmation is by Development Control Committee.
- 1.3 The woodlands, groups and individual trees not only provide a high degree of amenity to the local area but are considered worthy of protection to preserve the character of the wider landscape of this part of the Borough.

#### 2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise the confirmation of ‘Amendment B’ to the original Order.

#### 3. BACKGROUND

- 3.1 The settlement of North Close has developed over the last 80 years and commands a prominent elevated position in the local landscape, being one of the highest points in the Borough. The landscape and settlement is heavily influenced by mature trees, some of which are remnants of ‘Durham Head Plantation’, which was gradually felled in the 50’s and 60’s to make way for housing. The mature trees provide the major landscape feature of the settlement and contribute significantly to the character of the area.

- 3.2 Only one tree in the settlement enjoys any protection at the present time and there has been a steady degradation of the tree cover within recent years. The order will ensure that replacement trees are planted should it be necessary to remove any protected trees.
- 3.3 The trees subject to this Order stand at the gateways and main road corridors through the settlement and are largely contemporary with the built environment.
- 3.4 The large residential plots may be subject to development pressures. The trees, if protected will provide additional design constraints for any future new build thus helping to preserve the character of the settlement.
- 3.5 In 2006 NEDL felled and pruned a significant number of trees in North Close which resulted in significant public concern for the preservation of the tree cover in the area. The TPO is in part a long term response to these concerns and a mechanism for future statutory consultation between NEDL and the Local Planning Authority (LPA). It is the LPA's belief that without some tree protection measures the character of the settlement will change to the detriment of the area as a whole.
- 3.6 Whilst we agree that the TPO covers many trees in the settlement we feel that this is justified considering the quality of the landscape, the prominence of the site in an elevated position and the current lack of statutory protection.

## **4 CONSULTATIONS**

- 4.1 Under the terms of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, the Order was served on the owners of the land on which the trees stand and 3 site notices were posted around the settlement. Spennymoor Town Council was also consulted. The parties were invited to make representations within 28 days of the date the Order was served, in order that comments could be reported to Committee.
- 4.2 The consultation period resulted in;
- 5 objections to the designation of Woodland 1
  - 1 objection to the designation of Woodland 2
  - 2 objections to the designation of Woodland 3
  - 1 objection to the designation of T5-11
  - 1 objection to the designation of T3 and T4
  - 19 expressions of support for the Order.

Each letter of comment has received a detailed reply and a site visit. The comments are reproduced at Appendix c

The objections broadly concentrate around the following issues;

- a. Woodland designation that is too restrictive on maintenance of essentially intensively managed garden areas.
- b. A TPO is not necessary.

- c. Serving of a TPO will restrict development.

## 5. Response to objections

### Objection to the use of a woodland designation that was too restrictive on maintenance of essentially intensively managed garden areas.

- 5.1 We concur with the objection and we have taken steps to address the issue by surveying the gardens of 18,17,16 and 44 North Close and 3 –13 Ridgeside. We have identified individual large specimen trees that make the most contribution to the landscape and clarified issues relating to which trees are actually protected. This has led to some of the objections being withdrawn. We have not been invited to survey 19 North Close, therefore, we have amended the woodland boundaries only, in response to some of the objections of this landowner.

### A TPO is not necessary.

- 5.2 In serving TPO's we are guided by central government advice to Local Planning Authorities

*"Other factors (such as importance as a wildlife habitat) may be taken into account...the risk of felling need not be imminent before an Order is made and trees may be regarded at risk generally from development pressures and changes in property ownership; and intentions to fell are often not known in advance and the preservation of selected trees by precautionary orders may therefore be considered to be expedient"*

### **...Circular 36/1978**

- 5.3 The Government have long recognised that changes in property ownership are becoming more frequent and that tree management, taste and fashion may influence landscape management and as trees grow older the lay person may be more inclined to remove trees and not to replant trees.
- 5.4 Inappropriate management has been carried out in the last few years to the detriment of the longevity of individual trees protected by this Order.
- 5.5 Applications for works to protected trees attract no fee and the LPA seek to control the quality of the works carried out rather than any works *per se*. Large trees need very infrequent pruning, therefore, applications should not need to be lodged on a regular basis.

### The Order restricts development

- 5.6 Any development of a property would be considered on its merits under planning regulations in force at the time. The presence of trees on the site will be a

constraint to layout but will form only part of the considerations following a planning application.

- 5.7 Tree Preservation Orders are served to protect public amenity regardless of whether the site is subject to planning enquiries.
- 5.8 We assume that the objections are theoretical only, but at other locations covered by the Order the trees *are* a live material development consideration. In planning terms it is always preferable to identify important trees prior to consideration of development enquiries.

## Background Papers

### Item a Tree Preservation Order 54/2007: Amendment 'B' Plan, maps 1-3





**SEDGFIELD BOROUGH COUNCIL**  
**TREE PRESERVATION ORDER NO 542008**  
 Revision B  
 Location: North Close  
 Map 2 of 3 maps

**Legend**  
 ○ Individual tree eg. T1 etc.  
 [---] Group of trees  
 [ ] Woodland eg. W1 etc.

Ordnance Survey National Grid Reference  
 NZ 426075.532102 (point taken at  
 centre of site)

