

Item 4

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2008/0549/DM APPLICATION DATE: 22 October 2008

PROPOSAL: **ERECTION OF PUBLIC ART FEATURE `IN OUR IMAGE` (AYCLIFFE HEAD)**

LOCATION: **LAND AT ST ANDREWS WAY NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Sedgefield Borough Council
Economic Development/Arts, Development, Council Offices,
Spennymoor, Co Durham, DL16 6JQ

CONSULTATIONS

1. GREAT AYCLIFFE TC
2. Cllr. W.M. Blenkinsopp
3. Cllr. Sarah Jane Iveson
4. Cllr. Alan Warburton
5. DCC (TRAFFIC)
6. DARLO BORO
7. BR GAS
8. BR TELECOM
9. B GAS PIPELINE
10. ENGINEERS
11. DESIGN
12. LANDSCAPE ARCH
13. POLICE HQ
14. Rodger Lowe
15. NEDL
16. Sanderson Weatherall
17. CTP Ltd
18. Freshwater Group
19. Helical Properties and Investments
20. Sustainable Communities
21. ENG. HERITAGE

NEIGHBOUR/INDUSTRIAL

Sleep Inn Hotel Creek House Caravan Newton Park Services McDonalds
Hill House Farm:1,2 Oaklea Mews:27,26,25,24,23,22 Filtronic Plc
Unit 1 Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 7 Lyons Tetley
Holme Mill Farm John Wade Group 3M UK High Street:1,Hillcrest,1B
The White House St Andrews Close:6,5,4,3,2,1,24,23,22,21,20,19,18,17,16,15,14,13

BOROUGH PLANNING POLICIES

D9 Art in the Environment

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THE PROPOSAL

This application seeks detailed planning approval for the construction of a public artwork feature 'In Our Image'. The proposed structure, in the form of a human head and shoulders, would measure a total height of 16.7 metres. The artwork would have a maximum width of approximately 5.5 metres shoulder to shoulder.

The proposed structure would be constructed in steel which would be shot blasted and painted with a specialist black coating. The artwork also includes several silhouette figures and has been specifically designed to be seen against the backdrop of the existing tree line. The photographic illustration below gives Members a flavour of the proposed artwork and its setting.



The proposal has been designed by artist Joe Hillier and the key purpose of the artwork is to create a major high profile piece of public art which will identify the southern entrance to Aycliffe Business Park. The artwork has been designed to represent the engineering capabilities of the Business Park, Sedgefield Borough and the region in general.

The proposed artwork would be situated in an area of self seeded woodland between Long Tens Way and St. Andrews Way and this is immediately to the west of the A167, as illustrated on the location plan below. The position of the proposed artwork has been selected to provide a unique piece of artwork at the southern entrance to Aycliffe Business Park.

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Internal Consultees

The Landscape Officer initially raised concern that the proposed artwork would require significant tree felling works in order to facilitate construction. Particular concern was raised that the more mature trees and hedgerow to the north of the site would be detrimentally affected.

However, detailed discussions have subsequently taken place with the applicant and contractor in order to clarify the extent of tree works required as a result of both ground investigation works, the construction route and laying of foundations. It has subsequently been agreed to draft a method statement to ensure that construction traffic will be taken from St Andrew Way only to ensure that the most important trees in visual and ecological terms adjacent to Long Tens Lane are safeguarded during construction. Although this will result in the loss of a number of smaller trees at the front of the artwork a scheme of replacement planting is to be incorporated to provide the wooded framework to the artwork, as envisaged by the artist.

The Landscape Officer has raised no objection to this proposal subject to the method statement being prepared and implemented with the access route restricted to St Andrews Way and subject to a landscape scheme being prepared with replacement planting and under storey planting being carried out by the applicant after the artwork has been installed.

The Countryside Officer has reviewed the ecological information submitted and found that the risk assessment prepared demonstrates that the proposal will not adversely affect protected species provided that the construction works are suitably controlled to safeguard potential water vole habitat within the site and to safeguard the large ash tree and the old hedgerow alongside Long Tens Lane present a potential roosting site and good foraging habit for bats.

