

PLANNING APPLICATIONS TO BE DETERMINED

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| 1. Application | Ref No. 7/2006/0477/DM. |
| Location: | Land off Butchers Race Green lane Industrial Estate, Spennymoor. |
| Proposal: | Erection of new factory with associated parking, service areas, landscaping and infrastructure including the creation of new roundabout. |
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| 2. Application | Ref No. 7/2006/0476/DM) |
| Location: | Merrington Lane Industrial Estate, Spennymoor |
| Proposal: | Demolition of existing factory premises and subsequent redevelopment for approximately 400 residential units with associated landscaping and infrastructure improvements. |

BACKGROUND

Thorn Lighting has been operating from their existing premises at Merrington Lane Industrial Estate, Spennymoor since they purchased the site from Smart and Brown in 1952. Thorn Lighting has continued to manufacture lighting products at this site and has grown to become County Durham's largest private sector employer. However, in the light of increasing competition in the global market, the Spennymoor Plant is operating to 55% capacity. In response to the fluctuating market Thorn's parent company, the Zumtobel Group, have been reviewing the operations of all of their plants and there is a risk that the Group could move all of its operations from the UK unless the Spennymoor plant can demonstrate it is more efficient and economical.

Thorn Lighting have indicated that the Merrington site suffers from a range of constraints and inherent inefficiencies and that the Spennymoor plant cannot continue to compete with the opening of new plants. In the light of the inherent inefficiencies and the need to become more competitive Thorn Lighting Limited in association with Theakston Estates (Durham) Limited have submitted a development proposal which seeks planning permission for:

1. The relocation of Thorn Lighting Ltd. and its sister company Tridonic Atco from its existing site at Merrington Lane Industrial Estate, Spennymoor to a purpose built facility at the Green Lane Industrial Estate; and
2. The redevelopment of their existing premises for residential development for approximately 400 dwellings.

The proposal takes the form of two separate planning applications but as they are inter-related they need to be considered as a whole rather than two independent development proposals. The purpose of this report is to consider the planning merits of both applications the details of which are summarised below:

1. **Full Planning Application (Ref No. 7/2006/0477/DM).**
Land off Butchers Race Green lane Industrial Estate, Spennymoor.
Erection of new factory with associated parking, service areas, landscaping and infrastructure including the creation of new roundabout. (Appendix 1 shows the location of the applications site.)

In summary the proposal entails:

1. The erection of a purpose built, state of the art facility, providing 40,000 sqm of floor space with associated parking and infrastructure improvements.
2. The diversion of footpath 52, which bisects the site and the closure of footpath 53, which crosses part of the site diagonally.
3. The provision of a circular landscaped walk around the perimeter of the site and a landscaped mound along the western and southern boundaries of the site to provide a screen.
4. Improvements to the roundabout at the junction of Enterprise Way and the A688.

The application has been accompanied by a Design Statement to demonstrate how the proposal will be developed to provide a high quality facility. The plan at appendix 2. shows how the site will be laid out.

**2. Outline Planning Application (Ref No. 7/2006/0476/DM).
Merrington Lane Industrial Estate, Spennymoor
Demolition of existing factory premises and subsequent redevelopment for
approximately 400 residential units with associated landscaping and infrastructure
improvements.** (Appendix 3 shows the location of the applications site.)

In brief, the proposal would entail:

1. The demolition of the existing factory premises with the exception of the distribution centre, which is a relatively modern high bay warehouse facility, built in 1999.
2. The erection of approximately 400 dwellings.
3. A single access utilising the existing access to the Thorn complex from Merrington Lane. The existing access would be improved through the provision of a protected right turn lane/ghost island and increased kerb radii. The access would lead onto a loop arrangement, which would serve various cells of development.

As the application is in outline form with all matters reserved for subsequent approval with the exception of the means of access to the site the precise form of the layout is unknown at this stage. The application has however been accompanied by a Design Statement which incorporates a Master plan illustrating how the site could be laid out. A copy of the illustrative layout is found at appendix 4.

The applications have been accompanied by a number of supporting documents including the following:

Statement of Community Involvement
 Design Statements
 Work Place Travel Plan
 Traffic Impact Assessment
 Residential Travel Plan
 Planning and Housing Context Report
 Economic Impact Appraisal
 Market Assessment and Viability Appraisal
 Noise Assessment and Air Quality Reports
 Extended Phase 1 and Protected Species Survey
 Flood Risk Assessments
 Geophysical Surveys
 Public Rights of way Statement

These documents are available for inspection during normal offices and will be available to view 30 minutes prior to the commencement of the committee meeting. In addition copies of these documents have been sent to the relevant consultees to enable them to fully consider the merits of the proposals.

Whilst the proposals are inter-related and need to be considered as a whole it is important to consider the individual planning merits of each proposal. This report will therefore consider the merits of each application in turn.

Planning application Ref No. 7/2006/0477/DM.

Full Planning Application

Land off Butchers Race Green lane Industrial Estate, Spennymoor.

Erection of new factory with associated parking, service areas, landscaping and infrastructure including the creation of new roundabout.

CONSULTATION RESPONSES

An extensive consultation exercise has been undertaken with statutory consultees and neighbouring properties. The application has also been publicised through site notices and a notice in the local press. Details of the consultees are found at appendix 5 of this report.

Spennymoor Town Council	No comment to date.
North East Assembly	<p>The principle of developing a new factory within one of County Durham’s main towns is supported by the objectives of Submission Draft RSS and is in general conformity with the objectives of RPG1 and has broad support in terms of its location within an area identified as a Regeneration Centre in the Durham Coalfield Communities area within the Tees Valley City Region.</p> <p>The proposal also seeks to provide parking in line with Accessibility Guidelines and is linked to coordinated proposals for public transport and accessibility improvements and demand management, through the preparation and implementation of a Travel Plan. In this respect, the proposal accords with Submission Draft RSS Policy T11.</p> <p>There is some concern that the proposal does not include energy efficiency and embedded renewable measures, which should be provided in view of emerging regional policy. Further to this SuDs should be incorporated if deemed necessary.</p>
Durham County Council as Strategic Planning Authority	<p>Recognise that the applicant is a key employer in this part of South Durham and the County Council places high priority on retaining local employment of this kind in order to achieve the aims of the Structure plan and wider economic development objectives.</p> <p>The site is located on a Prestige Employment site & Policy 3 of Structure Plan gives priority to the County main towns, including Spennymoor, as a location for major new development. A key element of the Structure plan strategy is that development patterns should offer the opportunity for people to minimise their day-to-day travel needs and as a result minimise carbon dioxide emissions.</p>

DCC (Continued)	The location of the proposal on an allocated site enables access by a range of travel options in line with the sustainability objectives including reducing the need to travel by focusing development in urban areas that have good access. In this respect the proposal accords with the relevant Structure plan policies.
Durham County Council as the Highways Authority.	Offer no objection subject to off site highway improvements (Principally at the junction of Enterprise way and the A688), and improvements to footpath links and internal access arrangements. The Travel plan accompanying the application is seen as 'Exemplary' and given the applicants commitment and improved cycle pedestrian links the creation of 428, which is significantly less than the maximum of 800 which would normally be required, is considered to be acceptable.
One NE	The proposed development at Green lane accords with the agency's aims and objectives and is fully supported by One NorthEast.
County Archaeologist	The County Archaeologist has raised a number of issues and these are considered in the planning considerations part of this report.
Ramblers	<p>The Ramblers Association originally responded to state that they oppose any and all closures of footpaths and would therefore be unable to accept the closure of FP 53 and to oppose the development. To overcome the objection, the Ramblers Association suggested that a diversion order be made to divert FP53 from its present route to a north south route along the eastern margin of the site.</p> <p>Following further discussion with the applicant the Ramblers have withdrawn their objection as it is now proposed to divert both FP 52 and 53. They have also indicated that they would make no objection to an order made to divert these public rights of way.</p>
Northumbrian Water	No objection but have highlighted the existence of a public sewer within the site which may be affected by the proposal.
Durham Police Architectural Liaison Officer	<p>Recommends that perimeter fence is expanded metal, weld mesh or paladin.</p> <p>Also recommends that the diverted footpath requires careful design in order to maintain safety of both children and adults alike. And offers advice on how this can be achieved.</p> <p>Recommendations have been copied to the applicant.</p>
English Nature	Based on the information provided, English Nature is satisfied that the proposal is unlikely to have an adverse impact affect in respect of species especially protected by law, subject to the imposition of a condition requiring the development to be carried out in accordance with the mitigation detailed in the supporting ecological and protected species reports.

Environment Agency	Offer no objection but have advised that Northumbrian Water will need to be satisfied that unattenuated discharge can be accommodated without causing or exacerbating flooding problems into a receiving watercourse which is shown to have flooding problems.
Environmental Health	Makes a number of recommendations regarding operational practices and suggest conditions to minimise effects during construction. As the applicants noise report indicates that there is only a limited likelihood that the operation of the proposed development will result in a noise nuisance to local sensitive receptors no conditions are suggested in this regard.

In addition to the responses from statutory consultees 9 letters of objection, including a letter signed by 41 residents have been received from local residents in response to the public consultation exercise which include individual letters, notices posted on site and a notice placed in the press. The objections are summarised at appendix 6. and the principal objections are considered in the Planning Considerations section of this report.

In addition a total of 47 letters of support have been received from a variety companies who supply Thorn Lighting with a range of products and services. The companies who are lending their support operate locally and nationally and their principal concern is that the closure of Thorn Lighting will indirectly affect their business and work force.

RELEVANT LOCAL AND NATIONAL PLANNING POLICY AND GUIDANCE

The proposal under consideration needs to be considered in the light of the following planning policy and guidance:

Guidance	Policy Numbers
Planning Policy Guidance Notes (PPGs)	PPG4 (Industrial, Commercial Development and Small Firms) (1994) PPG13 (Transport) (2001) PPG24 (Planning and Noise) (1994) <i>PPG16: Archaeology and Planning</i> (1990)
Planning Policy Statements (PPSs)	PPS1 (Delivering Sustainable Development) (2004)
Submission Draft Regional Spatial Strategy (RSS) (2005)	1, 2, 5, 7, 12, 18, 24
Regional Planning Guidance (RPG1) (2002)	DP1, DP2, T1
County Structure Plan (CDSP) (1999)	3, 19
Sedgefield Borough Local Plan (1996)	IB2, IB5, D1, D2, D3, D4, E17
Supplementary Planning Guidance (SPGs) (1996)	SPG2 (Development on Prestige Business Areas) SPG9 (Landscaping)
Other Background Documents	Leading The Way - Regional Economic Strategy (RES), (July 2006), One NorthEast TheRegional Spatial Stragey for the North East Panel Report (July 2006)

PLANNING CONSIDERATIONS

The main planning considerations in this case are as follows:

- Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance.
- Access, traffic movements and car parking
- Design and layout.
- Air quality and noise.
- Impact on Protected Species
- Impact on Archaeology
- Impact on the footpath network.
- Concerns of local residents.

Compliance with National Planning Policy and Guidance, Local Plan Policies and Supplementary Planning Guidance.

At a local level the application site is designated under Policy IB2 of the Borough Local Plan as an existing prestige business area. The principle of developing the land for industrial purposes is therefore long established. The primary objective of prestige business areas is to encourage the manufacturing and service industries. Class B1, B2, and B8 are acceptable uses under Policy IB5.

Similarly, at a regional level, the site is located on a prestige employment site, which is identified in the County Durham Structure Plan. Furthermore, Policy 3 of the Structure Plan gives priority to the County's main towns, including Spennymoor as location for major new development.

Furthermore, Policy DP1 of Regional Planning Guidance Note 1 sets out the sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations. Policy DP2 establishes the sustainability criteria under which the suitability of sites can be assessed in accordance with the sequential approach as set out in DP1. All sites should be in locations that are, or will be, well related to homes, jobs and services by all modes of transport, in particular public transport, walking and cycling. Whilst the land in question is Greenfield land, it has been formally designated as industrial land since the adoption of the Local Plan in 1996 and is well related to the settlement of Spennymoor and benefits from good access links to the A167.

In addition, One NorthEast who is responsible for taking forward the review of the existing Regional Economic Strategy (RES) on behalf of North East England have offered their 'full support' to the proposal subject to all environmental issues being satisfactorily resolved. The RES sets out how they are going to deliver greater and sustainable prosperity to all of the people of the North East over the period to 2016. It seeks to provide the underpinning economic conditions necessary to achieve the region's vision:

"The North East will be a region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking region featuring a dynamic economy, a healthy environment and a distinctive culture. Everyone will have the opportunity to realise their full potential".

In doing so, the Regional Economic Strategy:

- outlines the region's main economic development priorities;
- analyses the strengths, weaknesses, threats and opportunities facing the region;
- provides a framework for the region's public, private and voluntary and community sector organisations to deliver actions for greater and sustainable prosperity; and
- provides information on the region and its economy and the key relevant Government policies for developing the region.

The RES highlights that although the North East is experiencing success in many areas, the challenge to narrow disparities with the rest of the UK and improve international competitiveness remains. The fact that One Northeast fully supports the proposal demonstrates that the development accords with the economic strategy for the region.

Finally, at a regional level the Regional Spatial Strategy for the North East Panel Report published in July 2006 lends it support to the regeneration of the major towns of the Borough, including Spennymoor, through sustainable indigenous growth to meet local needs without adversely impacting on the regeneration initiatives within the Tees Valley conurbation.

At a national level, Central Government guidance contained within PPG4 (Industrial, commercial development and small firms) contains the locational factors for development of this nature to be considered against. This being the following:

- Encourage new development in locations which minimise the length and number of trips, especially by motor vehicles;
- Encourage new development in locations that can be served by more energy efficient modes of transport (this is particularly important in the case of offices, light industrial development, and campus style developments such as science and business parks likely to have large number of employees);
- Discourage new development where it would be likely to add unacceptably to congestion;
- Locate development requiring access mainly to local roads away from trunk roads, to avoid unnecessary congestion on roads designed for longer distance movement.

PPG4 emphasises that sites for such developments are best located away from urban areas, where the nature of the traffic is likely to cause congestion, and wherever possible should be capable of access by rail and water transport. It is considered that as the site is peripheral to the residential area of Spennymoor and with excellent adjacent transport links to national routes, the site performs well against the locational requirements set out in PPG4.