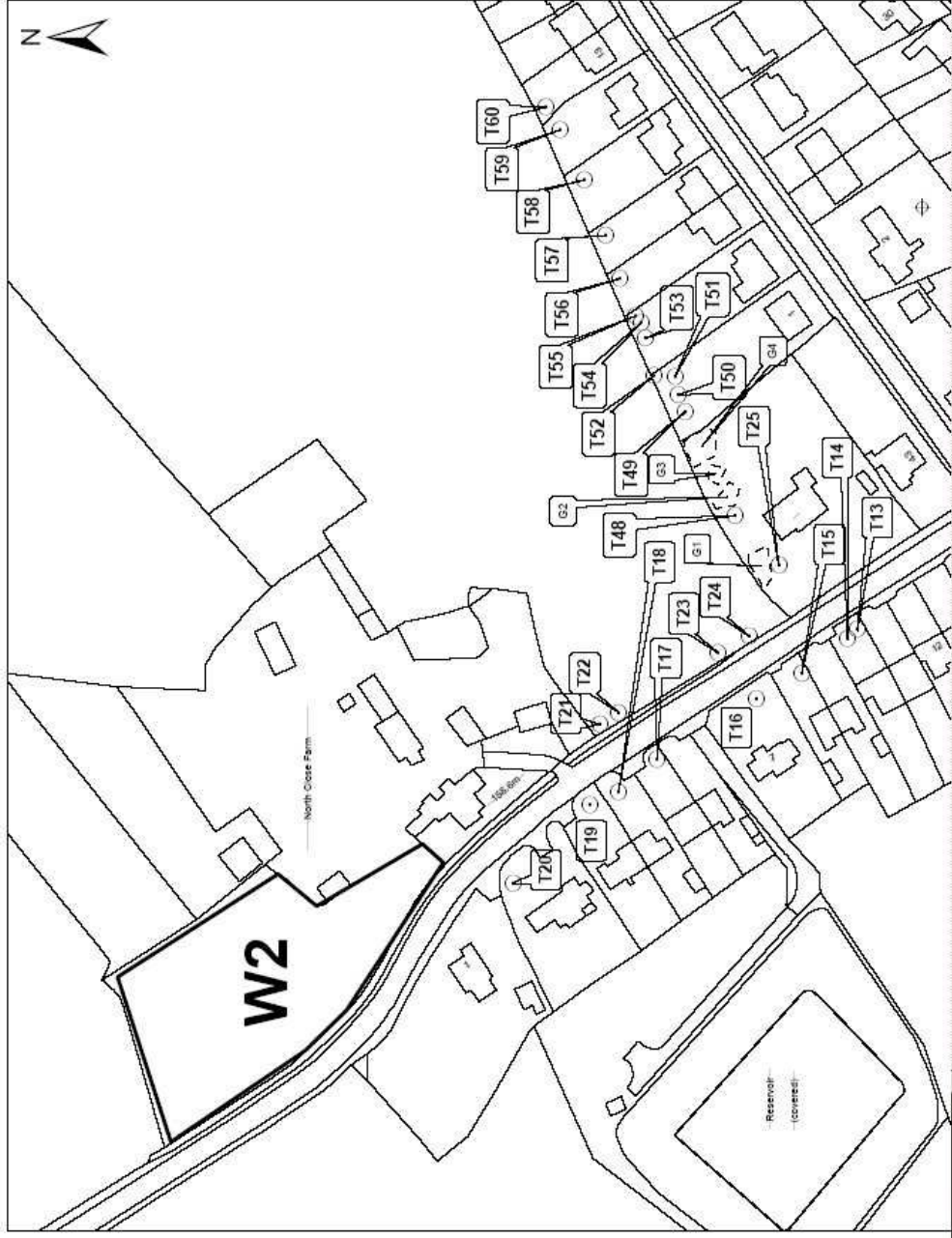
Scale 1:1000

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Signed \_\_\_\_\_  
 Mayor  
 Authorised Signatory  
 Date \_\_\_\_\_



**SEDFIELD BOROUGH COUNCIL**  
**TREE PRESERVATION ORDER No 54/2008**  
**Revision B**  
 Location: North Close  
 Map 3 of 3 maps  
**Legend**  
 ○ Individual tree eg T1 etc.  
 [---] Group of trees  
 [ ] Woodland eg. W1 etc.  
 ⊕ Ordnance Survey National Grid Reference  
 NZ 426078 532102 (point taken at  
 centre of site)  
 Scale 1: 1000  
This map is reproduced from Ordnance Survey material with the  
 permission of Ordnance Survey on behalf of the Controller of Her  
 Majesty's Stationery Office. Copyright © Crown Copyright and may be  
 reproduced in any form provided the above copyright notice is  
 included in each reproduction. L100001270 2008.  
 Signed \_\_\_\_\_  
 Mayor  
 Authorised Signatory  
 Date \_\_\_\_\_



SPECIFICATION OF TREES

Appendix b
------------

Trees specified individually  
(encircled in black on the map)

Refer to TPO 54/2008 map	Description	Location
T1	Beech	27 North Close
T2	Oak	26 North Close
T3	Sycamore	21 North Close
T4	Sycamore	21 North Close
T5	Sycamore	'Bumpy Lane'
T6	Sycamore	'Bumpy Lane'
T7	Sycamore	'Bumpy Lane'
T8	Sycamore	37 North Close
T9	Sycamore	37 North Close
T10	Sycamore	37 North Close
T11	Sycamore	36 North Close
T12	Copper Beech	40 North Close
T13	Lime	10 North Close
T14	Elm	10 North Close
T15	Lime	8 North Close
T16	Lime	7 North Close
T17	Sycamore	5 North Close
T18	Lime	4 North Close
T19	Sycamore	3 North Close
T20	Lime	2 North Close
T21	Lime	Field south of North Close Farm
T22	Lime	Field south of North Close Farm
T23	Sycamore	Field south of North Close Farm
T24	Sycamore	Field south of North Close Farm
T25	Sycamore	Woodlands 44 North Close
T26	Spruce	18 North Close
T27	Oak	18 North Close
T28	Elm	18 North Close
T29	Sycamore	18 North Close
T30	Sycamore	18 North Close
T31	Sycamore	18 North Close
T32	Sycamore	18 North Close
T33	Norway Spruce	18 North Close
T34	Larch	18 North Close
T35	Norway Maple	18 North Close
T36	Sycamore	18 North Close
T37	Sycamore	18 North Close
T38	Sycamore	18 North Close
T39	Sycamore	18 North Close
T40	Sycamore	18 North Close
T41	Sycamore	18 North Close

T42	Sycamore	18 North Close
T43	Norway Spruce	17 North Close
T44	Black Pine	17 North Close
T45	Black Pine	17 North Close
T46	Sycamore	16 North Close
T47	Sycamore	16 North Close
T48	Sycamore	Woodlands 44 North Close
T49	Sycamore	1 Ridgeside
T50	Sycamore	1 Ridgeside
T51	Sycamore	1 Ridgeside
T52	<i>Sycamore</i>	1/3 Ridgeside
T53	<i>Sycamore</i>	3 Ridgeside
T54	<i>Sycamore</i>	3 Ridgeside
T55	<i>Sycamore</i>	3 Ridgeside
T56	Ash	5 Ridgeside
T57	<i>Sycamore</i>	7 Ridgeside
T58	<i>Sycamore</i>	9 Ridgeside
T59	<i>Sycamore</i>	11 Ridgeside
T60	<i>Sycamore</i>	13 Ridgeside

Trees specified by group  
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees in the group)</i>	<i>Situation</i>
G1	6 Sycamores	'Woodlands' 44 North Close
G2	4 Sycamores	'Woodlands' 44 North Close
G3	3 Sycamores	'Woodlands' 44 North Close
G4	7 Sycamores	'Woodlands' 44 North Close

Trees specified by reference to an area  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands  
(within a continuous black line on the map)

<i>Refer to TPO 54/2008 map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed broadleaf and coniferous species	19 North Close
W2	Mixed broadleaf and coniferous species	North Close Farm
W3	Mixed broadleaf and coniferous species	20 North Close

DEVELOPMENT CONTROL  
RECEIVED  
16 APR 2003

[ ] NORTH CLOSE  
KIRK MERRINGTON  
SPENNYMOOR  
DL16 7HQ

PLANNING DEPT. — MR RODGER LOWE.  
AS RESIDENTS OF BUMPY LAKE WE WOULD  
BE HAPPY TO HAVE A T.P. O. APPLIED  
TO HELP THE FUTURE OF OUR TREES.

J. Black

Employee

L. E. Ablett

Brian R. Ablett

S. Emerson

S. McKenna

C. Allen

[Signature]  
J. J. J. J.

Jayford

M. Gordon

D. Gordon

[Signature]  
[Signature]

[Signature] T. Robson

V. E. Robson

[Signature]

[Signature]

Jim Black





Rodger Lowe  
(needs acknowledging)

18 North Close  
Spennymoor  
Co. Durham  
DL16 7HH

Head of Planning Services  
Neighbourhood Services  
Sedgefield Borough Council  
Council Offices  
Spennymoor  
DL16 6JQ

8 May 2008

Provisional Tree Preservation Order - North Close TPO 54/2008

Dear Sir,

I refer to your letter of 14 April 2008, which we received 12 April 2008, concerning the serving of the above Tree Preservation Order on our property, 18 North Close. On your maps, our property is covered by woodlands W1.

I wish to make a formal objection to this Tree Preservation Order (TPO) and the manner in which it has been delivered.

You classify most of our garden as 'woodlands'. This is not true – our garden is not and never has been, a woodland - it was, in fact, previously a quarry. Three generations of our family have lived on this property and the majority of trees within it were planted by us. My grandfather designed and created the garden from nothing. The terraces, which form part of the garden, were built by him through hard work. Also, it is not perhaps widely known that the terrace which is to the roadside of the property, was formed as a result of the council's request to widen the road through North Close. The wall, now visible behind the bus stop, was put there to retain the soil which was excavated from the widened road. And incidentally, the first oak tree behind this wall was planted by my grandmother. We have no documents referring to our garden as 'woodlands'.

It is stated that the protected trees stand at the 'gateways' to the settlement. Our property is not at the entrance to the settlement as it is within North Close. Also, we have never heard the word 'gateways' used in reference to any features within North Close.