The Tree Officer has stated that two ash trees within the site are considered to be important and are, therefore, worthy of retention. It has, therefore, been suggested that Long Tens Lane to the north of the site is not utilised for construction traffic, in order to ensure that the Root Protection Areas for these trees is suitably safeguarded.

The Highway and Contaminated Land Officer has no objection on highway grounds but has suggested that the applicant liaise with the Highway Authority regarding highway management during construction.

Publicity Responses

This application has been advertised via the posting of total of three site notices adjacent to this site and within Aycliffe village. This has also been advertised via direct neighbour notification to more than 40 individual properties. At the time of drafting this report no written representations had been received from neighbouring occupants of the industrial estate or members of the public. Any comments which are received after this report has been drafted will be reported verbally.

The Statement of Community Involvement submitted in support of this planning application indicates that the applicant has undertaken a range of consultation events with both local businesses and education providers. The applicant has liaised closely with Sedgefield Engineering Forum (SEF) who represents a range of companies situated on the Aycliffe

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Business Park and throughout the Borough. As a result, a local firm Aycliffe Fabrications have been commissioned to construct and erect the artwork should planning consent be approved.

PLANNING CONSIDERATIONS

The main planning considerations are as follows:

- Compliance with National and Local Plan Policy
- Design and Layout
- Impact upon Residential Amenity
- Heritage
- Ecology and Nature Conservation

Compliance with National and Local Planning Policy

The Government's Planning Policy Guidance Notes (PPG) and their replacement Planning Policy Statements (PPS) set out national policies on different aspects of planning and advise Local authorities in the preparation of Local Development Frameworks (LDF). Although they do not make specific references to public art they do state that sustainable development should involve good design and community engagement, aspects that artists can influence.

This application is considered to accord with the requirements of adopted Local Plan Policy D9 which seeks to encourage the incorporation of artworks in development schemes.

It is recognised that the incorporation of artistic elements into the design of buildings, spaces and landscapes helps to create an impression of social and economic confidence essential to promote an area for incoming business and tourists. They may also help to create a unique 'sense of place'.

The application site has been specifically identified as a gateway to Aycliffe Business Park and the proposed artwork would help enhance the prestige and reputation of the Business Park and provide a strong focal point for future marketing of the Business Park.

The proposal is considered to accord with Policy D9 of the Sedgefield Borough Local Plan.

Design and Layout

The proposed structure would measure a total height of 16.7 metres. The artwork would have a maximum width of approximately 5.5 metres shoulder to shoulder.

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The position of the artwork has been selected because of its prominent position adjacent to the entrance to the Aycliffe Business Park when travelling along the north bound carriageway of the A167. This proposal forms one of a series of public artworks designed as gateway features for Aycliffe Business Park.



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The artwork has been designed so that this is viewed in conjunction with the existing tree planting in this area. This proposal would require the felling of a number of trees within the existing self-seeded woodland both to form the concrete base for the art work and to facilitate the installation of the structure itself. A comprehensive tree survey has been carried out to identify those trees most worthy of retention and to ensure that these can be safeguarded. It has also been identified that compensatory planting will also be undertaken at the front of the artwork adjacent to St Andrews Way following construction. The woodland setting provides a key component for the artwork itself.