To conclude, the development conforms to the guidance contained in the Borough Local Plan, PPG4, RPG1, RSS and RES and as such the development accords with Development Plan as a whole. In land use terms the proposal therefore represents an acceptable use within a prestige business area. However, the proposal will need to satisfy the environmental constraint policies contained elsewhere in the Borough Local Plan and these are considered in detail below.

Access, traffic movements and car parking

As stated previously the application has been accompanied by a Traffic Impact Assessment and a Workplace Travel Plan. These documents have been assessed by the County Council as the Highway Authority and in their role as Strategic Planning Authority.

In terms of the ability of the existing road network to accommodate the additional traffic that will be generated by the proposal it has been concluded that, subject to highways improvements at the junction of the A688 (Spennymoor By-pass) and Enterprise Way, the road network will be able to accommodate the additional traffic at peak times.

Furthermore, the County Council have indicated that the Travel Plan, submitted with the application, is an *'exemplary Travel Plan which may assist in removing vehicular traffic from the highway network'*. The Travel Plan includes a number of initiatives to promote awareness, walking and cycling, car sharing and travel by public transport. In view of this and the applicants commitment to the effectiveness of the Travel Plan, the County Council have agreed to the provision of 428 parking spaces which is significantly less than that the maximum of 800 spaces that would normally be required under the County's parking standards.

The proposal is therefore considered to acceptable from a highways perspective subject to the implementation of variety of highway improvements, which can be secured either through a Grampian style condition or by way of a legal agreement.

Design and layout.

Policy D4 of the Borough Local Plan requires a high standard of site layout, building design and landscaping. Under Policy D4 new business developments are expected to have a layout and design appropriate to a setting within a prestige business area. Landscaping should be of the highest standard and regard paid to Policies D1, D2 and D3. It is important that new business developments are laid out and designed so to project an attractive image of the Borough.

Supplementary Planning Guidance Note 2 also encourages applicants to employ innovative designs that incorporate innovative glazing features, architectural or artistic features in the external elevations and a public entrance, which is well designed to form the focal point of the building frontage. The development must also include appropriate landscaping to provide an attractive setting.

The Design Statement accompanying the application seeks to demonstrate that the proposal will deliver a high quality building set in an attractive environment in accordance with its allocation within the Sedgefield Borough Local Plan as a prestige business area. The design of the building has primarily been determined by its function and as a consequence takes the form of large profile clad building. The applicants have however sought to develop an attractive frontage when approaching the site from the internal access road. This has been achieved by the provision of offices along the eastern elevation of the building, which effectively screen the more functional elements of the building when approaching the site from the east. The design also incorporates an entrance lobby, which acts as a focal point for an otherwise uninspiring building and the use of appropriate materials will help to break up the massing of the building. Whilst the design of the building is relatively mundane, primarily as a result of its function, the overall quality of the design is considered to be acceptable and in keeping its allocation as a prestige business area.

Furthermore, the proposal will provide for extensive landscaping and mounding to 'soften' its impact particularly when viewed from North Road. In addition the existing open space in the southern corner of the site will be redeveloped and the space extended to incorporate a new footpath, the intention being to create a pleasant recreational area for neighbouring residents to enjoy. The Council's landscape officer has however expressed concern regarding the extent and quality of the proposed landscaping but this matter is capable of being addressed through the imposition and subsequent discharge of landscaping conditions.

Air Quality and Noise

The proposal has been accompanied by a detailed air quality and noise assessment. These documents have been assessed by the Council's Environmental Health Department.

Air Quality

In respect of air quality the assessment addresses impacts during construction and operational phases of the development. In respect of the construction phase the report concludes that:

'Predicted dust impacts associated with construction activities without mitigation in place would be regarded as 'minor' given the scale of development and the proximity and sensitivity of local potential receptors. Consequently given the application of good management practices, the lack of local sensitive receptors, and relatively short periods, the adverse impact of construction activities on sensitive receptors will be negligible and short term'.

With regards to the operational phase the reports concludes by stating that:

'Receptors in the vicinity of the proposed re-location site will potentially experience a negligible adverse impacts in local air quality pollutants as traffic approaches the new site'

The Council's Environmental Health Department having assessed the report have recommended a variety of conditions primarily designed to address nuisance effects from site construction activities. Should Members be minded to approve the application then appropriate conditions would need to be imposed. With regards to the operational phase of the development the Council's Environmental Health Department concur with the findings contained in the air quality report and do not consider that the proposal will have a significant impact upon the air quality of the area. Furthermore, powers under the Environmental Protection Act would enable control to be exercised over any subsequent emissions.

Noise Assessment

In respect of noise, the assessment concludes that:

'noise levels predicted as a result of the proposed activities at the factory and associated activities will be lower than the levels currently experienced at the nearest identified receptors. It is therefore unlikely that there will be any discernible difference in ambient noise levels at the nearest potentially noise sensitive locations. Predicted noise levels for the worst case scenario at these noise sensitive locations are well below 55dBLAeq. As detailed in the World Health Organisation guidelines this level is not likely to give rise to significant community annoyance'.

Noise produced from the proposed factory and ancillary operations may result in a slight increase of up to 4dB(A) in background noise levels at some locations. According to the assessment methodology complaints are of marginal significance at 5dB(A) above background.....the operation of the factory is unlikely to have a significant impact on the noise climate at the nearest noise sensitive locations'.

The Council's Environmental Health Department once again concur with the consultant's findings but have suggested conditions to minimise potential nuisance effects from the proposed construction works.

With regards to noise emanating from the site once it becomes operational the Council's Environmental team is satisfied with the consultants conclusion that there is only a limited likelihood that the operation of the proposed development will result in a noise nuisance to local sensitive receptors. In order to mitigate against any noise nuisance in the future it is proposed to impose a condition requiring details of all external plant, ducts and extractors to be submitted to and approved by the Council. Past experience has demonstrated that external plant and machinery are a major source of noise complaint and the imposition of a condition requiring details of their location and noise emissions will enable the Council to minimise the likelihood of a noise nuisance.

To conclude the re-location of Thorn Lighting is likely to have a negligible impact on local air quality and noise levels at the nearest noise sensitive locations.

Impact on Protected Species

The application has been accompanied by an extended Phase 1 and Protected Species survey. The survey concludes that:

'The habitats within the site are considered to be of low ecological value with much of the site covered by species poor semi-improved grassland, immature mixed plantation woodland and a species poor hedgerow'.

Overall the development will have only minor ecological impacts, which are readily mitigated through a well designed landscape planting scheme.

Based on the information provided English Nature (now known as Natural England) have indicated that they are satisfied that the proposal is unlikely to have an adverse impact in respect of species especially protected law subject to the imposition of a condition to ensure that the development take places in accordance with the mitigation measures within the ecological report/survey.

As the proposal is only likely to have minor ecological impacts and as English Nature have raised no objections to the proposal the proposal in terms of its impact on protected species is considered to be acceptable.

Impact on Archaeology

An archaeological assessment and a geophysical survey have been undertaken by the developer on this site. The County Archaeologist has undertaken a thorough assessment and has indicated that the results of both have revealed that there are archaeological remains within the site, which may be of some local or regional significance.

It is for this reason, and in terms of archaeological best practice, that the County Archaeologist routinely asks for pre-determination archaeological evaluation works to be undertaken where research has shown that there are potentially some significant remains. This is the scenario that exists at Green Lane.

The data that is recovered in evaluations is crucial to the understanding of a site and helps to determine its relative value and/or significance. For example, a site which shows possible archaeological anomalies on a geophysical survey may turn out on investigation to be nothing more than geological features and therefore a condition would not be required.

Conversely, a seemingly “blank” site may contain features of great significance, which, for one reason or another do not show up on a survey, but may be uncovered through trial trenching. A condition would then be applied to ensure that an agreed programme of mitigation is conducted for the latter scenario. The point of the matter is, that conditioning the archaeological evaluation works, means that ill informed decisions are potentially being made and the developer is also agreeing to a potentially large future bill for archaeological evaluation, as well as possible excavation, post-excavation and publication costs.

PPG16: Archaeology and Planning (1990) paragraph 21 clearly notes that in order to determine if preservation in situ may be justified or not, we first need to understand the character and extent of the archaeological remains. This approach is reflected in Local Plan Policy (E17) relating to protection of archaeological remains. This policy states very clearly: “Where there is evidence that archaeological remains may exist on a site but whose extent and importance are not known, the council will require an archaeological field assessment to be carried out before determining the planning application.

Where preservation [in-situ] is not justified, the council will need to be satisfied that...the developer has made satisfactory arrangements for an appropriate programme of archaeological investigation, recording and publication.”

PPG16 (1990) paragraph 22 states:

“Local planning authorities can expect developers to provide the results of such assessment and evaluations as part of their application for sites where there is good reason to believe there are remains of archaeological importance. If developers are not prepared to do so voluntarily, the planning authority may wish to consider whether it would be appropriate to direct the applicant to supply further information under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 and if necessary authorities will need to consider refusing permission for proposals which are inadequately documented.”

By not conducting the evaluation works on this site prior to determination, the Council as the local planning authority are now not in a position to make an informed and reasonable decision regarding the justification for or against preservation in-situ.

PPG16 (para 28) also advises that:

“...the relative importance of archaeology against other factors including the need for the proposed development must be taken into account...[and] that [if] the significance of the archaeological remains is not sufficient...to justify their preservation in situ...the proposed development should proceed [with suitable conditions applied].”

The current position is that the County Archaeologist does not have enough information to advise whether or not preservation in-situ is justified or not. The County Archaeologist is also concerned with not having access to detailed data to determine if they need to advise the planning authority to impose a condition to allow for preservation either by record or in situ.

In this site specific instance, having seen the geophysical survey results provided by NLP overlain on top of the proposed development, the County Archaeologist has advised that they can now see that the potentially significant archaeological remains in the NE area could be protected through a “no disturbance” zone and that a condition could be used to ensure this.

The County Archaeologist is however satisfied that the remainder of the site does not appear, *based on the geophysical survey results*, to contain features of archaeological significance. It is however made clear that this statement is made on the basis of a non-intrusive survey and not actual recovered archaeological data so the authority must be aware that there are inherent provisos attached to this statement. What is currently not known is the extent of the features, which have been sampled by the survey in the NE corner.

The County Archaeologist would clearly wish to see pre-determination archaeological evaluation works to be undertaken and has asked that it is noted that the applicants agents were advised very early on in the planning process to undertake a trial trench evaluation and provide the results to inform the planning decision. Recent correspondence from the applicant's agent states that the evaluation works will take 4 weeks to be completed and that it will not be feasible to undertake the works in order to inform the planning decision. If the works had been undertaken at the beginning of the 13 week planning process as was originally advised, there would have been ample time to get the work done, the report in on time and would have enabled a fully informed decision to be made.

The County Archaeologists concludes by stating that:

'It is obviously not our preferred option, but if Sedgfield Borough Council wish to take the decision that the need for this development is such that the currently unquantified risk relating to archaeological remains should be conditioned, a negative condition could be applied to the application. The condition could be worded, subject to our advice, to ensure that a programme of evaluation, mitigation (to include as appropriate: preservation in-situ, preservation by record and/or modification to design layout), as well as publication of the results are required. The developer must be advised that the costs for all this potential work would of course be borne by themselves.

If a condition is applied, it is highly recommended that the evaluation phase be conducted immediately. This may allow for further mitigation issues to be resolved before construction commences. Although it must be noted, that there is no guarantee that this will be the case as we currently do not have a clear idea of the nature of the archaeological remains on site. Finally, please note, archaeological conditions are not recommended for discharge until all phases of work (including post excavation) are complete.'

It is self evident from the concluding remarks of the County Archaeologist that pre-determination archaeological evaluation works ought to have been undertaken to enable a fully informed decision to be made. Under the circumstances it is therefore essential that a 'negative' condition as advised by the County Archaeologist is imposed should members be minded to approve the application. It is recognised that this approach is far from ideal. However, the need to make a timely decision is of paramount importance to safeguard the economic vitality of Spennymoor and as such outweighs the unquantified risks associated with archaeological remains.

Impact on the footpath network.

The application has been accompanied by a Public Rights of Way Statement in recognition of the fact that two designated footpaths, 52 and 53 run through the site.

The applicants propose to:

Divert footpath 52 to a new route around the southern and western boundaries of the site and part of the northern boundary. The diverted route will link into the existing footpath network at the south eastern corner of the site and at a point to the west of Seven Hills Court on the northern boundary.

Divert footpath 53, which crosses part of the site diagonally, around the southern, western and northern part of the site (It was originally proposed to close this particular footpath.).

The plan at appendix 7 shows the existing and proposed routes.

As previously stated the Ramblers Association initially indicated that nationally they oppose 'any and all closures of footpaths'. Unfortunately, this 'blanket' approach does not appear to take into account the individual merits of each case. The scheme has therefore been amended so that it now involves the diversion of both footpaths and as previously reported the Ramblers Association have offered no objection to this.

Circular 2/93 Public Rights of Way provides advice in respect of the diversion or closure of footpaths and requires:

- Diverted routes to commence and terminate at some point on the existing path, and
- Consideration to be given to whether the new route would be generally acceptable to the public.

In this case the diverted route will link into the existing network complying with this particular aspect of the circular. Whilst it is difficult to determine whether the new route would be generally acceptable to the public it is considered that the new route will not significantly inconvenience the public as travelling distances will not be significantly increased and in some instances will be reduced.

The existing footpaths however provide exceptional long distance views and are seen as an important amenity by those residents who walk the footpaths. It is inevitable that given the size of the building the development will obscure these views. The diverted footpath will however provide alternative views and any diminution in the quality of these views need to be balanced against the provision of a purposefully constructed circular walk set within a landscaped setting. Furthermore, the new footpath will include for street lighting and according to the County Engineer this will make it more attractive for users on late night shift and also during winter months. It could therefore be argued that the proposal would improve the existing footpath network and improve access to the public transport facilities on York Hill Road, North Road and Durham Road.