The Regulation 3 page states that 'The large residential plots may be subject to development pressures. The trees will therefore provide design constraints for any new build helping to preserve the character of the settlement.' There are only a handful of 'large residential plots' to which this would apply and ours is obviously one of them. We take extreme objection to this discrimination. The family have lived at this property for 73 years and I think that we have managed to maintain it to a very high standard through hard work. We have not applied for any development work and the property is not for sale. So, the implication that we need to be controlled, we find insulting, presumptuous and wrong. Also, we cannot accept that you single out ours, together with only a few other properties, for this purpose. We believe this discriminates against us.

Degradation of the tree cover within recent years is noted in your letter. Our property contains many trees because we like them and because we have cultivated and managed them carefully. Strong winds and a

stony ground mean we do lose trees, but we continually re-plant in character with our setting. If there is a lack of trees in North Close, it should be noted that it is not us who have failed to maintain them but perhaps other properties who have not done anything to maintain or increase their number. Consequently, why is it that you want to penalize us for our success in maintaining a high standard? Is this not, once again, discrimination against us?

We are very unhappy about the way this whole process has been dealt with. Our property is one of the original North Close plots and our family have lived here virtually ever since the settlement started. It would have been rather more welcome if we had been consulted about the settlement, what it represents and its character before this very heavy handed order was served.

One very worrying detail to come out of this concerns support for the TPO. I have been informed that since the order was served, 20 names have come forward to say that they support it. I have since spoken with people who signed some form of document(s) and they have informed me that they were only signing in connection to a few trees in 'Bumpy Lane'. They had no idea it was affecting anything further afield, especially not private gardens like ours. In fact, it turns out that several have never seen the plans or maps. It was also mentioned by someone who had actually seen the maps, that our property contained no protected trees, which is a misunderstanding of the 'woodlands' significance. Bearing this in mind, I believe that any support, which appears to be for all the aspects of the TPO, needs to be investigated as to its integrity. I should also like to add that this whole affair, rather than promote happy neighbours, has in fact caused some friction.

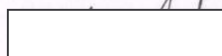
Finally, we were unhappy with some of the comments made by the tree preservation officer when he visited our property. We feel they were unnecessary, insulting and unhelpful.

A garden is a balance between several continually evolving features – trees, bushes, shrubs, flowers, lawns,... and to only concentrate on one of those features can be to the detriment of the others. We have successfully managed our garden so that the trees flourish as well as the plants underneath. This means that occasionally low branches have to be removed, a task which can easily be undertaken when required. We are informed that the major part of our garden is now protected so that any work on the trees must be applied for, even if trivial. Thus presently, we are unable to treat the trees together with certain ornamental types, shrubs and bushes as we regularly do, which will obviously result in parts of the garden becoming overgrown.

We cannot see why you feel it necessary for us to apply for permission to do those regular garden jobs that we have done for years, something which will add bureaucracy to what previously was a pleasant hobby. I am sure that you would find it difficult to assure me that there will not be a financial cost to these applications in the future – which is another reason I believe this TPO to be unnecessarily overpowering when applied to a private garden. Control of our garden has effectively been removed from us and this does not sit comfortably with our rights to enjoy our own garden.

I hope that all of my objections will be taken in consideration and I trust that this TPO will be removed from those properties where it is unwanted.

Yours faithfully,



B West



Rodger/ She will phone you or Bill this afternoon. Chadwick

Highfield  
19 North Close  
Kirk Merrington  
Spennymoor DL16 7HH

7 May 2008

Glyn Hall, F.C.I.E.H.  
Director of Neighbourhood Services  
Sedgefield Borough Council  
Council Offices  
Green Lane  
Spennymoor DL16 6JQ

RECEIVED

0 - MAY 2008

Post bag 5756.

Dear Sir

**Proposed Tree Preservation Order TPO/54/2008**

I am in receipt of your letter dated 14<sup>th</sup> April 2008 serving me with a back-dated Provisional Tree Preservation Order in addition to other properties in North Close.

I wish to express my dissatisfaction that you have taken this draconian step without any form of consultation or dialogue.

I make a formal objection to this provisional order for the following reasons: -

1. O.S. Map 1 of 3 which includes my property is incorrectly drawn and is considered invalid. The map fails to mark a roadway between 19 and 20 North Close which affords the only means of access to fields behind my property. I very much doubt if you have served notice on the owner of the roadway.

This roadway is lined with trees that cannot be proven to be in my ownership as several trees are centred on boundary fences. The farmer requires regular access to the fields which entails pruning of trees to allow access for machinery, including a combine harvester. Should the trees that line the roadway be proven to be in my ownership, I do not see why I should be burdened with making submissions to prune the trees each time access is needed. Until ownership is established I consider your order is incorrect.

2. My main objection is the classification of my entire site as "woodland". This site has never been woodland, nor will it be. The site has been developed by myself and my predecessors as landscaped mature gardens ever since the site was a quarry.

My site, included in W1 Classification comprises mature lawns, a grassed tennis court and landscaped areas with perimeter trees. To classify the whole site as "woodland" is incorrect and insulting. In terms of area, there is more grassed area than trees. I suggest that you have classified my entire property as woodland because you are unwilling or unable to identify individual trees worthy of note.

3. Classification as "woodland" is all embracing and will include non-mature species, ornamental shrubs and trees planted by me over many years. This order places an onerous and unfair burden on me to seek permission each time I wish to prune my shrubs.



4. The planted area to the rear of my property contains scrub growth, not worthy of preservation. This has been developed by me as a wildlife area and wind protection. My property is battered by north winds which have uprooted trees due to the shallow roots caused by the site being a former quarry. No thought has been made by you as to the history of the site or the nature of the planting.

I can see no reasons for a T.P.O. as I, and my predecessors have always managed the trees well. On average I lose 3.4 trees per annum through pollution and wind damage but I re-plant 5 trees per annum which has contributed to the extent of trees that now exist, and for which you seek to take into "public ownership". This site is my home and garden, not a public amenity. I consider that I can continue to manage my property well, without needless beaurocracy.

Your order gives a reason as being due to a steady degradation of tree cover within recent years. I challenge you to prove this statement. Trees are lost due to poor soil condition, shallow planting, and pollution and wind damage. Your authority seeks to distance itself from proving the nature of the ground and external influences prior to making unfounded statements.

5. I am extremely concerned at the "selective" nature of your order where several properties, each containing trees worthy of retention, are excluded. This concern also includes trees outside the curtilage of my property and others. I suggest, therefore, that I am being discriminated against. You may wish to explain your reasons as to why there are such omissions from your order.

Your order gives one of the reasons as that the protected trees stand at the "gateways" are main corridors through the settlement yet selective properties and trees are excluded from your order.

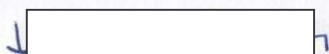
6. Should this provisional order be confirmed I consider that my asset will be financially compromised as any development could be put at risk. I would then seek financial compensation from your authority.

Finally, I consider the manner in which you have handled this exercise is not worthy. All you have achieved, so far, is to pit neighbour against neighbour due to rumours abounding as to whom instigated this initiative. This community has been, previously, a happy community and many years of good relations are now shattered. The residents of North Close have looked after their properties without council interference and my best advice is to leave well alone so that wounds can heal.

I sincerely trust that all of my objections will be made known to the members when they consider the proposal.

Should the order be confirmed, I will make further appeals, however, I trust this can be resolved without further acrimony.

Yours faithfully



K Marley

44 North Close  
Kirk Merrington  
County Durham  
DL16 7HH

C.F.G.Walter  
Head of Planning Services  
Neighbourhood Services  
Sedgefield Borough Council  
Council Offices  
Spennymoor  
DL16 6JQ

9<sup>th</sup>  
10<sup>th</sup> May 2008

Ah  
Dear Sir/Madam,

CONTROL  
09 MAY 2008

Re: Tree Preservation Order North Close. (TPO54/2008)

I write to register my objection regarding the above Tree Order. My objection to the order is based upon the following points;

An order to protect the trees is unnecessary, they have stood here for 50-70 years with the protection of individual property owners who have a vested interest in keeping the environment of North Close attractive for those living in the immediate area and those who pass through it.