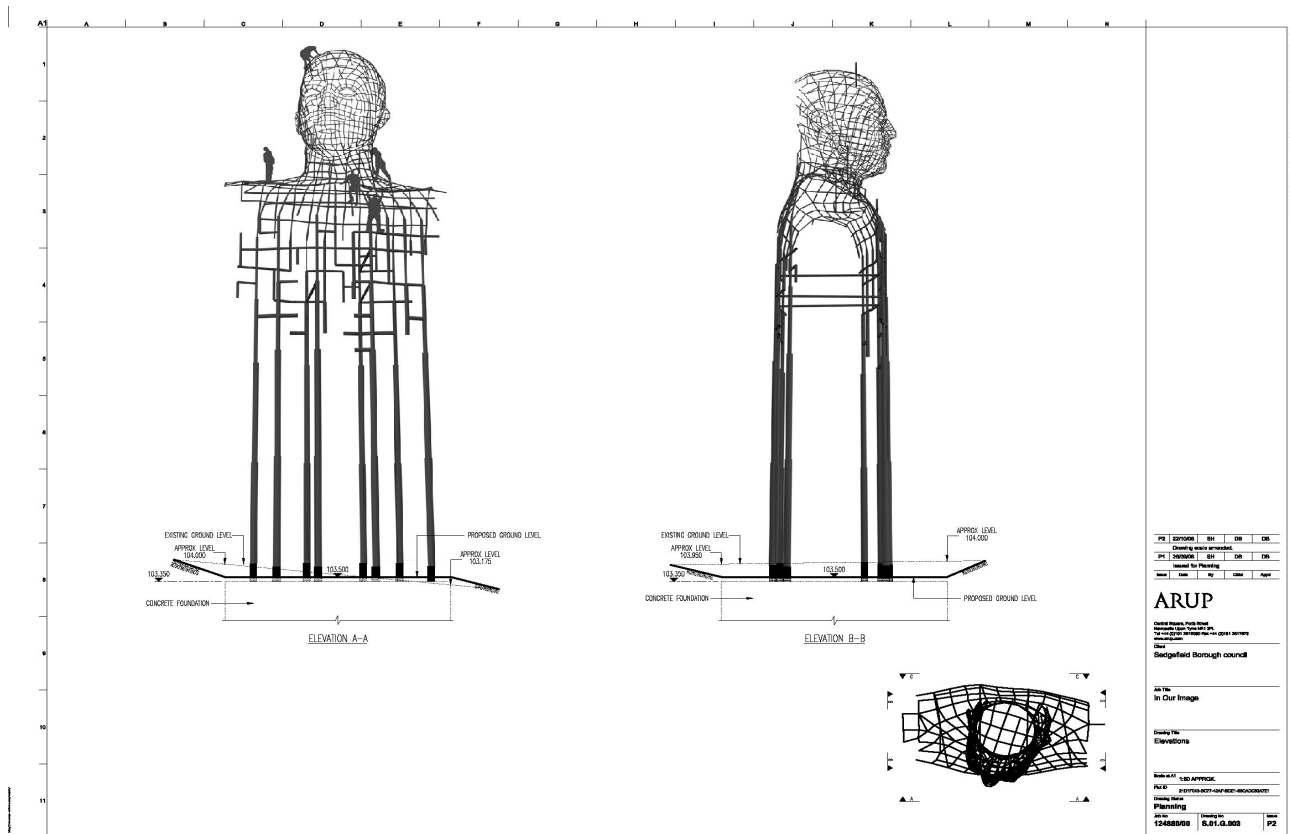
Although the artwork itself has primarily been designed to be viewed from the A167 when travelling north bound, this would also be visible from St Andrews Way, as illustrated on the next photo montage.



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The structure has been designed to minimise the potential for the structure to be climbed, as such, the lattice framework is elevated on a number of columns set into the concrete base, as illustrated on the elevational drawing below. However, the structural supports will be framed by the existing / compensatory tree planting.



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The proposed artwork will be particularly visible from the A167; however, the design of the artwork is considered appropriate within this setting and location and will inevitably help to raise the profile of Aycliffe Business Park in particular and the wider Borough as a whole.

Impact upon Residential Amenity

The nearest residential property within this Borough, Holme Mill is located approximately 190 metres to the north east of the application site. The proposed sculpture would be clearly visible from this property. However, this would be viewed in the context of the existing tree planting in this area.

Bridgewood Stables, which includes a single mobile home, is located approximately 200 metres to the east of the application site to the north of Lime Lane. Shalters Bridge Farm, which is located to the south of Lime Lane, is approximately 300 metres to the south west of the application site. Both these sites are located within Darlington Borough Council's administrative boundary.

The proposal would be visible from Shalters Bridge Farm and is likely to be visible from Bridgewood Stables, however, this would be seen in the context of the existing tree planting and the former Fujitsu factory unit which is located to the south of St. Andrews Way and west of the A167.