To conclude, it is not considered that the proposal will significantly inconvenience the public. Furthermore, the proposal will also improve the quality of the footpaths making them more attractive to the general public. In this regard the proposal is considered to be acceptable. It should, however, be noted that the existing footpaths will need to be formally closed/diverted and this will give the public and amenity groups such as the Ramblers Association, to make further representations. This may ultimately result in a Public Inquiry where the pros and cons will be debated prior to a formal determination being made.

Concerns of local residents.

It has previously been reported that a total of 9 objections, together with a letter/petition signed by 41 residents have been received. These are summarised at appendix 3. The principal objections are considered below;

Loss of view, outlook, sunlight and amenity owing to the size of the building and the elevated nature of the site. The proposed landscaping and mounding needs to be increased to minimise its impact.

Whilst loss of view is not a material planning consideration the impact that a proposal has upon the visual amenity of an area and sunlight are important determining factors. In this case the building is approximately 95 metres from the nearest residential property on Tudhoe Moor, 140 metres from the nearest residential property on Seven Hills Court and 150 metres from the nearest residential property on North Road. These distances will help to diminish the visual impact of the development significantly.

Furthermore, as stated previously the applicants propose to implement a comprehensive landscaping scheme and to create mounds along the western and southern boundary of the site. These measures will help to 'soften' the appearance of the building and in the long term will create an effective screen. The building will however remain visible particularly from North Road but given the distances involved it is not considered that the proposal will have a significant adverse impact upon the visual amenity of the area nor sunlight.

Furthermore, some residents have expressed concern that the building will be sited in the middle of a residential area. It is therefore important to note that the application site is part of an area designated in the Local Plan as a Prestige Business area.

Noise, 24 hours a day, particularly at night.

As indicated elsewhere in this report the proposal is likely to have a negligible impact on local noise levels at the nearest noise sensitive locations. The Council's Environmental Health Department are also satisfied that the predicted noise levels will not give rise to significant community annoyance. Furthermore the applicants have indicated that vehicles will not be entering and leaving the site 24 hours a day.

Pollution, deterioration in air quality, odours and dust emanating from the site.

The proposal has been accompanied by an Air Quality report, which indicates that emissions will be within acceptable limits. The Council's Environmental Health Department have offered no objections to the proposal subject to the imposition of various conditions during the construction phase. The Environmental Protection Act will govern any emissions from the building.

Increased traffic in the area.

The County Engineer has indicated that the road hierarchy is capable of safely accommodating the additional traffic, which will be generated by the proposal. The applicants Travel Plan has also been seen as an 'exemplary' example.

Environmental considerations have only been cursory and have failed to identify a number of species. The proposal will result in the loss of local wildlife and a pleasant environment.

As mentioned earlier the applicants have undertaken an extended phase 1 and protected species survey which concludes that the application site is of low ecological value. English Nature is also satisfied that the proposal is unlikely to have any adverse impact upon wildlife.

Devaluation of property.

This is not considered to be a material planning consideration in so far as this could be counter balanced by the fact that the Local plan designates for the form of development proposed.

Loss of a footpath, associated views and the amenity value it provides.

This particular aspect has already been considered at length.

Increased risk of flooding.

The application has been accompanied by a comprehensive flood risk assessment and no significant issues were identified.

CONCLUSION

This particular aspect of the proposal is considered to be consistent with local, regional and national planning policy subject to the imposition of a variety of conditions to ensure conformity with the environmental constraint policies contained in the Borough Local plan.

RECOMMENDATION

It is **recommended** that:

1. The application is **approved** subject to a variety of conditions, which are found at appendix 8. of this report.
2. The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that this element of the proposal is implemented and operational prior to the works commencing on the construction of the first dwelling on the housing site (Application Ref. No. 7/2006/476/DM and that the associated off-site highway improvement works are implemented prior to the development becoming operational.

This part of the report considers the second element of the development proposal namely:

**Outline Planning Application (Ref No. 7/2006/0476/DM).
Demolition of existing factory premises and subsequent redevelopment for approximately 400 residential units with associated landscaping and infrastructure improvements.**

CONSULTATION RESPONSES

An extensive consultation exercise has been undertaken with statutory consultees and neighbouring properties. The application has also been publicised through site notices and a notice in the local press. Details of the consultees are found at appendix 9 of this report

Spennymoor Town Council	No comment to date.
Ferryhill TC	As an adjoining Town Council Ferryhill Town Council have offered no objection.

<p>Durham County Council as Strategic Planning Authority</p>	<p>Key strategic issue is whether the proposed 400 dwellings accords with Structure Plan policies 2 and 3 (location new development) 9 (location of new housing) and policy 21A (Existing Employment sites).</p> <p>From a regional perspective the loss of this employment land would not be of major significance. However, at sub regional and local level the loss will require careful consideration to ensure that a good mix of employment land remains for future employment opportunities.</p> <p>400 dwellings on a single site in Spennymoor is significant and the County Council is concerned that this represents a significant proportion of the District's eventual apportionment.</p> <p>Although the application is physically separated from the town centre the town centre and bus services remain accessible by foot. The application has become by a Travel plan and accords with Structure Plan Policy 43.</p> <p>The proposal is in general accordance with policies 2,3,9 and 43. However, it would conflict with policy 21A regarding the need to revitalise existing industrial estates. The County Council welcomes the company's aspirations to move from outdated premises. However, general industrial land is in short supply and its loss may be of some concern at the local level.</p>
<p>North East Assembly</p>	<p>It is difficult for the Assembly to provide a view on conformity at this stage. The proposal is for the redevelopment of previously developed land for housing although the site is not well related to existing residential areas and there would be concerns that residential use of this site would compromise the employment use of the adjacent land.</p> <p>The residential element of the proposal does not exceed the RPG1 or emerging RSS dwelling provision for housing in Sedgfield. However, the Assembly has concerns over the amount of dwellings being proposed in this development. The proposal for 400 dwellings represents well over 1 years worth of building in terms of RPG1 and Submission Draft RSS figures. The council would have to ensure that this proposal does not compromise the development of other sites that are allocated for housing on previously developed land in more sustainable locations.</p> <p>There is some concern that the proposed development does not contain any provision for affordable or special needs housing. The application should provide the provision of affordable housing on site for the proposals to conform with RPG1 and the Submission Draft RSS</p> <p>The Local Planning Authority should require a clear indication of phasing for the housing element of the proposal so that the development conforms with Policy H3 of RPG1 and the Submission Draft RSS</p>

	<p>At a strategic level the Assembly while acknowledging the general industrial land in Spennymoor in particular is in short supply, does not consider the loss of employment land on this site to be of regional significance. However it is acknowledged that at a sub regional and local level the affect of such a loss will require careful consideration to ensure that a good mix of employment land remains available for future employment opportunities. The local authority must be certain that the loss of this employment site will not compromise future employment opportunities in the borough.</p> <p>The proposals would benefit from modifications to its design to provide at least 10% of the site's energy requirements from embedded renewable energy and SuDs</p> <p>The Assembly welcomes the company's aspirations to move from outdated premises into a new purpose built facility within the Green Lane Industrial Estate enabling it to stay in the town. Whilst there are concerns that the site is not entirely consistent with the RSS policies in relation to the location of new housing, it is considered that it is for the Borough Council to consider how best the two applications may be linked to facilitate the relocation.</p>
<p>One NorthEast</p>	<p>Thorn lighting Ltd. is considered to be a strategically important and major employer in Sedgefield Borough and, as such, a major contributor to the economic well-being of the Borough and the Sub region.</p> <p>The supporting information, which accompanies the planning applications, confirms that Thorn lighting Ltd. has considered reconfiguring its Merrington Lane premises to accommodate the company's plans to provide a modern 'state of the art' facility. However the size and operational difficulties in adapting the existing site have resulted in the relocation proposals.</p> <p>The proposals to provide 'state of the art' purpose built facilities on the Green Lane Estate will clearly be more 'fit for purpose' than the current site at Merrington Lane. The relocation and development of a new unit in this way will enable Thorn lighting Ltd. to be globally competitive and, more importantly, position the company to engage more in its leading edge Research and Development (R&D) activity.</p> <p>The proposed relocation of the company will ensure the retention of a significant number of jobs (the application refers to circa 600 for at least 21 years) and will also protect local supply activity.</p> <p>Clearly the Council must consider the provision of approximately 400 dwellings in the context of Sedgefield Borough's overall housing allocation and determine the impact that this amount of new dwellings will have upon that allocation. There are also issues relating to the precedent that approval of this development will set for other industrial land in the Borough.</p>

	<p>With regard to the loss of employment land, the County Durham Employment Sites and Premises Study commented on the oversupply of employment land in the region. The impact of the loss of this site to housing and the precedent that this will represent is clearly a matter for the Council to consider in the context of the benefits to be gained from Thorn Lighting Ltd.'s relocation proposals. If it found that there is a demonstrable case for the development of this site at Merrington Lane then the Agency would request the Council to consider requiring the developer to provide, by means of a S106 agreement, investment in improvements to other employment sites within the area. This will help towards ensuring the retention and growth of other sites such as Green Lane Estate.</p> <p>The requirement for a S106 agreement to secure planning gain in respect of other employment land in the Borough is clearly a matter for the Council to decide. However the Agency would not wish the economic benefits of the proposed investment and the jobs that would be safeguarded through the relocation of Thorn Lighting Ltd. to be jeopardised by the burden or delay which may be imposed by the requirement for a S106 agreement.</p> <p>In the event that the Council grants planning permission, the Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BRE EcoHomes, Building for Life and Secured by Design.</p>
Durham County Council as Highway Authority	No objection to the proposal subject to the existing access being improved through the introduction of a protected right turn lane/ghost island and improvements to the public transport facilities and footpaths/cycle paths.
DCC (Countryside/Rights of Way)	Footpath 55, which runs adjacent to the NE boundary of the site, should remain unaffected by any planned development.
County Archaeologist	<p>Further information (by means of more detailed site specific research) is needed to understand the form and character of the former Royal Ordnance Factory. Once this is completed, then detailed site survey works along with building recording will be required prior to any site clearance, followed by a programme of archaeological monitoring during subsequent groundworks. If archaeological remains are found during the latter, a suitable mitigation strategy will need to be agreed.</p> <p>A clearly worded condition will be acceptable to ensure that this work is carried out on this part of the application site. It is important to note the timing of the proposed works so that they are clearly set out in any building schedule, which may developed in the future.</p>

Northumbrian Water	Raise no objection but highlight the presence of a water main and public sewer within the application site. No development will be allowed within at least 7m from the main and within at least 3m of the sewer. (As the water main and the public sewer are located on the periphery of the site they will not be a major constraint on development).
English Nature	Based on the information provided, English Nature is satisfied that the proposal is unlikely to have an adverse impact affect in respect of species especially protected by law, subject to the imposition of a condition requiring the development to be carried out in accordance with the mitigation detailed in the supporting ecological and protected species reports.
Ramblers	No objection but request that footpath no.55 and 17 on the edge of the site are not affected during or after the works has been carried out.
Police Architectural Liaison Officer	Makes recommendations regarding designing out crime. These have been forwarded to the applicant.
Environment Agency	No objection subject to the imposition of a variety of conditions to ensure that the site is remediated and reclaimed to an appropriate standard should contamination be not previously identified be found.

In addition to the responses from statutory consultees 3 letters of objection have been received in response to the public consultation exercise which included individual letters, notices posted on site and a notice placed in the press. The objections originate from the owner of the former Grey Hound stadium site who has recently submitted an outline planning application to develop the site for housing and from Electrolux.

The owner of the Greyhound Stadium site has submitted two letters of objection, one of which is from the objectors planning consultant. The contents of the letters are summarised as follows:

‘Sedgefield Borough planners have previously advised that the Grey Hound stadium site was not suitable for housing and bringing noise sensitive development closer to industry was problematic.

Priority should be given to the site, as it is closer to amenities and much easier to access the town centre through the underpass.

The Grey Hound Stadium site is sequentially preferable in terms of access to shops, services etc.. More sequentially preferable for the site to be developed first prior to the development of the Thorn site particularly as it would make the access route more attractive.

The Thorns site is remote and developing the Grey Hound stadium site first will improve linkages to existing housing.

Additional housing is required in the district but object to the current proposal on grounds that the Grey Hound stadium site is more viable, sustainable and more sequentially preferable’.

Electrolux, who occupy premises immediately adjacent to the application site have raised a number of issues which are summarised below:

‘The proposal raises a number of issues regarding the proposed access arrangements, and the possibility of their main gate being used to serve a warehouse and other buildings are occupied by Thorn that Thorn propose to retain. This would be unacceptable to Thorn.

Thorn have a legal obligation to provide electricity under contract to Electrolux via an existing sub station. The master plan accompanying the application no longer shows the substation. The supply needs to be protected in the future.

Electrolux presently park under arrangement with Thorn on part of the land, which forms part of the new development – no consultations have taken place in this regard.

There is a question mark regarding the extent of site and possible encroachment onto land in ownership of Electrolux. This needs to be clarified’.

The applicants are presently in negotiation with Electrolux and they are confident that these matters can be satisfactorily resolved.

RELEVANT LOCAL AND NATIONAL PLANNING POLICY AND GUIDANCE

The proposal under consideration needs to be considered in the light of the following planning policy and guidance:

Guidance	Policy Numbers
Planning Policy Guidance Notes (PPGs)	PPG3 (Housing) (2000) PPG3 (Housing) Para. 42A (Jan. 2005) PPG4 (Industrial, commercial development and small firms) (1992) PPG13 (Transport) (2001) <i>PPG16: Archaeology and Planning</i> (1990) PPG24 (Planning and Noise) (1994)
Planning Policy Statements (PPSs)	PPS1 (Delivering Sustainable Development) (2005) Draft PPS3 (Housing) (2005)
Submission Draft Regional Spatial Strategy (RSS) (2005)	1, 2, 3, 4, 5, 7, 12, 18, 19, 24, 28, 30, 31, 32
Regional Planning Guidance for North East (RPG1) (2002)	DP1, DP2, EL1, EL2, EL3, H2, H3, H4, H5, H6, H7, T1, T2, T14
County Structure Plan (CDSP) (1999)	1, 2, 3, 7, 9, 19, 21, 21A, 37, 43
Borough Local Plan (1996)	IB6, H1, T1, T6, T7, L2, D1, D5, D11
Supplementary Planning Guidance (SPGs) (1996)	SPG 3 (The layout of new housing)
Other Background Documents	<ul style="list-style-type: none"> • Housing audit – Assessing the design quality of new homes in the North East, North West and Yorkshire & Humber, CABI (2005) • Building For Life – Delivering great places to live, CABI (2005) • Circular 06/98: Planning and affordable housing • By Design – Urban Design in the Planning System: towards better practice, CABI (2000) • Safer Places – The Planning System and Crime Prevention, ODPM (2004) • Sedgefield Housing Needs Survey – Final Report 2005 • Sedgefield Dwelling Balance Analysis – David Couttie Associates Ltd

PLANNING CONSIDERATIONS

The main planning considerations in this case are as follows:

- Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance.
- Access, traffic movements and car parking
- Design and layout.
- Air quality and noise.
- Impact on Protected Species
- Impact on Archaeology
- Impact on the footpath network
- Energy

Compliance with National Planning Policy and Guidance and Local Plan Policies, Supplementary Planning Guidance.