Our family moved into 44 North Close in May 2006 and within the building survey it was highlighted that a number of the Sycamores and an Ash in the tree line in question were over hanging the roof, diseased and should be removed as soon as possible as they were in danger of damaging the property and leaf litter was causing extreme problems within the guttering. To ensure that the trees could be preserved and the work was carried out safely, we employed Olivers Tree Services Ltd (an established approved contractor) in September 2006 to undertake an inspection of the trees within W3. At this time the following was noted:

- The trees were approx 50-70 years old
- Individual trees were not significant specimens of any note.
- The overall tree canopy was not particularly attractive due to the multi trunk nature of the specimens
- A number of trees needed to have branches removed due as they over hung the property.
- Two trees may need to be removed due to disease.

Although it was disappointing to find that trees we appreciate and value were not particularly interesting specimens, we were and continue to be determined that the trees should not be removed or disturbed in any way as long as they are not a danger to people or our property. As a result One Ash was felled



and a number of sycamores had branches removed to safe guard the property and a smaller sycamore would be removed at a later date as it was diseased and would not affect the tree line or canopy. The total cost was £616

This previous action clearly demonstrates our ability to manage the trees within our own property appropriately and our commitment to ensure the environment remains unspoilt. We do not require the Borough Council and soon the new unitary authority to dictate how and what we do within property. We are more than able to make the right decisions to ensure we sustain an environment that all can enjoy. The need to ask permission to carry out basic tasks is unreasonable.

I was informed that basic pruning of branches below head height would require permission if an order is placed. Such action is clearly a waste of the Borough limited resources and reduces our ability to undertake common sense garden husbandry.

The placing of a woodland order W3 within my property greatly restricts our ability to develop the garden or take any steps to improve the overall character of the property. During a visit from Mr R Lowe I was informed that if I wanted to remove any shrubs or other flowering trees planted after the 11<sup>th</sup> April I would require permission to remove them. This is a total infringement of my rights to carryout basic activities within my property.

I was dismayed to hear that the placing of the order was instigated through residents concern over the possible wholesale felling of trees by the electricity supplier NREB. At that time my wife and I did sign a petition to stop the NREB from felling trees without some consultation with local residents. Our agreement to sign the petition was purely based on the loss of those trees and the use of the petition for other purposes would be fraudulent. Until 2<sup>nd</sup> May 2008 we also owned a property that at Ridgeside, North Close. At no point has this property been approached concerning the preservation of trees by concerned residents.

Within the order it states that there has been a steady degradation of tree cover in North Close, living in the local area for 17 years, I am unaware of this degradation and from the aerial photographs (which he acknowledged were old and out of date) that Mr Lowe was using for reference on the day I invited him to my property I could see little or any loss of tree cover within the area of my property.

The order states that the trees stand at "the gateways" & main road corridors of which my property does neither. As W3 runs at right angles to the B6289 and Ridgeside and the "Bumpy Lane" are between our property and the B6288. The term gateway and main road corridor is inaccurate as the majority of the properties in North Close are situated on the NE to SW axis adjacent to the B6288 and unfortunately the NREB have been able to lop all of the trees along the B6288.

The use of a woodland order is totally unnecessary when examining issues surrounding a number of bunched groups of sycamore and rowan trees within a domestic garden. The use of such approach is not best practice in relation to the Town and Country Planning Act 1999.

I was concerned that the Borough Council has placed an order affecting my property based upon the need to stop possible future developments in the area. We have never considered developing on our property. As W3 covers the majority of my garden I would be grateful if you could inform me of any developments that have been made which may affect my property, as I am unaware of any at this time.

I would also be grateful if you could advise me of which section of the Town and Country Act 1990/1999 states that the Borough Council has the right to place orders on Trees purely to prevent possible planning applications. I understand that the act gives the Council power to place protection orders on trees following an application to safe guard the character and environment of an area, but I was unaware that the act gave the council specific power to protect trees pre application, such action in reality is to place orders on trees to stop future developments, not the protection of the trees.

We are extremely concerned that this order was placed on our property without any consultation; such an order gives the council unnecessary power over basic activities within our property. Such an order also assumes that we are unable and lack the ability to take sensible common sense decisions concerning our environment and that which may affect our neighbours.

We strongly object to the Order TPO 54/2008, W3 and T25. I would grateful for a speedy response to the questions I have raised as to validity of the Borough Councils actions relating to the placing of the order to constrain possible future developments in the area.

Can you please ensure that we are informed of the date of the planning committee meeting as we are keen to voice our concerns directly to members.

Yours faithfully,



Mrs A E English



RECEIVED

09 MAY 2008

Post Log 5758  
ACK'VMS.

Mr & Mrs J Davies  
21 North Close  
Kirk Merrington  
Spennymoor  
Co Durham  
DL16 7HH

7 May 2008

Glyn Hall  
Director of Neighbourhood Services  
Council Offices  
Spennymoor  
Co Durham  
DL16 6JQ

FAO Rodger Lowe

Dear Sir

**SERVING OF A TREE PRESERVATION ORDER AT  
NORTH CLOSE**

I refer to your letter (ref: RVL/TP054/2008) dated 14 April 2008, and wish to strongly object to this Tree Preservation Order.

The trees in question, being indicated as T3 and T4 upon your Ordnance Survey Plan dated 11 April 2008, are located upon my land and have been under my care and protection for the past 24 year, without any form of assistance or even guidance from yourselves.

Whilst I have no intention, at present, to do anything other than continue to protect these trees, I do most strongly object to the serving of this Preservation Order, which effectively imposes restrictions on the development of the property/land which did not form part of the deeds/purchase agreement made with myself in 1984.

I therefore request that the Preservation Order (which you state is provisional at present) be removed from these trees (drawing index Nos T3 and T4), located upon my property.

Yours faithfully,

8 May 2008  
Ref no SBC/RVL/54/2008 Spennymoor  
DL16 6JQ

Council Offices

DEVELOPMENT CONTROL  
RECEIVED

09 MAY 2008

Dear Sir/Madam

I am objecting to  
the said preservation order  
made on my property that  
you have said is Wood 2.

The joint point is this  
that North Close Farm is a farm  
with a holding number and is  
not classed as residential and  
is under the authority of  
Depra.

There has been no  
consultation with any of the  
residents as to whether the  
authorities wanted these preservation  
orders on these trees.

The manner in which the  
council has gone about this is  
completely wrong.

Yours Sincerely

[Redacted]  
North Close Farm  
Spennymoor  
Co. Durham  
PL 16 7HH



PFTS

RECEIVED

09 MAY 2008

Post Log 5752

37, North Close,

Spennymoor,

Co. Durham

DL16 7HH.

7th, May, 2008.

Dear Sir,

Relating to the above property, we would like to express our concerns against the preservation order relating to trees T5 - T11.

We acknowledge that trees T5, 6, 7 and 11 are not actually on our property, but they do, however, encroach on our garden, via over-hanging branches. Having spent a substantial sum of money improving the garden, we feel the need to responsibly care for the land we own by being able to prune the over-hanging growth as necessary. We do not wish to see the removal of these trees, but do require the ability to prune them as necessary. The proximity of trees T5 - T7 to electric wires overhead are also of a serious concern to the safety of our property.

With regard to trees T8, 9 and 10, which are on our property, we would also like to express our concern over this preservation order. The council appears to currently offer no up-keep on these trees, and, with regard to the very high-winds experienced over the last twelve months, we would like to express our concerns over their safety. I would need the Council to accept liability for any damage the trees may cause either

our own or neighbouring properties.