The framework design of the artwork is helpful in reducing the prominence of the artwork when compared against a 'solid' structure. Bearing in mind the design and location of the proposed artwork and significant distances between this and the adjacent residential properties the visual impact of this proposal it is not considered to be so significant so as to justify refusal of this proposal.

Heritage

The Heritage Statement submitted in support of this planning application has demonstrated that the proposed artwork would not impact upon any Scheduled Ancient Monuments nor would this affect any Historic Parks or Gardens. Whilst several Listed buildings are located within Aycliffe village the only Listed Building which may be affected by this proposal would be the Grade I listed Church of St. Andrew which is located approximately 450 metres to the north of the application site.

The spire of the Church of St. Andrew and the proposed artwork would both be visible at times when travelling northwards along the A167 towards Aycliffe village. However, because of a combination of factors including the alignment and level of the A167, the elevated position of the church (which stands on the brow of the hill) and the existing vegetation flanking the A167 and St. Andrews Way it is considered that the proposed artwork and the spire of the Church of St. Andrew would not be seen in direct competition with one another.

Long distance views of the proposed structure and the spire would only be visible intermittently between the junction 59 roundabout and the Newton Park Services because of the gradient of the landform and existing tree cover the church spire.

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The design, height and siting of the proposed artwork have all been considered to ensure that the proposal would not adversely affect the setting of the spire of the Church of St. Andrew.

English Heritage have not offered any comment regarding this proposal.

Ecology and Nature Conservation

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 planning application has been submitted with an Ecological Survey report which has been considered in detail by this Councils Countryside Officer.

The Countryside Officer has reviewed the detailed ecological information submitted and found that the risk assessment prepared demonstrates that the proposal will not adversely affect protected species.

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No objection is raised provided that the construction works are suitably controlled to prevent works along the existing dry ditch which bisects the northern boundary of the application site. It was also stated that a large ash tree located on the southern side of Long Tens Lane to the north of the application site is likely to provide a medium to high risk of supporting a bat roost. The old hedgerow and plantation edge alongside Long Tens Lane is also likely to present good foraging habitat for bats.

It is suggested that a planning condition be attached requiring the submission of a detailed method statement. This would ensure that any vehicular traffic movements required during construction are taken from St. Andrews Way rather than Long Tens Lane, to the north, where the older trees and hedgerow more sensitive habitat is located.

The Ecological Survey submitted with the planning application found that Himalayan Balsam was evident within the site. This non native species suppresses the growth of native grasses and flora and it has been recommended that control measures be implemented to maintain and further enhance the ecological interest of the site and surrounding areas.

CONCLUSION

This proposal would accord with Local Planning Policy D9 which seeks to encourage the incorporation of public artwork. The artwork has been designed to compliment it's location without detrimentally affecting the setting of the Church of St Andrews and without detrimentally affecting ecology and nature conservation interests in this area.

This proposal would, if implemented, act as a focal point to enhance the prestige and reputation of the Aycliffe Business Park in particular and Sedgefield Borough in general and which can then form the basis of a future marketing opportunity for the area. It is increasingly becoming recognised that public art can make a major contribution to giving a place character and identity, bringing people into and through places.

It should also be noted that a local firm Aycliffe Fabrications have been successful in tendering for the fabrication work. If this scheme were to be implemented this would further enhance manufacturing opportunities for other similar schemes helping to safeguard much needed employment within this area.

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

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.

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It is RECOMMENDED that the application be granted subject to the following conditions.

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

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

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

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

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

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

4. Prior to the commencement of development a detailed method statement indicating the precise vehicular access route from St Andrews Way during construction of the base and installation of the structure shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

5. Details of tree protection measures for the hedge and mature trees at Long Tens Lane and those trees to be retained on site following development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. These details should include measures to prevent construction work alongside the existing dry ditch which bisects the northern section of the site. The development shall be carried out in accordance with these details.

6. No development shall take place unless in accordance with the mitigation detailed within Section 4 of Aycliffe Business Park, Aycliffe – Ecological Survey Report dated October 2008 including but not restricted to nesting birds and invasive species.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations: D9 – Art in the Environment