The application site forms part of Merrington Lane Industrial Estate which is a general industrial area as defined by Policy IB2. Policy IB6 identifies that business, general industry and warehousing are acceptable uses with general industrial areas. The Policy stipulates that development proposals for other uses will be decided taking account of the purpose of general industrial areas as set out under Policy IB1. This Policy clarifies that general industrial areas should be able to cater for a wide range of industrial activities, and that the Borough should maintain an attractive range of sites in terms of location, size and environmental quality. Such a supply will assist the expansion of existing companies, facilitate inward investment and encourage new businesses. It will also aid the provision of jobs to help reduce unemployment in the Borough and adjacent areas. The introduction of residential development within a General Industrial Area would be contrary to Policy IB6.

However, it must be noted that the Borough Local Plan was adopted 10 years ago and the policies contained therein are becoming out of date and their influence is diminishing with time. This is particularly true in respect of existing industrial allocations following the publication PPG3 (Para 42a) in January 2005. This publication introduced a major step change in government policy. Existing industrial allocations were no longer sacrosanct and it was no longer sufficient reason to oppose residential development within industrial estates purely on the grounds that the land was allocated for industrial purposes. The government's intention at the time was that:

‘Local authorities should allow land currently allocated for industrial or commercial use in their development plans, and redundant commercial buildings, to be used for housing or mixed-use development unless a convincing case for retention can be made. The proposed change complements the current expectation that local authorities should when revising their plans review the justification of all sites allocated for employment uses and where appropriate consider their release for housing.’

This change in approach is now embodied in **Paragraph 42 (a) of PPG3**. This is as follows:

*“LPAs should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is **no longer needed** for such use, unless any of the following apply:*

- *the proposal fails to reflect the policies in this PPG (including paragraph 31), particularly those relating to a site's suitability for development and the presumption that previously-developed sites (or buildings for re-use or conversion) should be developed before greenfield sites;*
- *the housing development would undermine the planning for housing strategy set out in the regional spatial strategy or the development plan document where this is up-to-date, in particular if it would lead to over-provision of new housing and this would exacerbate the problems of, or lead to, low demand;*
- *it can be demonstrated, preferably through an up-to-date review of employment land that there is a **realistic prospect of the allocation being taken up for its stated use** in the plan period or that its development for housing would undermine regional and local strategies for economic development and regeneration”.*

Provided the three criteria set out in para. 42a are satisfied then housing development within a designated industrial estate will normally be looked upon favourably provided other environmental constraints are satisfied. This change in government policy will therefore be a major determining factor in respect of the current application.

The principal matters, which therefore need to be considered under this heading, are:

- The effect of the development on the supply of land for employment uses, bearing in mind the likely demand for and prospects of, full use of the appeal site for employment purposes.
- The economic implications of the closure of Thorn Lighting for Spennymoor and the Borough as a whole.
- Housing Land availability and achieving sustainable forms of development.
- Prematurity.
- The provision of affordable housing.

Employment Land

The principal issue, which needs to be addressed under this heading, is:

Whether there is any realistic prospect of the site being used for employment purposes in the event that Thorn Lighting vacate the site; and

Whether the site should continue to be safeguarded for employment purposes in accordance with development plan policies?

This proposal represents the redevelopment of a site that forms part of an allocated general industrial estate within the Local Plan. There are a range of local, regional and national planning policies and guidance against which this proposal should be appraised.

There has been a perception of an oversupply of general employment land in parts of the region for a number of years and RPG1 Policy EL2 – Reassessment of Current Employment Land Allocations, states that Development Plans should critically re-examine all current employment land allocations against criteria set out in Policies DP1 and DP2.

In this regard the North East Assembly have advised that the Submission Draft RSS, para. 3.74, recognises that, whilst housing on previously developed land is important employment needs are also important. Policy 18 of the Submission Draft RSS states that there is a need to protect employment land where it is an essential part of the long-term employment land supply and premises portfolio.

In addition Policy 31e considers re-use of employment sites for housing only where not required for long-term employment use and Policy 31f requires the local planning authority to consider the compatibility of housing with the operation of adjacent employment land.

The North East Assembly have advised that from a strategic perspective the loss of this employment land from the region's portfolio would not be considered to be of major significance. It is however acknowledged that at a sub regional and local level the impact of such a loss will require careful consideration to ensure that a sufficient mix of employment land remains available for future employment opportunities.

In essence the Council must be satisfied that the economic picture within the Borough and the wider NE region, is such that the prospect of the building/land being recycled for continued employment uses is unlikely, and its redevelopment for housing would not undermine local strategies for economic development and regeneration.

It is clear that the recycling of industrial land would provide a source of land for housing and improve the percentage of new housing on PDL within the Borough. However, the emphasis is on an up-to-date review of employment land to demonstrate the land is no longer needed for employment purposes in the first place, before it is contemplated for other uses.

The Employment Land Review is incomplete and therefore there is a need to understand current employment situation through a market appraisal. The Council have therefore appointed consultants to undertake an independent review of the “**market assessment and site viability appraisal**” which Knight Frank have completed on behalf of the applicants to test their assessment and conclusions.

The consultants, Donaldsons, have reviewed the assessment and have arrived at the following conclusions:

We agree that the accommodation at Merrington Lane is outdated.

It is unlikely that anyone would seek to refurbish the premises due to the high level of cost.

Internal heights are a restriction and would severely limit market attractiveness, and the level of demand for the premises would most likely be poor.

Cost of maintenance will rise as the buildings age and refurbishment of the roofs is a substantial cost.

Retention of the existing distribution warehouse is positive.

The case for removal of this site from employment use has been well considered. We are somewhat surprised that Knight Frank did not seek to point out that there is an overriding interest here in so much as Thorn a seeking to remain in the locality and that by locating at Green Lane, will ensure that jobs are maintained in the area. This is clearly a key issue.

We do have reservations about the impact of residential close to the access of Merrington Lane and long term viability although I think it would be difficult to argue against this position especially given the result at Watson Court – Green Lane.

Overall Knight Frank has put forward a robust case and it is our opinion that Green Lane should be a priority site over that of Merrington Lane. Ultimately if occupiers seek to “decant” over in the future then we would encourage this.

The overriding conclusion is that a sound and reasoned argument has been put forward to justify the proposal. Furthermore, the applicant has agreed to fund the production of a Master Plan for the Merrington Lane Industrial area. This will provide an opportunity to consider the long term future for the area and to ensure that appropriate linkages are provided between the application site and remainder of the industrial estate.

Finally, it must also be recognised that the development of the existing site will facilitate the development of a purpose built state of the art facility at the Green Lane Industrial Estate on a site which was originally allocated for industrial purposes in 1995 and has remained vacant ever since.

To conclude it is considered that the proposal will not offend the third criteria of para. 42a as the applicants have demonstrated that there is *‘no realistic prospect of the allocation being taken up for its stated purpose’*. On this occasion the conflict of the proposal with local plan policies and structure plan policies is outweighed by the compliance with more recent development plan and national policy supporting housing development on employment land.

Economic Implications

The principal issue which needs to be answered:

Is whether there are sound economic/regenerative reasons for allowing residential development to proceed with a designated general industrial estate?

In an attempt to address this particular issue the application has also been accompanied by an Economic Impact Appraisal, which considers the importance of the retention of Thorn Lighting within Spennymoor. This aspect has been assessed by the Council’s Regeneration Department and the conclusions that they have drawn are as follows:

- The Economic impact of the closure of Thorn Lighting’s operations in Spennymoor would clearly be significant. Previous experience of manufacturing closures and contractions has demonstrated the impact on the workforce of Sedgefield, and any recovery has been achieved through out-migration and increases in travel-to-work outside of Sedgefield Borough.
- The existing Thorn Lighting buildings on Merrington Lane Industrial Estate do not offer significant potential for re-use due to the adequate supply of older, sub-divided industrial space elsewhere in the Borough.
- Assuming the costs supplied by Knight Frank for demolition and remediation are robust, the cost of redevelopment of the Merrington Lane site for business use makes the site unviable for a private sector developer
- Significant levels of public sector funding would be difficult to secure for the site from sources such as Single Programme and the European Regional Development Fund due to the site not being deemed as a ‘strategic’ employment location.
- Assumptions made by Knight Frank about industrial land supply may not be robust but are understandable due to the lack of accurate information held by the public sector. They also do not take into account recent interest in, and uptake of industrial land in the Borough. We would conclude that there is actually a shortage of immediately available, undeveloped industrial land.

- Thorn Lighting are proposing to make a significant investment in the PETeC centre on NetPark, representing a significant commitment to their long-term future in Sedgefield Borough. They will also be contributing to the development of the knowledge economy in the Borough and will potentially provide high-value added employment opportunities in the future.
- The loss of Thorn Lighting would represent a significant blow to the economy of Spennymoor, Sedgefield Borough and County Durham. Thorn Lighting's proposals represent the future of value-added manufacturing employment in Sedgefield Borough, and the safeguarding of employment for the current work force will help to maintain the current economic base from which we will build.
- Commitment must be secured through the planning process for the provision of long-term employment within Thorn Lighting in Spennymoor and Sedgefield Borough.

On this basis there is clearly a strong economic case for allowing housing development within a designated general industrial estate particular when it has been found that there would be no realistic prospect of the site being used for employment purposes in the future

Having reviewed all available evidence it can be concluded that this proposal does not offend the third criteria of para. 42A because there is no realistic prospect during the plan period following Thorns departure of the premises being taken up. Nor would the development offend regional and local economic strategy. This linked proposal would in fact assist in economic growth and ensure the development of a new purpose built state of the art facility.

Housing Land Availability

The principal issue, which needs to be addressed, in this case is:

*Whether the proposal will result in an over supply of housing; and
Whether there would be any demonstrable harm in the site coming forward prior to the adoption of the Major Allocations Development Plan Document (DPD)?*

The proposal comprises 400 residential units, of mixed size and type. All of these would be on previously developed land. The North East Assembly have advised that this would be consistent with RPG1 Policies H1 and H4 as it would contribute significantly to meeting the region's previously developed land targets of 60% by 2008 and 65% by 2016. The mix of different sizes and types of dwelling is consistent with the objectives of the Submission Draft RSS and is supported by the North East Assembly. However the location of the site would not make it a priority for residential development, as it is not entirely consistent with the sequential approach to development in Policy 3.

With regard to housing, the Submission Draft RSS identifies that the Borough should provide an additional circa 4,000 net new dwellings between 2004 and 2021. The Panel Report has adopted a new set of figures from a re-run of the NEA demographic model. The whole process of producing these new figures has been done so without an opportunity for debate. GO-NE has written to the Planning Inspectorate (15 August) asking the Panel to give further explanation of the main factors taken into account in determining the changes to the housing allocations in each Co Durham district. In view of GO-NE uncertainty over the proposed changes to the housing figures, it is considered that it is more appropriate to work towards the housing distributions contained within the Submission Draft RSS rather than take account of panel recommendation. It is important that the Borough fully considers the future development strategy through the LDF. However, this will take time.

The adoption of the Major Allocations DPD is unlikely to take place until 2010. In the meantime, land will still need to be provided for housing to maintain an adequate five-year supply of housing. This could be a justification for new development coming forward in advance of the Major Allocations DPD, however Members will need to be satisfied that a proposal which is approved in advance of the Major Allocations DPD, represents a sustainable option for development and that there is a demonstrated housing numbers need to warrant the immediate release of housing.

Delivering sustainable communities in the North East is about improving housing and living environments in sustainable locations; maximising accessibility to jobs, services and facilities by non-car based modes of transport; improving people's health, reducing the consumption of natural resources; and giving people the skills they need to work and contribute to their communities. All development that takes place in the region must be designed and located to deliver these objectives:

- The potential contribution of development to secure by design, crime prevention and community safety;
- The potential contribution of development to reducing health inequalities, the needs of an ageing population and the disabled through design and the provision of accessible health, sports and recreational facilities with new development;
- Concentrating the majority of the region's development within the existing defined urban areas, utilising previously-developed land wherever possible, where movement needs can be well served by all modes of transport, in particular walking, cycling and public transport.

In this regard whilst the application would entail the development of previously developed land the site is physically separated from the town centre by the A688 Spennymoor by-pass. In recognition of the need to maximise travel by public transport, cycling and walking the application has been accompanied by a detailed Travel Plan which sets out a package of measures designed to encourage more sustainable forms of travel. The NEA have stated that the provision of a Travel Plan conforms with RPG1 and the Submission Draft RSS. Likewise Durham County Council have advised that the application accords with Structure Plan policy 43 which seeks to promote sustainable forms of development. Therefore provided the initiatives contained in the Travel Plan are implemented it is considered that the proposal is capable of delivering a sustainable form of development. In order to ensure that the applicant delivers a sustainable form of development the developer will be required through a section 106 agreement to provide funds to support these initiatives and to improve the existing footpath/cyclepath network in order to make them more attractive to the public. At present there are two Public Rights of Way which lead to Bessemer Park through a subway which runs under the Spennymoor by-pass (A688). Both routes are in need of environmental improvements and the subway needs to be improved to make it more inviting to the public. This could be achieved through various means including improved lighting and the provision of CCTV cameras. The applicants will therefore be required to support these initiatives through the section 106 agreement which will ensure that the first criteria set out in para. 42a is not offended.