As a concerned and responsible owner and  
care of this address I express my concerns  
and would welcome a response from yourselves  
on this matter.

Yours faithfully,

M. [redacted]

We acknowledge that trees T5, 6, 7 and 11 are not  
actually on our property, but may do, however, encroach  
on our garden, via over-hanging branches. Having spent  
a substantial sum of money improving the garden, we  
feel the need to responsibly care for the land just  
by being able to prune the over-hanging growth as  
necessary. We do not wish to see the removal of these  
trees, but do require the ability to prune them as  
necessary. The proximity of trees T5-T7 to electric  
wires overhead are also of a serious concern to the  
safety of our property.

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currently offer no up-keep on these trees, and, with  
regard to the very high-wind experienced over the last  
twelve months, we would like to express our concerns  
over their safety. I would need the Council to accept  
liability for any damage the trees may cause either



Mr G Slater  
15 North Close  
Kirk Merrington  
Co Durham  
DL16 7HH

DEVELOPMENT CONTROL  
RECEIVED

21 MAY 2008

17 May 2008

Ref: SBC/RVL/TPO54

Attn Rodger Lowe

Dear Sir

I am in receipt of your letter of 14 May 2008 and re-affirm my objection to the application of Tree preservation orders to the trees identified as T40 through to T47.

With the exception of T43,44,45 these are all sycamore trees

None of the trees identified T40-47 are identified as local trees to the Spennymoor postcode area of DL16 as found on the Natural History Museum website

My research has shown that all these types of trees are best suited to parkland or woodland where they can be allowed to grow to their full maturity and not residential gardens

All of these trees grow in excess of 100 ft at the rate of between 2-3 feet per year and in the case of the sycamores can spread the same and are not suited to residential gardens

The Royal Forestry of England website describes the Sycamore as an invasive and controversial tree "which some conservation bodies try to eradicate where it threatens to take over remnant ancient woodlands". A list of trees local to the Spennymoor area can be found on the Natural History Museum website. Furthermore it has been established that native trees provide a more suitable habitat for local fauna than alien species

You refer to the mature trees to the North of my garden providing a very low horizon silhouette however I am more concerned with the trees to the south of my garden identified as T40-47. As my garden is substantially below the ground level of these trees, their height is correspondingly increased. These trees which currently range in size from between approximately 30-60 feet will continue to grow and expand to over 100 feet at the rate of 2-3 feet per year.

In relation to winter sun, the height of the sun does not rise above the top of the trees identified, and accordingly we get very little winter sun on our garden

Yours Faithfully

  
G Slater

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# 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

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

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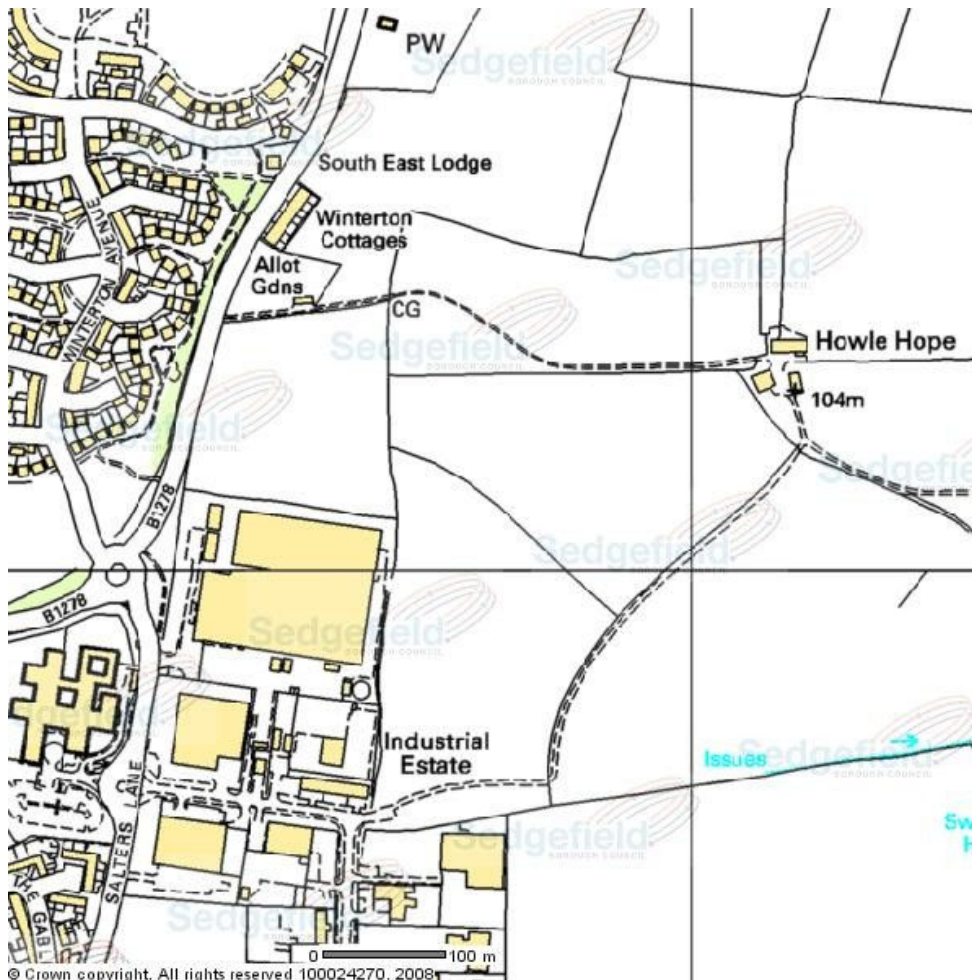
**BOROUGH PLANNING POLICIES**

- 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.

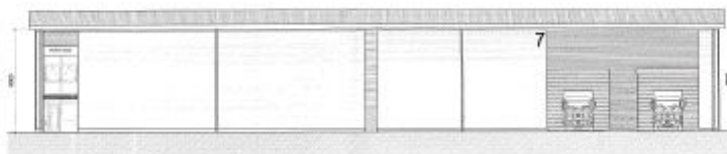


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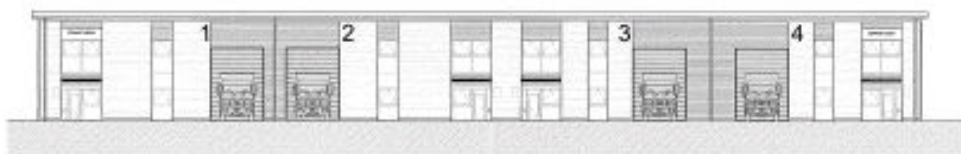


07 South Elevation / Unit 7

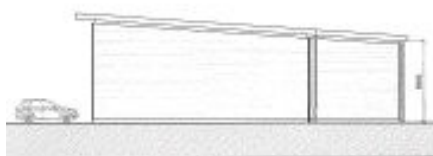


08 East Elevation / Unit 7

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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**PLANNING APPLICATIONS - TO BE DETERMINED**

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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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**PLANNING APPLICATIONS - TO BE DETERMINED**

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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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**PLANNING APPLICATIONS - TO BE DETERMINED**

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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

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

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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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**PLANNING APPLICATIONS - TO BE DETERMINED**

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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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**PLANNING APPLICATIONS - TO BE DETERMINED**

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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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**PLANNING APPLICATIONS - TO BE DETERMINED**

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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

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

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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 31<sup>st</sup> 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.



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**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.

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

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

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

LOCATION: **LAND AT MIDDRIDGE 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. MIDDRIDGE 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

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**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.

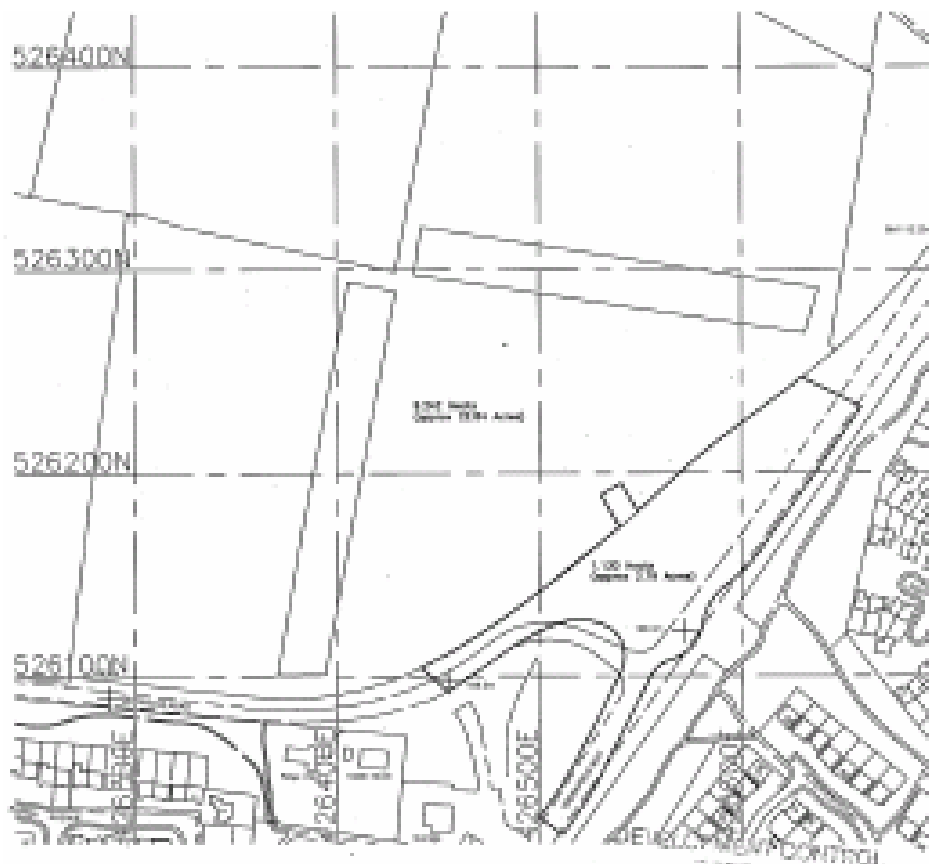
**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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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**

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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.

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

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**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**

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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**

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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**

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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**

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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

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**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**

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**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**

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

# Item 7

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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1. 7/2005/0541/DM OFFICER:Steven Pilkington

APPLICATION DATE: 11 August 2005

PROPOSAL: ERECTION OF AGRICULTURAL WORKERS DWELLING (OUTLINE APPLICATION)

LOCATION: LAND AT HOPE HOUSE FARM MORDON STOCKTON ON TEES

APPLICANT: T Sedgewick & Sons  
Hope House Farm, Mordon, Stockton on Tees, TS21 2HF

DECISION: STANDARD APPROVAL on 3 June 2008

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2. 7/2008/0230/DM OFFICER:Steven Pilkington

APPLICATION DATE: 25 April 2008

PROPOSAL: ERECTION OF CONSERVATORY TO REAR

LOCATION: 29 HADLEIGH CLOSE SEDGEFIELD CO DURHAM

APPLICANT: Mr J Sample  
29 Hadleigh Close, Sedgefield, Co Durham

DECISION: STANDARD APPROVAL on 23 May 2008

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3. 7/2008/0219/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 22 April 2008

PROPOSAL: ERECTION OF ATTACHED GARAGE TO SIDE AND EXTENSION TO FRONT

LOCATION: 5 CANTERBURY CLOSE SPENNYMOOR CO DURHAM

APPLICANT: Mr Phil Tuck  
5 Canterbury Close, Spennymoor, Co Durham , DL16 6XY

DECISION: STANDARD APPROVAL on 27 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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4. 7/2008/0211/DM OFFICER:Steven Pilkington  
APPLICATION DATE: 24 April 2008  
PROPOSAL: ERECTION OF REAR EXTENSIONS AND BAY WINDOW TO FRONT  
LOCATION: 1 STATION HOUSE WYNYARD CO DURHAM  
APPLICANT: Mrs Abidi  
1 Station House, Wynyard, Co Durham  
DECISION: STANDARD APPROVAL on 23 May 2008

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5. 7/2008/0210/DM OFFICER:Steven Pilkington  
APPLICATION DATE: 15 April 2008  
PROPOSAL: ERECTION OF ATTACHED GARAGE TO THE SIDE AND SINGLE  
STOREY EXTENSION TO THE REAR  
LOCATION: 9 BROOKLYN ROAD CHILTON CO. DURHAM  
APPLICANT: Mrs Christine Samways  
9 Brooklyn Road, Chilton , Co. Durham, DL17 0PW  
DECISION: STANDARD APPROVAL on 10 June 2008

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6. 7/2008/0209/DM OFFICER:Mark O'Sullivan  
APPLICATION DATE: 15 April 2008  
PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION  
LOCATION: THE CROFT 18B TUDHOE VILLAGE SPENNYMOOR CO. DURHAM  
APPLICANT: Mr Michael & Mrs Patricia Hornsby  
The Croft , 18B Tudhoe Village, Spennymoor, Co. Durham, DL16 6LH  
DECISION: STANDARD APPROVAL on 28 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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7. 7/2008/0206/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 April 2008

PROPOSAL: DEMOLITION OF PART OF EXISTING OUTBUILDING AND ERECTION OF ATTACHED GARAGE

LOCATION: MIDTON HOUSE EAMONT ROAD FERRYHILL CO DURHAM

APPLICANT: Mr M Willey  
Midton House, Eamont Road, Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 27 May 2008

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8. 7/2008/0205/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 18 April 2008

PROPOSAL: ERECTION OF ATTACHED GARAGE TO EXISTING OUTBUILDINGS

LOCATION: MIDTON HOUSE EAMONT ROAD FERRYHILL CO DURHAM

APPLICANT: Mr Willey  
Midton House, Eamont Road, Ferryhill, Co Durham

DECISION: STANDARD APPROVAL on 27 May 2008

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9. 7/2008/0199/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 2 April 2008

PROPOSAL: EXTENSION TO EXISTING ORANGERY TO PROVIDE IMPROVED ACCESS FROM RECEPTION AND INCREASE ACCOMMODATION (LISTED BUILDING APPLICATION)

LOCATION: WHITWORTH HALL HOTEL SPENNYMOOR CO DURHAM

APPLICANT: Mr Alan Lax  
Whitworth Hall Hotel, Whitworth Road, Spennymoor, Co Durham

DECISION: STANDARD REFUSAL on 27 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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10. 7/2008/0193/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 4 April 2008

PROPOSAL: REPLACEMENT SHOP FRONT, INTERNAL ALTERATIONS AND  
ERECTION OF SINGLE STOREY EXTENSION TO THE REAR

LOCATION: 53 CHEAPSIDE SPENNYMOOR CO DURHAM

APPLICANT: Mr M Abley  
Branston House, Durham Road, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 30 May 2008

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11. 7/2008/0192/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 4 April 2008

PROPOSAL: DEMOLITION OF DERELICT BUILDING AND ERECTION OF OFFICE  
ACCOMMODATION

LOCATION: REAR OF 53 CHEAPSIDE SPENNYMOOR CO DURHAM

APPLICANT: Mr M Abley  
Branston House, Durham Road, Spennymoor, Co Durham

DECISION: STANDARD APPROVAL on 30 May 2008

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12. 7/2008/0190/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 28 March 2008

PROPOSAL: RESIDENTIAL DEVELOPMENT COMPRISING OF 4 TERRACED HOUSES  
(OUTLINE APPLICATION)