To conclude, whilst it would be preferable to await the adoption of the Major Allocations DPD the number of proposed dwellings is considered to be in general conformity with RPG1 Policy H2 and the Submission Draft RSS. However, to ensure that the housing market is not 'overheated' and that housing is distributed across the whole of the borough and not confined purely to Spennymoor it is proposed to impose a condition requiring the phased release of 75 houses per annum. This approach will ensure that the proposal will not offend the second criteria in para.42a, which seeks to ensure housing development would not undermine the planning for housing strategy set out in the RSS. This would explain why both the NEA and One NorthEast have offered no objection to the proposal.

Appeal Decisions for Similar Schemes

There have been a number of authorities throughout the country who have had to deal with applications for housing on employment land. Many of these schemes have resulted in planning appeals, some of which were upheld and some dismissed. A brief summary of number of these cases can be found at appendix 10. These provide a good indication of the types of issues an Inspector will take into consideration and the weight different elements are afforded.

Furthermore, Members may recall one such application in respect of land at Watson Court Spennymoor, which was upheld on appeal. On this occasion the inspector concluded whilst the scheme conflicted with local plan policy IB5 and structure plan policy 19 the weight he could attach was reduced by the outdated nature of the relevant parts of both plans. He also considered the site would fail to make a material contribution to employment provision. The Inspectors report concluded that the Watson Court proposal could not be argued to be so substantial or significant as to pre-judge the outcome of the LDF process. The inspector highlighted that Watson's Court likely dwelling capacity (180 dwellings) was equivalent to less than one year's requirement for the Borough (as set within Submission Draft RSS). He also felt that the cumulative effect of the proposal would not prejudice the DPD, given that as a Council we have failed to meet our housing requirements in recent years. He also believed that by upholding the appeal, he would not be establishing a precedent.

More recent decisions would suggest that, where there is no real prospect of the site being used for employment purposes in the future there is a growing trend towards allowing residential development within designated industrial areas. Watson Court is one such example, which involved development on a Prestige Industrial area, which was considered to be of strategic importance. The loss of the Thorn Lighting site is not regarded to be of strategic importance and given the fact that the proposal would facilitate the redevelopment of a purpose built facility at Green lane it would be difficult to argue that allowing residential development on the existing Thorns site would be prejudicial to the economy of the area.

Finally, Draft PPS3 stipulates that LPAs **should not** refuse applications for planning permission simply on the grounds that the preparation or review of site allocation DPDs would be prejudiced. It goes on to state that

'LPAs should not grant applications for planning permission where it can be shown that to do so would clearly discourage the development of allocated developable brownfield sites.'

As there is no evidence to suggest that the development would have this affect it would be difficult to defend a case solely based on the grounds of prematurity.

This approach is reinforced by the Inspector's report for the appeal relating to residential development at Watson's Court, Spennymoor. Paragraph 173 of that report concluded that the Watson Court proposal could not be argued to be so substantial or significant as to pre-judge the outcome of the LDF process. Therefore, prematurity is not considered to be a proper basis for refusal of planning permission.

Provision of Affordable Housing

The North East Assembly's Development Board considered the Thorn application on 14 September 2006. Paragraph 15 of its response states:

"The provision of affordable housing where a need has been identified is encouraged through Policy H7 of RPG1 and the Submission Draft RSS. The application does not appear to propose an affordable housing element. There would be concern if such provision was not made in light of the recent housing needs survey. The Assembly would therefore support, based upon a clearly identified need, a requirement for any planning permission to secure an appropriate element of affordable housing"

Site size

The Thorn application at Spennymoor is an outline application for approximately 400 dwellings. Given the size of the site, it exceeds the size threshold where there is a requirement to provide affordable dwellings if a need can be demonstrated.

Tenure of affordable dwellings

Whilst PPG3 allows discounted market value dwellings as affordable, there has been a sea-change in the definition of affordable housing through the draft PPS3. Discounted market value housing has been excluded from the updated definition of affordable housing. It is therefore contended that the discounted market dwellings proposed in this scheme do not meet the definition of affordable housing. This is backed up by the emerging local definition of affordable housing by the Scrutiny Review Group (although this is not publicly available yet).

Affordable dwellings are defined as either social rented dwellings or intermediary dwellings e.g. shared equity.

If a need can be demonstrated, the applicant should provide a combination of the two affordable housing tenure types on the site. The proportion of which should be subject to further debate in this response.

Need for affordable housing

The approach we have taken elsewhere involves an interrogation of the following issues to decide whether there is a need for affordable provision.

- Housing Needs Survey
- House Price Data
- Household Incomes
- Housing Waiting Lists
- Housing Provision surrounding site

Housing Needs Survey

The last complete Housing Needs Survey was produced in 2003. This identified that there was a shortfall in affordable stock in 2-bed bungalows, 1, 3 and 4-bed houses in the Spennymoor sub-area. The Housing Needs Survey was suggested that as a mechanism to overcome the shortfall in affordable provision across the Borough, a minimum of 20% affordable provision should be sought on every planning application for housing development. The planning permission recently granted at Grayson Road partly addresses this affordable need.

House Price Data

To analyse house price data, online postcode data on the HM Land Registry website is interrogated. Over the period since the questionnaire on the Housing Needs Survey in 2002, the house prices within the specific Spennymoor postcode area DL16 6 have risen significantly as shown in the table below:

	Detached Price		Semi Detached Price		Terrace Price		Flat/Maisonette Price		Overall Price	
Apr - Jun 2003	£148985	+60.41% (+29.22%)	£65058	+95.13% (+34.31%)	£50887	+71.02% (+41.57%)	£43833	+0% (+28.15%)	£66490	+86.11% (+23.29%)
Apr - Jun 2006	£238990		£126946		£87029		£<3 Sales		£123747	

Table showing % changes in prices for the period Apr-Jun 2002 to Apr-Jun 2006 inclusive. (Figure in parentheses is the overall England & Wales figure)

It is clear from this data that the house prices in Spennymoor have risen by a significant amount, far in excess of the national average.

Household Income

The Housing Needs Desktop Update that was carried out in 2005 identifies that household income has increased by 7.6% between 2003 and 2005. This figure applies to the Borough and it cannot be broken down into sub-areas. This research identifies that 49.1% of the Borough's households have an income level below £16,140.

Even more important is the information for concealed households. The data states that 67% of these concealed households have an income level below £16,140. The primary reason for concealed households is the fact that they cannot gain access to the private housing market.

It is clear from the up-to-date housing data from the Land Registry that the concealed households would not be able to enter the private sector housing market, even at entry terraced level (assuming a mortgage of 3 times income).

Housing Waiting Lists

The Housing Department have provided information regarding the demand and supply of Council-owned houses and bungalows in Spennymoor. This information shows that there is a current waiting list of 438 applicants for houses, 227 applicants for bungalows, and 141 applicants for flats. There is a clear demand for affordable provision in Spennymoor.

Housing Provision Surrounding Site

Given that the site lies in an area of Spennymoor whose current primary use is employment, there is not a sufficient affordable housing immediately surrounding the site to nullify the need for affordable housing on the site.

Exceptional Circumstances

The applicant has indicated through the provision of a financial appraisal that it would cost approximately £5 million pounds to enable the current employment site to be developed for housing. In broad terms, this consists of the following elements:

- Demolition works are required to prepare the site for re-development together with some limited asbestos removal;
- Grubbing out and crushing of all hard standings will be required;
- The site is heavily undermined from previous coal mining activity and will require grouting;
- A clay cover will likely be required at the site following spreading of the demolition arisings;
- Raft foundations will be required (possibly doubly reinforced strip) to mitigate the potential for differential settlement from the underground mine workings.

The applicant has stated that the combined costs of developing the new factory, the remediation costs to develop the current site for housing, and the Borough Council's requirement for 20% affordable provision would make the scheme economically unviable.

Elliot Dent has independently assessed the financial statement provided by the applicant. Elliot Dent was the consultant used by the Council to help deliver the Hawkshead Place site.

The consultants have concluded that in broad terms the financial costings were acceptable. However, they did believe that the costs for the raft foundations and ground beams were excessive. The applicant was informed of this and asked for additional evidence to explain this particular costing. The applicant has provided evidence to demonstrate that raft foundations at a similar site at Consett, Derwentside were in excess of that stated for this site. The estimated costs for the raft foundations and ground beams therefore appear acceptable.

Conclusion

Taking account of the evidence provided by the Housing Needs Survey, the interrogation of House Price Data, Household Income and Housing Waiting Lists, there is a clear need to provide affordable dwellings on this site.

The provision of affordable housing would accord with Policy H7 of RPG1, the emerging RSS, Circular 06/98 and the philosophy of Policy H19 of the Borough Local Plan. Taking account of the recommendation in the Housing Needs Survey, 20% provision should be requested in a planning condition. However, there are demonstrable exceptional circumstances in this case.

Paragraph 10 of Circular 06/98 Planning and Affordable Housing clearly states that in determining applications that are not allocated for development, Local Planning Authorities should take into account the economics of provision. In particular, Local Planning Authorities should take into account whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site.

The applicant has demonstrated through the provision of a financial statement that the imposition of 20% affordable provision in addition to the relocation and remediation costs would make the scheme economically unviable. The applicant recognises that affordable provision is important to Spennymoor and would agree to the provision of 10% affordable dwellings on this scheme covering a range of housing types where the Housing Needs Survey identify a deficiency of supply. Given the exceptional case put forward by the applicant it is considered that the provision of 10% affordable homes on the site is acceptable and that this would be best achieved through a section 106 agreement.

Air Quality and noise

Air quality

The application has been accompanied by an Air Quality study. The study concludes that receptors in the vicinity of the existing site will experience beneficial changes in local air quality as traffic moves away from this site. However, during the construction/demolition phase the report recommends work should be undertaken in accordance a code of good practice to minimise the potential for dust generation. A variety of mitigation measures such as wheel washing facilities will also be required and these measures can be secured through the imposition of appropriate conditions.

Noise

The application has been supported by a Noise Assessment Report and the Council's Environmental Health Department have confirmed that it provides a suitable indicator of noise levels in the locale and that measurements have been undertaken in accordance with suitable guidelines. They have however expressed some concern regarding the extent of night time monitoring, the fact that and that noise levels may change in the future. They have also advised that experience has shown that both noise and odour complaints are sometimes received despite suitable sound attenuation/mitigation measures.

Planning Policy Guidance Note 24 (PPG24) Planning and Noise (1994) offers advice for residential development near transport related noise sources. The guidance introduced the concept of Noise Exposure categories (NEC's) ranging from A (noise unlikely to be a determining factor) to D (development should normally refused). The noise consultants have assessed noise levels against the various NEC's and the results demonstrate that the vast majority of the site falls within NEC A (noise unlikely to be a determining factor). The western boundary of the site adjacent to the Electrolux works were found to fall within NEC B (noise should be taken into account and where appropriate conditions imposed) during the night time period.

In addition an assessment of noise from industrial sources revealed that during the daytime periods the background noise climate was exceeded by up to 11dB(A) by various industrial noise sources. A difference in noise levels of +10d or more indicates that complaints are likely. Furthermore, the assessment shows that owing to noise produced by coolers and fans close to the south-west corner of the site noise levels were in excess of 20dB above background noise during the night. The study concludes that complaints would be 'very likely' if dwellings were located directly adjacent to the western boundary of the site.

The report highlights variety measures, which can be introduced to control the impact of noise. These include standoff distances between source and receptor, screening by barriers or buildings, site design and internal layout. The report concludes by stating that the World Health Organisation (WHO) recommends that in general daytime outdoor levels of less than 55DBLAeq are desirable to prevent any significant community annoyance. The WHO also recommend that a level than 35dB Laeq should be achieved in order to preserve the restorative process of sleep and that levels should not exceed 30 dB(A) indoors if negative effects on sleep are to be avoided. In this case the noise consultants consider that the implementation of appropriate amelioration techniques could be implemented to reduce the impact sufficiently enough so that complaints would be unlikely. Furthermore, the report indicates that acceptable noise levels could be achieved in all habitable rooms, with the utilisation of suitable glazing units.

The noise levels and their impact upon the amenity of future residents are similar to those, which were considered at the time of a Public Inquiry in relation to residential development at Watson Court, Spennymoor. The current proposal raises comparable issues and it is therefore important to take on board the conclusions, which were reached by the Inspector in considering the impact of noise upon future residents. In summary, the Inspector recognised that noise was a material planning consideration but concluded that:

'The proposal is in outline with all matters reserved for subsequent approval...so has the flexibility to enable noise concerns to be met. This gives the opportunity for bunds, acoustic fencing and the positioning of dwelling blocks to act as noise screens.....Noise inside dwellings could be kept to acceptable levels by the use of double glazed windows with acoustically insulated ventilation and other normal construction methods'.

Therefore the Inspector did not consider that noise would not harm the amenity of residents of the appeal site and upheld the appeal.

In view of the foregoing it is considered that the imposition of a suitable condition would provide noise levels within habitable rooms in accordance with the WHO recommended levels. With regards to external noise levels, as the application is in outline only this offers the 'flexibility' to enable noise concerns to be met through the introduction of bunds, noise screens and the careful siting of individual dwellings.

Design and Layout

The application has been accompanied by a Design Statement to provide a framework to guide the future development of the site. The Design Statement incorporates a Master Plan showing an illustrative layout, which provides for a series of 'cells' of development, which will be served by a single access utilising the access, which presently serves the site. This particular application is in outline form only and the design and siting of the dwellings have been reserved for subsequent approval. Only limited weight can therefore be attached to the principles embodied in the Design Statement at the implementation stage. A more comprehensive document is therefore required to ensure that a quality scheme is secured in the future. The imposition of a condition requiring the submission of a Development Brief to guide future development would therefore be appropriate in the circumstances.

Impact on Protected Species and Archaeology

The proposal does not raise any significant issues in relation to protected species and archaeology. English nature and the Archaeologist have advised that these matters can be addressed through the imposition of precautionary conditions.

Impact on the footpath network

Unlike the Green Lane site there are no footpaths, which run through the site, and as such the proposal will not adversely affect the existing footpath network in the vicinity. The proposal will in fact have a positive impact on the public footpath system as measures will be sought to improve the existing footpaths, either by way of condition or through a section 106 agreement, to make them more attractive to the public and future residents.

Energy

The application makes no reference to the inclusion of embedded renewable energy generation nor does it demonstrate how the development would assist in reducing energy consumption. This is not in the spirit of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. The emerging RSS goes a step further by requiring the incorporation of 10% embedded renewable energy in major new development.

This proposal would therefore benefit from the incorporation of energy efficiency measures and embedded renewable energy generation and this could be achieved through the section 106 agreements and by way of condition.

CONCLUSION

It is considered that the proposal satisfies the criteria set out in PPG3 Para.42a and therefore the presumption must be in favour of approving the application particularly as all other environmental issues have been satisfactorily addressed.

The proposal however represents a clear departure from the current Local Plan and as such will need to be referred to Government Office North East (GONE). Past experience of applications referred to GONE would show that the following criteria will invariably be used in determining whether or not to call in the application:

- Meets the housing requirements of the whole community, widening housing opportunity and creating mixed-use communities.
It is considered that the applicants have demonstrated that the proposal will help to meet the housing requirements of Spennymoor and widening the housing choice within the community.
- *Re-using previously development land in preference to the development of Greenfield sites.*
The proposal would entail the development of a brown field site, which is consistent with RPG1 Policies H1 and H4, as it would contribute significantly to meeting the region's previously developed land targets of 60% by 2008 and 65% by 2016.
- *Creating more sustainable patterns of development.*
The proposal will exploit its accessibility through the implementation of a robust Travel Plan.
- *Making more efficient use of land.*
The development will be an efficient use of land in view of the densities proposed.
- *Promoting good design in new housing, including placing the needs of people before ease of traffic movement.*
The application has been accompanied by a Design Statement, which comprises a master plan to provide a framework to guide the development to ensure that it delivers a safe and attractive environment and promotes the ease of movement within the site and beyond.
- *Reducing the need to travel, particularly by car.*
As stated previously the site application has been accompanied by a robust Travel Plan.
- *Accommodating housing principally within existing urban areas.*
Whilst the application site is physically divorced from the town centre the proposal represents the development of a brownfield site and it would be hard to argue that it represents an urban extension to Spennymoor.
- *Adopting a sequential approach to the identification of land for development, giving priority to previously developed land and buildings in the most sustainable locations.*
The application entails the development of a brownfield site and the applicants through their Travel Plan have demonstrated that a sustainable form of development is achievable.

In conclusion, whilst the proposal clearly represents the development of land designated for industrial purposes the development does, to a significant degree, accord with the RPG1, the Submission Draft RSS, and ultimately the GONE criteria. Furthermore, the proposal also offers a series of benefits including:

- The development of a purpose built state of the art facility.
- The proposed relocation of the company will ensure the retention of a significant number of jobs and also protect local supply activity.
- Support the local community including shops and local services.

Finally, should Members be minded to grant planning permission for the development the application will need to be referred to the Government Office for the North East (GONE) as approval would constitute a major departure from the Development Plan. The notification requirements provide GONE an opportunity to check general compliance with the guidance set out in PPG3 and to consider whether the application should be called in for determination.

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 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

It is therefore recommended that:

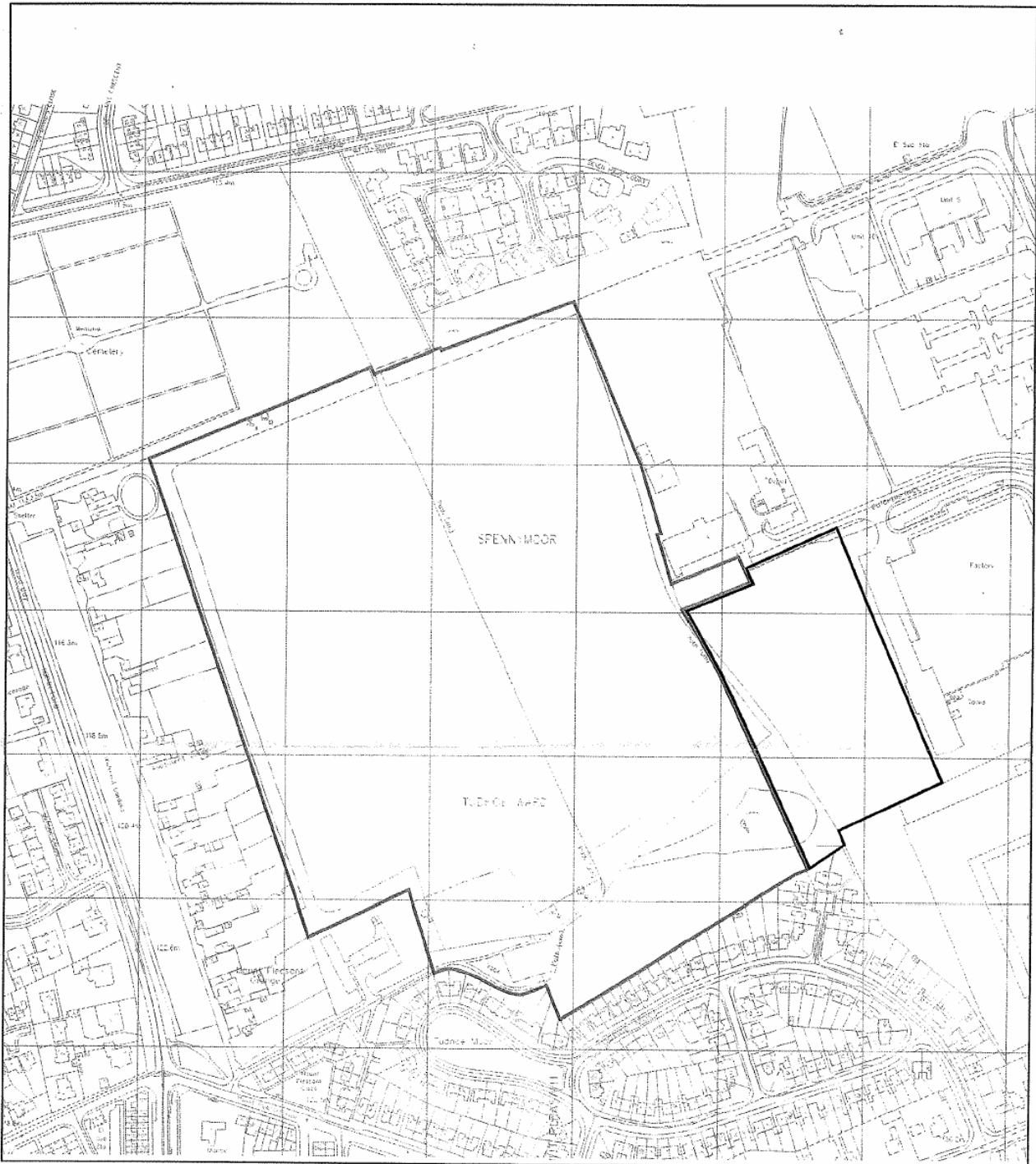
1. The application is approved subject to a variety of conditions, which are found at appendix 11. of this report.
2. In order to ensure that the proposal does not over heat the housing market in Spennymoor nor have an undue influence on other housing markets in the Borough the development should be subject to a phased implementation over a five-year period.
3. The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers the various elements of planning gain the heads of terms, which are set out in appendix 12 of this report. In particular, the agreement will seek to ensure that the development at Green Lane is completed and operational prior to development being commenced on any of the residential properties and that 10% of affordable is housing is provided.

(This recommendation is made in the knowledge that the application would need to be referred to the Secretary of State if Committee were minded to approve the proposed development, subject to the Section 106 Agreement, who would be given a period of 21 days in which to decide whether the application needed to be 'called in' for determination.

APPENDIX 1 LOCATION OF APPLICATION SITE

(Ref No. 7/2006/0477/DM)

Land off Butchers Race Green lane Industrial Estate, Spennymoor.
Erection of new factory with associated parking, service areas, landscaping and infrastructure including the creation of new roundabout.



KEY

Application Site



Land within applicants control



Nathaniel Lichfield
and Partners

Project Spotlight on Spennymoor

Title Green Lane Site Plan

Client Theakston Estates (Durham) Ltd

Date June 2006

Scale 1:2500@A3

Drawn by MH

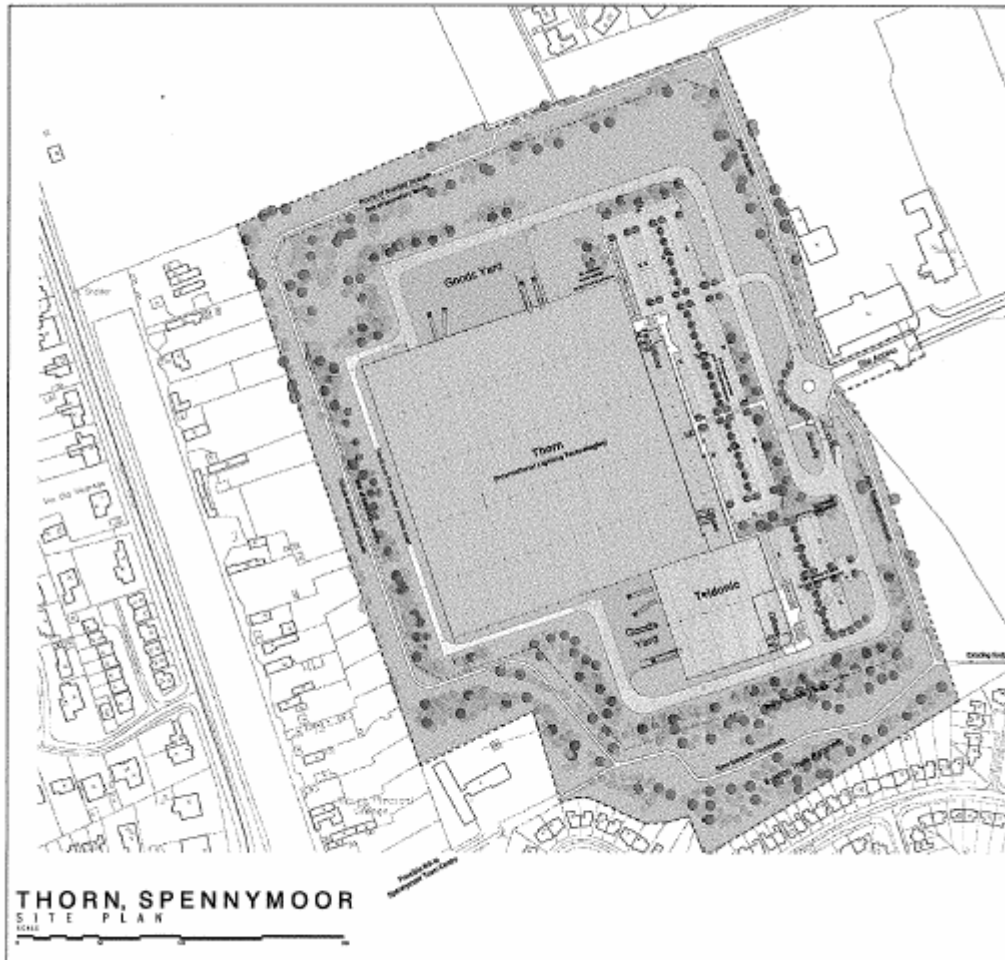
Dwg. No. 20389-001



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APPENDIX 2
(Ref No. 7/2006/0477/DM)
PLAN SHOWING PROPOSED SITE LAYOUT
Land off Butchers Race Green lane Industrial Estate, Spennymoor.



APPENDIX 3

Outline Planning Application (Ref No. 7/2006/0476/DM).
Demolition of existing factory premises and subsequent redevelopment for
approximately 400 residential units with associated landscaping and infrastructure
improvements.



KEY

-  Application Site
-  Land within Applicants Control

 Nathaniel Lichfield and Partners

Project **Spotlight on Spennymoor**

Title **Site Location**

Client **Theakston Estates (Durham) Ltd**

Date **June 2006**

Scale **1:2500@A3**

Drawn by **MH**

Draw No **NE20389**

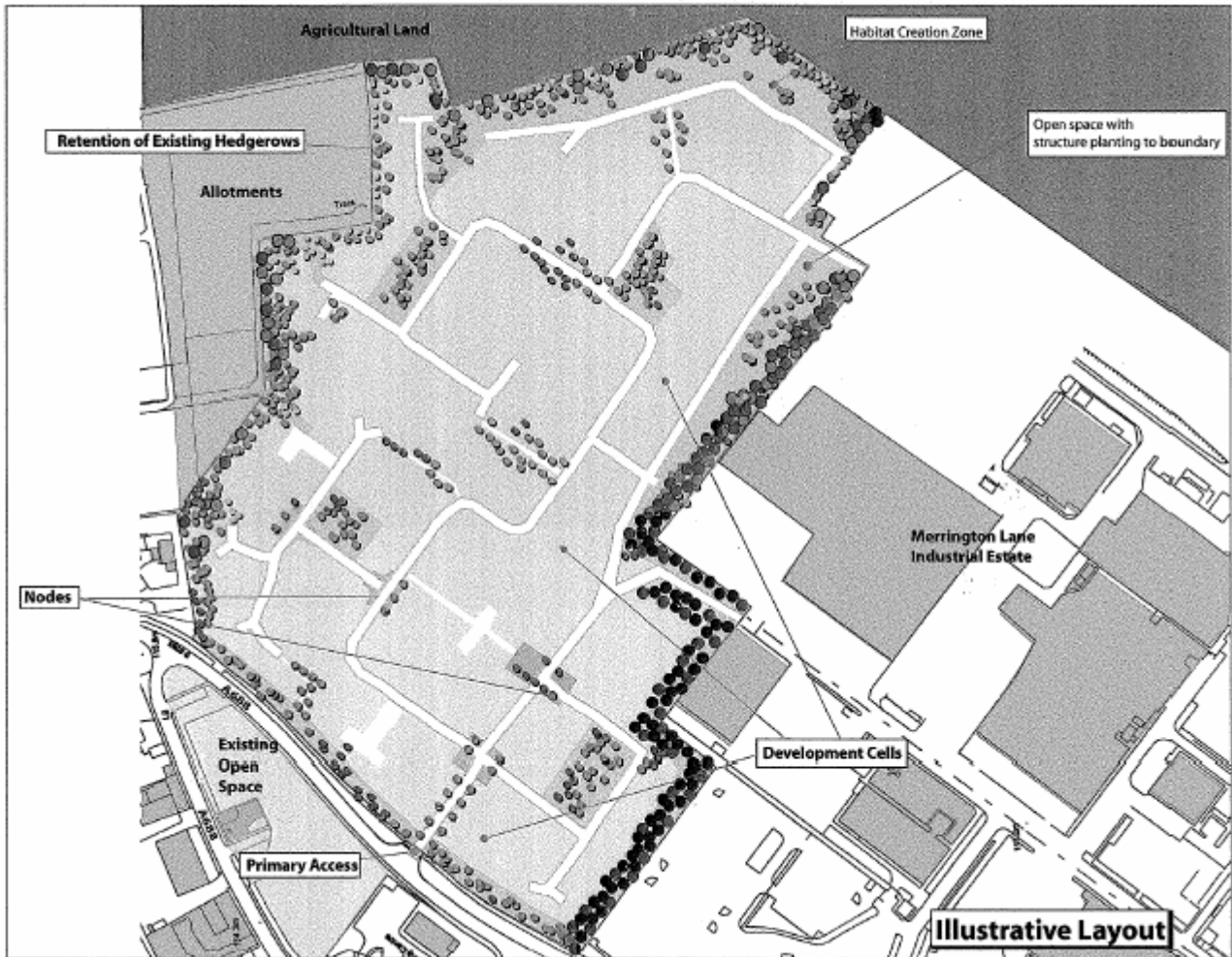


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**APPENDIX 4
COPY OF ILLUSTRATIVE LAYOUT
(Ref No. 7/2006/0476/DM).**