LOCATION: LAND OPPOSITE 1-5 GREENFIELD STREET BYERS GREEN  
SPENNYMOOR CO DURHAM

APPLICANT: Mrs Susan Reynolds  
28 High Street , Byers Green, Spennymoor, Co Durham , DL16 7PA

DECISION: STANDARD REFUSAL on 22 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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13. 7/2008/0189/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 3 April 2008

PROPOSAL: ERECTION OF CONSERVATORY TO THE REAR

LOCATION: 28 GERARD STREET SPENNYMOOR CO. DURHAM

APPLICANT: Mr P Granger  
28 Gerard Street, Spennymoor, Co. Durham

DECISION: STANDARD APPROVAL on 27 May 2008

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14. 7/2008/0184/DM OFFICER:David Gibson

APPLICATION DATE: 8 April 2008

PROPOSAL: ERECTION OF STORAGE UNIT

LOCATION: LAND AT FURNACE PIT INDUSTRIAL ESTATE SHILDON CO DURHAM

APPLICANT: Lee Harle Lee  
Furnace Industrial Estate, Shildon, Co Durham, DL4 1QB

DECISION: STANDARD APPROVAL on 2 June 2008

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15. 7/2008/0181/DM OFFICER:David Gibson

APPLICATION DATE: 9 April 2008

PROPOSAL: DEMOLITION OF PETROL FILLING STATION AND ERECTION OF  
TEMPORARY LIBRARY BUILDING WITH ASSOCIATED CAR PARKING

LOCATION: FORMER PETROL FILLING STATION CENTRAL AVENUE NEWTON  
AYCLIFFE CO DURHAM

APPLICANT: Daejan (Durham) Ltd  
Africa House, 64-78 Kingsway, London, WC2B 6B6

DECISION: STANDARD APPROVAL on 23 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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16. 7/2008/0177/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 9 April 2008

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 128 DURHAM ROAD SPENNYMOOR CO DURHAM DL16 6SQ

APPLICANT: Mr I Charlton  
128 Durham Road, Spennymoor, DL16 6SQ

DECISION: STANDARD APPROVAL on 2 June 2008

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17. 7/2008/0175/DM OFFICER:David Gibson

APPLICATION DATE: 27 March 2008

PROPOSAL: ERECTION OF TWO STOREY EXTENSION TO SIDE AND FRONT WITH  
DORMER WINDOW, SINGLE STOREY REAR EXTENSION AND  
CREATION OF BALCONY TO REAR ELEVATION

LOCATION: 11 GRANVILLE AVENUE SHILDON CO DURHAM

APPLICANT: Mr S Armiger  
11 Granville Avenue, Shildon, Co Durham, DL4 1JN

DECISION: STANDARD REFUSAL on 22 May 2008

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18. 7/2008/0171/DM OFFICER:David Gibson

APPLICATION DATE: 31 March 2008

PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION

LOCATION: 22 MACMILLAN ROAD NEWTON AYCLIFFE CO DURHAM DL5 4LH

APPLICANT: Mr Ian Robinson  
22 MacMillan Road, Newton Aycliffe, Co. Durham, DL5 4LH

DECISION: STANDARD APPROVAL on 22 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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19. 7/2008/0167/DM OFFICER:David Gibson

APPLICATION DATE: 27 March 2008

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 87 WASHINGTON CRESCENT NEWTON AYCLIFFE CO DURHAM

APPLICANT: Mr J Fletcher  
87 Washington Crescent, Newton Aycliffe, Co Durham, DL5 4BE

DECISION: STANDARD APPROVAL on 22 May 2008

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20. 7/2008/0162/DM OFFICER:Mark O'Sullivan

APPLICATION DATE: 26 March 2008

PROPOSAL: ERECTION OF TWO STOREY FRONT EXTENSION

LOCATION: COLD STREAM FARM CROXDALE CO DURHAM

APPLICANT: Mr Peter Stott  
South Croft, Avenue Street, High Schincliffe, County Durham, DH1 2PT

DECISION: STANDARD APPROVAL on 22 May 2008

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21. 7/2008/0151/DM OFFICER:Steven Pilkington

APPLICATION DATE: 7 April 2008

PROPOSAL: CHANGE OF USE FROM STORAGE BARN TO STABLE BLOCK, VEHICLE STORE AND EXTENSION TO PROVIDE ADDITIONAL OFFICE SPACE INTO ROOF

LOCATION: KAYS HILL FARM CHILTON CO DURHAM

APPLICANT: Mr Steven Forster  
Kays Hill Farm, Chilton, Co Durham

DECISION: STANDARD REFUSAL on 2 June 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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22. 7/2008/0132/DM OFFICER:David Gibson

APPLICATION DATE: 7 April 2008

PROPOSAL: ERECTION OF SINGLE STOREY REAR EXTENSION

LOCATION: 44 JUBILEE ROAD SHILDON CO DURHAM DL4 2EG

APPLICANT: Mr Trevor Smith  
44 Jubilee Road, Shildon, Co Durham, DL4 2EG

DECISION: STANDARD APPROVAL on 2 June 2008

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23. 7/2008/0115/DM OFFICER:Steven Pilkington

APPLICATION DATE: 7 April 2008

PROPOSAL: ERECTION OF DETACHED GARAGES

LOCATION: THE CONIFERS FOXTON SEDGEFIELD TS21 2HX

APPLICANT: Mr A Nicholson  
Hawkstone Lodge, High Hesleden, Hartlepool, TS27 4QD

DECISION: STANDARD APPROVAL on 2 June 2008

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24. 7/2008/0079/DM OFFICER:David Gibson

APPLICATION DATE: 18 February 2008

PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO SIDE AND REAR,  
CONVERSION OF EXISTING FLAT ROOF OVER BAY WINDOW TO  
PROVIDE PITCHED ROOF AND CREATION OF FRONT PORCH

LOCATION: 20 FORSTER CLOSE NEWTON AYCLIFFE CO DURHAM DL5 4XJ

APPLICANT: Kevin Lathan  
20 Forster Close, Heather View, Newton Aycliffe, Co Durham, DL5 4XJ

DECISION: STANDARD APPROVAL on 2 June 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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25. 7/2008/0049/DM OFFICER:Steven Pilkington

APPLICATION DATE: 4 April 2008

PROPOSAL: ALTERATIONS TO EXISTING SHOP FRONT AND NEW PLANT TO REAR CAR PARK AND ROOF (RETROSPECTIVE)

LOCATION: CO-OP STORE 6 HIGH STREET SEDGEFIELD CO DURHAM

APPLICANT: Co-operative Group  
Format Development, New Century House, Po Box 53, Manchester, M60 4ES

DECISION: STANDARD APPROVAL on 23 May 2008

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26. 7/2008/0045/DM OFFICER:David Gibson

APPLICATION DATE: 1 April 2008

PROPOSAL: ERECTION OF SMOKING SHELTER TO FRONT ELEVATION

LOCATION: ELM ROAD W.M.C 20 ELM ROAD SHILDON CO DURHAM

APPLICANT: Shildon Elm Road W.M.C  
20 Elm Road, Shildon, Co Durham, DL4 1BH

DECISION: STANDARD REFUSAL on 27 May 2008

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27. 7/2008/0041/DM OFFICER:Steven Pilkington

APPLICATION DATE: 23 April 2008

PROPOSAL: DISPLAY OF FASCIA SHOP SIGN

LOCATION: 11 HIGH STREET SEDGEFIELD CO DURHAM

APPLICANT: Arthur Turner  
Mill House, High Hesleden, Hartlepool, TS27 4PZ

DECISION: STANDARD APPROVAL on 3 June 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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28. 7/2007/0737/DM OFFICER:David Gibson

APPLICATION DATE: 1 April 2008

PROPOSAL: ERECTION OF 6NO. DWELLINGS

LOCATION: LAND AT ADAMSON STREET SHILDON CO DURHAM

APPLICANT: Blue Sky Construction Ltd  
27 Market Street, Hetton-le-Hole, DH5 9DZ

DECISION: STANDARD APPROVAL on 23 May 2008

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29. 7/2007/0401/DM OFFICER:Steven Pilkington