Merrington Lane Industrial Estate, Spennymoor



**Planning application Ref No. 7/2006/0477/DM.
Land off Butchers Race Green lane Industrial Estate, Spennymoor.
Erection of new factory with associated parking, service areas, landscaping and
infrastructure including the creation of new roundabout.**

7/2006/0476/DM

0477 CONSULTATIONS

1. DCC (PLANNING)
2. Countryside Team
3. Cllr. Mrs A M Armstrong
4. Cllr. Mrs. Barbara Graham
5. Government Office for the North East
6. LA21 25/07/2006
7. DCC (PROWS)
8. POLICE HQ 25/07/2006
9. LANDSCAPE ARCH
10. DESIGN 25/07/2006
11. ECONOMIC DEV
12. L.PLANS 25/07/2006
13. North East Assembly
14. Lee White 25/07/2006
15. VALUER 25/07/2006
16. ENV. HEALTH
17. ENGINEERS
18. WILDLIFE TRUST
19. ENV AGENCY
20. RAMBLER
21. BUILDING CONTROL
22. SPENNYMOOR TC
23. ENGLISH NATURE
24. NORTHUMBRIAN WATER
25. DCC (TRAFFIC)
26. LEGAL
27. One North East

NEIGHBOUR/INDUSTRIAL

North Road:1,2,3,4,6,7,8,9,10,11,12,13,14,15,16,17,18,19,4a,2a,1a
Studley Road
Block A
Church Road
South Bank House
Brindley Road:1
School Close:9,10,11,12,14,15
Unit 2A Charles Street
Dallymore Drive:4
Mount Pleasant Close:1,2,3,4,5,6,7,8
Hamar Close
London Business Innovations
Units 15-16
Fortnum Close
Viveash Close:4

Tudhoe

Moor:59,61,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139,140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155

P.O. Box 26

Arrow Works

Chippenham Drive

Dunston Trading Estate

Alexendra Road

Ebor Works

Unit 2

Haydock Lane

Tanners Drive:42

Bekaert Handling

Seven Hills Court:22,23,24,25,14,16,7

Unit 12 IES Centre

Linde Way

Portman Road:14

Chep Uk Ltd

Education Psychology Services

The Rivergreen Centre

Bury New Road:11

Croeserw Ind Est

Unit 3&4 Smithfold Lane

Avenue One

Charles House

Parkgate Ind Est

11-16 Eyre Street

Ivory House:9

Strategy Division

Unit 6c

Unit 2 Hanlon Court

**SUMMARY OF RESIDENTS OBJECTIONS LOCATION OF APPLICATION SITE
(Ref No. 7/2006/0477/DM)
Land off Butchers Race Green lane Industrial Estate, Spennymoor.
Erection of new factory with associated parking, service areas, landscaping and
infrastructure including the creation of new roundabout.**

OBJECTORS	GROUNDS OF OBJECTION CONCERN
10 School Close Spennymoor	<p>Proper landscaping required to prevent its façade from dominating the vicinity.</p> <p>Illumination could be a direct interference with privacy.</p> <p>Continuous noise especially at night if delivery wagons are loading and unloading.</p>
12 School House Spennymoor (letter signed by 41 residents)	<p>Appearance and layout and its visual affect on properties in North Road and School Close.</p> <p>Loss of amenity through increase in noise, disturbance, lighting, dust, pollution and loss of privacy.</p> <p>Impact on landscape and location, especially because of the factory's proximity to residential properties.</p> <p>The development would be within 300 yards of residential properties, which is very close.</p> <p>Considerable improvement needs to be given to the proposed landscaping on the western side of the factory; this is due to the topography of the land. The proposed mounding needs to be further and considerably heightened and fast growing trees planted on top to provide better screening.</p> <p>Consideration needs to be given to the possible cladding and colour of the west side of the building in order to improve amenity and visual impact.</p> <p>Any signs and neon lighting must be prohibited on the west side to prevent nuisance, loss of amenity and to prevent a detrimental visual impact on the landscape and location.</p>
8 North road Spennymoor	<p>Noise, disturb sleep, will be unable to open windows during the summer and affect quality of life.</p> <p>Light. A two-storey factory built on a hill only 100 yards away will restrict natural sunlight.</p> <p>A well lit goods area and security lighting will disturb residents in the evening.</p> <p>Path Access- Residents use a footpath to the rear of the allotments and the proximity of a huge factory, goods yard and car park will be to its detriment.</p> <p>Pollution- Dust and odours will be a problem.</p> <p>Residential Area – Factory should not be built in middle of residential area.</p> <p>Conservation- Butchers Race is a green pleasant area and will be totally ruined by a new factory building.</p> <p>Traffic- Ultimately result in an increase in traffic and all the annoyances that come with it noise, odours pollution, congestion, lack of privacy and accidents.</p> <p>There must be brownfield sites or other industrial areas that would be more suitable.</p>

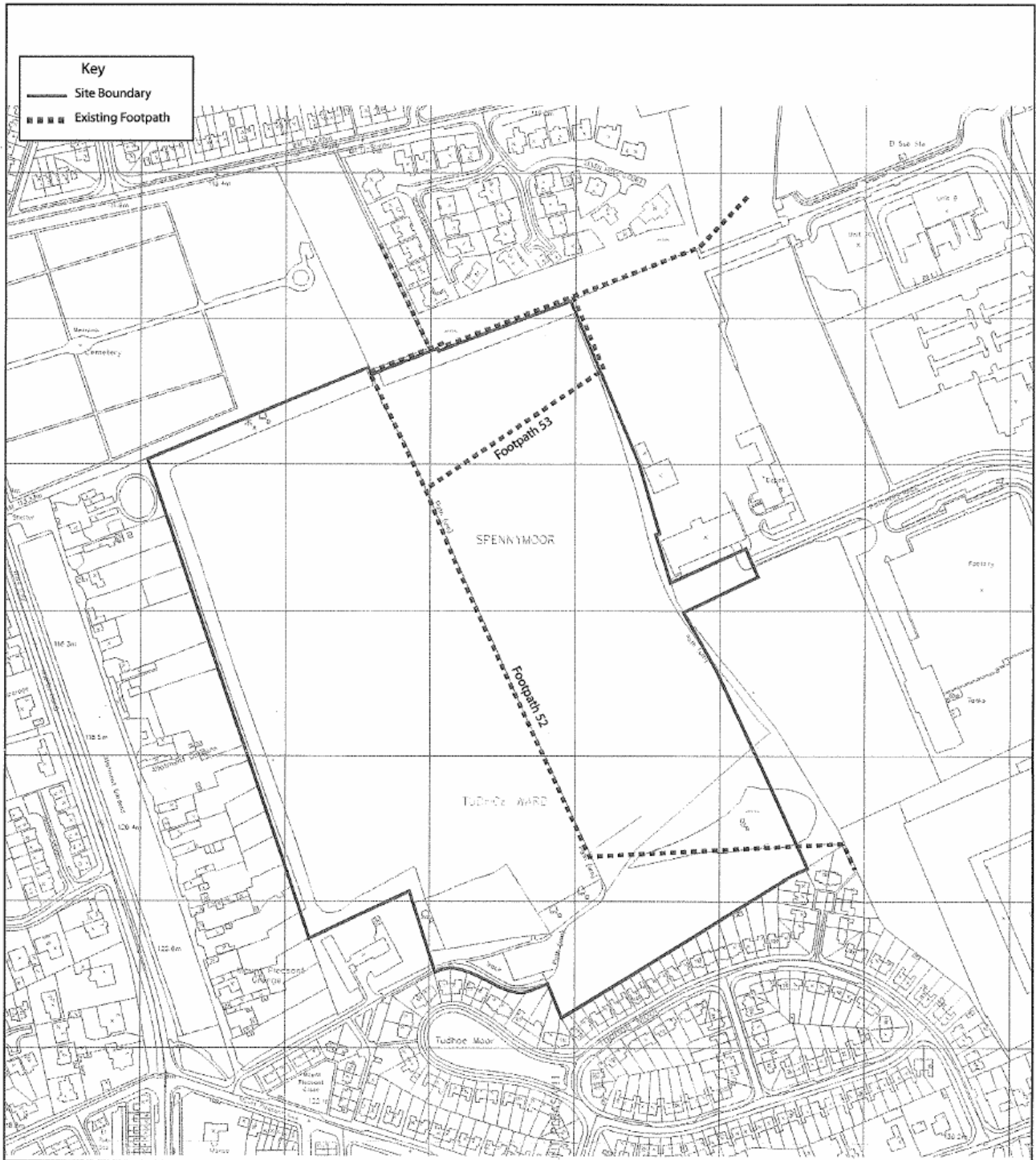
10 North Road	<p>Noise 24 HRS a day; odours from chemicals prevent residents opening windows during the summer.</p> <p>Visual impact of a large building in the centre of a residential area and especially so close to a public cemetery.</p> <p>The public way, which runs across the site, should not be taken away from our community and rerouted around the factory.</p>
117 Tudhoe Moor	De-valuation of property. Loss of countryside and views.
2 North Road	<p>Loss of view, noise 24 hours a day, which will affect sleep.</p> <p>Pollution near a residential area. All combine to lower value of property.</p>
DCC Area Senior Educational Psychologist	<p>Concerns regarding highway safety and traffic generation. Already significant problems on butchers race at specific times of the day.</p> <p>Traffic backs up from the A688 roundabout to the end of butchers race.</p> <p>Additional traffic will cause even more problems unless access altered or better system of traffic management is put in place</p> <p>.</p>
121 Tudhoe Moor Estate	<p>The town has little in terms of facilities but the site is beautiful and the views breathtaking.</p> <p>When will we be compensated for our loss to our lives to our health, to our property value and surroundings?</p> <p>Local residents use the area to walk dogs this facility will be lost.</p> <p>There are already industrial areas elsewhere, empty sites which could be developed.</p> <p>Loss of view, which is spectacular, but will be ruined by a large factory.</p> <p>Loss of local wildlife.</p> <p>Factories should not be at the expense of people's lives.</p> <p>Traffic and possible chemical emissions.</p> <p>The proposal will not even result in more jobs, it will bring a cut in this area.</p>
23 Seven Hills Court	<p>Is there a need for 400 new properties within Spennymoor?</p> <p>Why can't the existing site be redeveloped without losing another open space within the area?</p> <p>Concerned that only cursory environmental considerations have been given to the assessment of the proposed new site at Green lane. The ecological survey has failed to identify a number of species that utilise the habitat, including, breeding skylarks (A red list species), Greenfinches, Sparrowhawks, bats.</p> <p>Concerned that an Environmental Impact assessment is not necessary given size of the development.</p> <p>Concerned risk of flooding given extensive area of hardstanding. Measures should be put in place to ensure that surface water run off will not impact upon existing residential properties.</p> <p>Noise – Experience minimal noise at present. Proposal will give rise to noise pollution from 70 goods vehicle movements per day less than 30m from the bedrooms of our property. This is totally unacceptable and disagree completely with the Noise Assessment that predicts no change in average noise levels.</p>