APPLICATION DATE: 9 July 2007

PROPOSAL: ERECTION OF SHOP SIGNAGE AND PROJECTING SIGN (LISTED BUILDING CONSENT)

LOCATION: 12 HIGH STREET SEDGEFIELD STOCKTON ON TEES

APPLICANT: Reeds Rains Ltd  
2b Cathurst Lane, Shevington , Wigan, WN6 8HA

DECISION: STANDARD APPROVAL on 23 May 2008

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30. 7/2007/0189/DM OFFICER:Steven Pilkington

APPLICATION DATE: 26 March 2007

PROPOSAL: ERECTION OF SHOP SIGNAGE AND PROJECTING SIGN

LOCATION: 12 HIGH STREET SEDGEFIELD STOCKTON ON TEES

APPLICANT: Reeds Rains Ltd  
2b Gathurst Lane, Shevington, Wigan, WN6 8HA

DECISION: STANDARD APPROVAL on 23 May 2008

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## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - DELEGATED DECISIONS

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31.                           7/2008/0236/DM                           OFFICER:Mark O'Sullivan

APPLICATION DATE:    28 April 2008

PROPOSAL:            ERECTION OF CONSERVATORY TO THE REAR

LOCATION:             21 KENTMERE SPENNYMOOR CO. DURHAM

APPLICANT:          Mr Jeffrey Green  
                          21 Kentmere, Greenways Estate, Spennymoor , Co. Durham, DL16 6UB

DECISION:            STANDARD APPROVAL on 2 June 2008

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32.                           7/2008/0243/DM                           OFFICER:Mark O'Sullivan

APPLICATION DATE:    1 May 2008

PROPOSAL:            ERECTION OF CONSERVATORY TO THE REAR

LOCATION:             11 RABY ROAD FERRYHILL CO. DURHAM

APPLICANT:          Mr Richard Mayberry  
                          11 Raby Road , Ferryhill, co. Durham

DECISION:            STANDARD APPROVAL on 2 June 2008

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# Item 8

## SEDGEFIELD BOROUGH COUNCIL

### APPEALS OUTSTANDING UP TO 11<sup>th</sup> JUNE 2008

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Ref.No. AP/2007/0003  
Location LAND NORTH EAST OF HIGH STREET BYERS GREEN SPENNYMOOR  
CO DURHAM  
Proposal RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)  
Appellant Mr A Watson  
Received 16<sup>th</sup> April 2007

An Inspector's letter was received on 29<sup>th</sup> February 2008. The Appeal was Upheld. The details of the decision will be reported to Committee in due course.

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Ref.No. AP/2007/0006  
Location WOODLANDS 16 TUDHOE VILLAGE SPENNYMOOR CO DURHAM  
Proposal DEMOLITION AND RECONSTRUCTION OF EXISTING  
DWELLINGHOUSE (APPLICATION FOR CONSERVATION AREA  
CONSENT)  
Appellant Mr & Mrs Jackson  
Received 24<sup>th</sup> May 2007

An Inspector's letter was received on 16<sup>th</sup> May 2008. The Appeal was Upheld. The details of the decision will be reported to Committee in due course.

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Ref.No. AP/2007/0007  
Location WOODLANDS 16 TUDHOE VILLAGE SPENNYMOOR CO DURHAM  
Proposal DEMOLITION AND RECONSTRUCTION OF EXISTING BUILDING  
ANNEX TO BE RETAINED & REFURBISHED  
Appellant Mr & Mrs Jackson  
Received 24<sup>th</sup> May 2007

An Inspector's letter was received on 16<sup>th</sup> May 2008. The Appeal was Upheld. The details of the decision will be reported to Committee in due course.

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Ref.No. AP/2007/0008  
Location LAND NORTH OF WOODHAM HOUSE RUSHYFORD CO DURHAM DL17  
0NN  
Proposal ERECTION OF DETACHED DWELLING WITH ASSOCIATED ACCESS  
AND ERECTION OF DOUBLE GARAGE (OUTLINE APPLICATION)  
Appellant Dr & Mrs H J Stafford  
Received 25<sup>th</sup> May 2007

An Inspector's letter was received on 7<sup>th</sup> March 2008. The Appeal was Dismissed. The details of the decision will be reported to Committee in due course.

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Ref.No. AP/2007/0011  
Location 11 BRIDGE HOUSE ESTATE FERRYHILL CO DURHAM  
Proposal ERECTION OF TWO STOREY SIDE EXTENSION  
Appellant Mr Joe Ward  
Received 20<sup>th</sup> July 2007

The Appeal is to be dealt with by way of Written Representations.

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SEDFIELD BOROUGH COUNCIL (NO. 1) HAIG, NELSON, WOLSELEY AND CLIVE  
STREETS, FERRYHILL STATION) COMPULSORY PURCHASE ORDER 2007

The Appeal is to be dealt with by way of a Public Inquiry. The date set for the Inquiry is  
30<sup>th</sup> April, 1<sup>st</sup> and 2<sup>nd</sup> May 2008 at Locomotion, Shildon.

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Ref.No. AP/2008/0001  
Location LAND WEST OF HARDWICK PARK AND NORTH OF THE A689  
SEDFIELD STOCKTON ON TEES  
Proposal CHANGE OF USE OF THE LAND FOR THE SITING OF 330 STATIC  
CARAVANS AND 48 LODGES TOGETHER WITH ANCILLARY  
LANDSCAPE, ACCESS, DRAINAGE AND ENGINEERING WORKS AND  
THE USE OF BRAKES FARMHOUSE AS A MANAGEMENT CENTRE  
TOGETHER WITH THE ERECTION OF AN AGRICULTURAL BUILDING  
TO INCLUDE ANCILLARY SHOP  
Appellant Theakston Farms LLP  
Received 27<sup>th</sup> February 2008

The Appeal is to be dealt with by way of a Public Inquiry.

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Ref.No. AP/2008/0002  
Location 29 LISLE ROAD NEWTON AYCLIFFE CO DURHAM DL5 7QX  
Proposal ERECTION OF EXTENSION TO FRONT AND FIRST FLOOR SIDE  
EXTENSION  
Appellant Mrs Nina Bell  
Received 27<sup>th</sup> February 2008

The Appeal is to be dealt with by way of Written Representations

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Ref.No. AP/2008/0003  
Location LOW HARDWICK FARM SEDFIELD CO DURHAM  
Proposal USE OF LAND FOR OFF ROAD RECREATIONAL MOTOR SPORTS  
ACTIVITY AND ASSOCIATED ENGINEERING OPERATIONS  
(RETROSPECTIVE)  
Appellant Mr Alf Walton  
Received 25<sup>th</sup> March 2008

The Appeal is to be dealt with by way of a Public Inquiry

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Ref.No. AP/2008/0004  
Location THE LARCHES THORPE LARCHES SEDGEFIELD CO DURHAM TS21  
3HH  
Proposal ERECTION OF 1 NO. DWELLING (OUTLINE APPLICATION)  
Appellant Mr M Mehra  
Received 18<sup>th</sup> March 2008

The Appeal is to be dealt with by way of Written Representations

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Ref.No. AP/2008/0005  
Location REAR OF 51 ATTWOOD TERRACE TUDHOE SPENNYMOOR CO.  
DURHAM  
Proposal CHANGE OF USE FROM BAKEHOUSE TO 1NO. 2 BED DWELLING  
INCLUDING INCREASING ROOF HEIGHT TO CREATE FIRST FLOOR  
LIVING SPACE  
Appellant Pauleen Sedgewick  
Received 8<sup>th</sup> May 2008

The Appeal is to be dealt with by way of Written Representations

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