	<p>The current plan shows no additional tree screening at the site boundary near to Seven Hills Court and no provision for a landscaped mound alongside the goods vehicle access road.</p> <p>24HR site operation is objectionable and unacceptable when site so close to residential properties. What restrictions will be imposed to minimise noise impact during construction period.</p> <p>AIR QUALITY</p> <p>Concerned development will result in a deterioration of air quality. The Air Quality assessment predicts that deterioration is likely but the conclusions are missing from the report.</p> <p>LOSS OF AMENITY</p> <p>A public footpath crosses the site, which is used by many residents on a regular basis and provides splendid views. We object to the diversion of the footpath and the loss of this open space and the amenity value it provides.</p>
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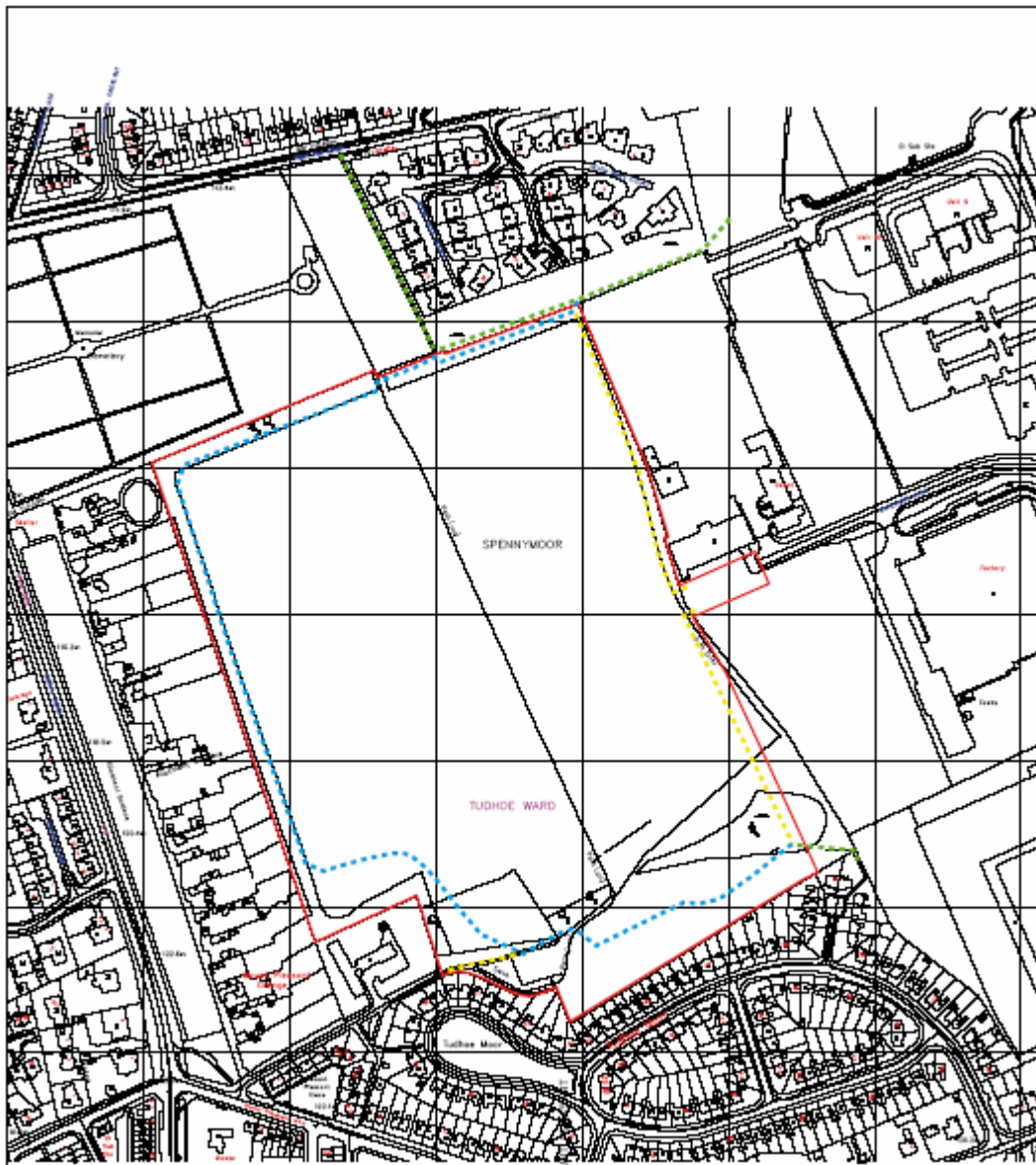
APPENDIX 7
PLANS SHOWING EXISTING AND PROPOSED PUBLIC RIGHTS OF WAY
(Ref No. 7/2006/0477/DM)

**Land off Butchers Race Green lane Industrial Estate, Spennymoor.
 Erection of new factory with associated parking, service areas, landscaping and
 infrastructure including the creation of new roundabout.**





EXISTING FOOTPATHS



PROPOSED FOOTPATH NETWORK



KEY

- Application Site 
- Diverted Footpaths (Nos 52 & 53) 
- New Footpath 
- Existing Footpath 

**Full Planning Application (Ref No. 7/2006/0477/DM).
Land off Butchers Race Green lane Industrial Estate, Spennymoor.
Erection of new factory with associated parking, service areas, landscaping and
infrastructure including the creation of new roundabout.**

1. Time Limit for Commencement of Development

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. Implementation

The development hereby permitted shall be implemented in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan...

3. Materials

Development shall not commence until the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan..

4. Window Details

Development shall not commence until the details of the windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

5. Details of Surface Materials

The development shall not be occupied until details of the materials to be used on hard surfacing have been submitted to and approved in writing by the Local Planning Authority and have been implemented on site in accordance with the approved scheme.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

6. Boundary Treatment

The development hereby approved shall not be occupied until details of the means of boundary treatment have been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

7. Refuse Storage

The development shall not be occupied until details of the means for the storage and disposal of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

8. Access Arrangements

Condition: The development shall not be occupied until the means of access to the site has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.

9. Car Parking

The development shall not be occupied until the car parking areas have been laid out in accordance with the approved plans, unless otherwise agreed in writing with the Local Planning Authority.

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

10. Cycle Parking Provision

The development shall not be occupied until details of cycle parking provision have been submitted to and approved in writing by the Local Planning Authority and have been implemented on site in accordance with the approved scheme.

Reason: To make adequate provision for cyclists and to comply with Policy T1 (Footpaths and Cycleways in Towns and Villages) of the Sedgefield Borough Local Plan

11. Workplace Travel Plan

The development shall operate in accordance with the provisions of the Workplace Travel Plan approved with the planning application, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a sustainable form of development.

12.Entry System

The development shall not be occupied until details of the controlled entry system to the site has been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved scheme.

Reason: To secure an acceptable form of development.

13.Sub Station

The development shall not be occupied until details of the sub station has been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

14.Routes for Pedestrians and Cyclists

The development shall not be occupied until details of the route for walkers and cyclists has been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.

Reason: To ensure a satisfactory form of development and to comply with Policy T1 (Footpaths and Cycleways in Towns and Villages) of the Sedgefield Borough Local Plan

15.Lighting

Condition: The development shall not be occupied until details of lighting used in any external areas has been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

16.Landscaping Details

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 and numbers, 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 the development.

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.

17.Landscaping Implementation

The approved scheme of landscaping shall be carried out in accordance with the approved plans and shall be implemented within two planting seasons of the occupation of the development.

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.

18.Landscaping Maintenance

All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or becomes, in the opinion of the Local Planning Authority, seriously damaged or defected, shall be replaced in the next planting season with others of a similar size and species as that originally planted at the same place, 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.

19.Protection of Trees

All trees and hedges to be retained shall be properly fenced off from those parts of the site to be developed and shall not be removed without prior approval of the Local Planning Authority. Details of the type and positioning of the fencing shall be submitted and approved in writing by the Local Planning Authority and implemented on site prior to the development commencing.

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.

20.Ecology

Condition: No development shall commence until ecological surveys and an ecological mitigation scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: To ensure the protection of protected species and to comply with Policy E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan

21.Levels

Condition: No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control the level at which the development takes place to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan.

22.Surface Water Drainage

Prior to the commencement of development, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the surface water drainage works shall be completed in accordance with the approved details prior to the occupation of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

23.Surface Water Drainage

No development shall be commenced until a scheme for the provision of surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

24. Sewage

Prior to the commencement of development, a scheme for disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.

25.Archaeology

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed programme of archaeological works and recording shall be undertaken in accordance with the approved scheme.

Reason: In the interests of the preservation of any archaeological remains.

26.Ground Investigations

Development shall not commence until a scheme of ground investigations has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the measures approved have been implemented on site.

Reason: To ensure a satisfactory form of development and to prevent pollution.

27.Noise

The development shall not be occupied until details of any external plant, or external ducts and extractors, including location, design and noise emissions have been submitted to and approved by the Local Planning authority. Thereafter, the development shall operate in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In order to prevent noise pollution, in the interests of residential amenity and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

28.Hours of Construction

Construction work and deliveries associated with the proposal shall only take place between the hours of 8am and 7pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan

29.Operational requirements during construction

During the course of construction:

a. No waste materials shall be burned on the site within 100 metres of occupied dwellings; and b. No building, packing or other materials shall be allowed to blow off the site.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan

30.Hours of Construction.

Construction work and deliveries associated with the proposal shall only take place between the hours of 7am and 7pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

31.Material storage and employee parking during construction

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

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

32.Wheel washing facilities

Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.

Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

33.Energy efficiency

Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.

Reason: In order to minimise energy consumption and to comply with Regional planning Guidance 1 policies EN1 and EN7

APPENDIX 9
LIST OF CONSULTEES

Outline Planning Application (Ref No. 7/2006/0476/DM).
Demolition of existing factory premises and subsequent redevelopment for
approximately 400 residential units with associated landscaping and infrastructure
improvements.

CONSULTATIONS

1. FERRYHILL TOWN COUNCIL
2. SPENNYMOOR TC
3. Cllr. J. Higgin
4. Cllr. Andrew Gray
5. Cllr. A. Smith
6. Cllr. W. Waters
7. Cllr. K Thompson
8. Cllr. J.M. Khan
9. Cllr K Conroy
10. Cllr. R A Patchett
11. Cllr. C Sproat
12. DCC (PROWS)
13. POLICE HQ
14. LANDSCAPE ARCH
15. DESIGN
16. ECONOMIC DEV
17. L.PLANS
18. Lee White
19. LEGAL
20. WILDLIFE TRUST
21. ENGINEERS
22. ENV AGENCY
23. BUILDING CONTROL
24. ENGLISH NATURE
25. NORTHUMBRIAN WATER
26. DCC (TRAFFIC)
27. DCC (PLANNING)
28. VALUER
29. North East Assembly
30. RAMBLER
31. ENV. HEALTH
32. LA21
33. Government Office for the North East
34. Countryside Team
35. One North East

NEIGHBOUR/INDUSTRIAL

Coulson Street:9,Flat 1,Flat 2,Flat 3,Flat 4,Flat 5,Andrew Parnaby,Frog & Ferrett,Pixy Dell
Nursery,Edmar Tyre & Exhaust Centre,Lyons Electrical & Plumbing,27
Hamar Close
London Business Innovations
Units 15-16 Dunstall Hill Estate
Fortnum Close
Viveash Close:4
The Winning Post
Electrolux Ltd
allotment Secretary

Gurlish House
Morton House
Electrolux
Tanners Drive:42
P.O. Box 26
Arrow Works
Chippenham Drive
Dunston Trading Estate
Alexandra Road
Ebor Works
Unit 2
Haydock Lane

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Dudley Met Borough Council (Planning Resource.co.uk Ref No. 100041454) (Housing Refused)

The development of housing on a key industrial site was denied because the land should be retained for employment use. The appellant argued that the retention of the industrial part of the site was unnecessary and relied upon studies which indicated that there would be a surplus of industrial floorspace over the next 25 years. They highlighted one study which suggested that the borough could afford to lose between 460ha and 680ha of employment land to residential use by 2030. The inspector noted that the northern part of the appeal site was not particularly large and would not help to meet the shortfall of large industrial premises with good access to the motorway network. However he was not convinced that the industrial part of the appeal site would be inappropriate for the development of a business park. Additionally he decided that the residents of the proposed dwellings would be likely to experience excessive noise from the industrial operations on adjacent land. Although the appellant proposed to erect an acoustic barrier and provide sealed windows on some of the properties, he decided that the introduction of noise sensitive development in close proximity to existing industrial uses, was inappropriate. In his opinion it would lead to complaints which might ultimately result in the council having to impose limitations on the industrial working methods, practices and hours of work to the detriment of the industrial occupiers and their activities. This also weighed against the proposal.

Coventry City Council (Planning Resource.co.uk Ref No. 100042103) (Housing Permitted)

A proposal for 36 flats was allowed because it would not result in an unacceptable loss of employment land and would provide a satisfactory outlook for future occupiers. An inspector noted that the site had been identified as a principal employment site in the development plan. She remarked that PPG3 stated that local planning authorities should consider planning applications favourably for housing or mixed use developments which concerned land allocated in development plans for industrial and commercial use that was no longer needed, provided that it would have no realistic prospect of being taken up for its stated use in the plan period and that it would not lead to the overprovision of new housing. The inspector decided that in principle the proposal would be contrary to policy in that it would use valuable good quality employment land for housing for which there was no overall shortage. However, she noted that the site had been marketed since 1997 with only three expressions of interest. She judged that the configuration of the site made it awkward to develop for larger units and considered that, given the overprovision of office floorspace in the city, it was unlikely to be developed in the near future. She reasoned that housing would be justified as bringing forward the redevelopment of the site. The inspector concluded on this issue that the site's use for 36 units would be unlikely to undermine either regional or local strategies for economic regeneration or necessarily lead to overprovision of housing, exacerbating problems of, or lead to, low demand. Furthermore, the one-bedroom units would help alleviate difficulties in providing sufficient affordable housing. The numbers of flats provided would not be significant and would not undermine a local policy which sought to develop the wider area for mixed uses, she held. In addition, the proposal would allow for the development of a vacant and derelict site, which would improve the quality of the local environment.

Bury Metropolitan Borough Council (Planning Resource.co.uk Ref No. 100041621) (Housing Refused)

The erection of 36 apartment and four live/work units on an industrial site in a conservation area was held to be unacceptable after an inspector decided that the marketing exercise undertaken by the appellants was flawed. Until 2004 the site was being used for manufacturing and storage purposes. The appellants argued that the existing building was

inadequate and unsuited to further employment use. They stated that a marketing exercise had been undertaken which demonstrated that there was no interest in re-establishing an employment use on the land and its redevelopment for housing would enhance the character of the conservation area.

The inspector concluded that in his opinion the site was not inherently unsuitable for continued industrial use. Although the premises were not of a standard that might be expected of modern industrial premises, he decided that they could be made sufficiently serviceable to allow it to be re-used. In his opinion it was significant that the building was not offered for sale until the appeal process was underway and the manner in which it had been marketed conveyed little enthusiasm for disposal. A prospective purchaser or occupier was likely to have been aware of the current proposals and the uncertainty regarding the outcome of the appeal would almost certainly have acted as a disincentive to entering into negotiations, he opined. Taking all these considerations into account, he decided that there was no reason why the site could not be re-occupied and re-used for an employment use. He accepted that this might differ from the purpose for which the building was previously used and that expenditure would be incurred on essential repairs and maintenance. However in his opinion the commercial property market had not been sufficiently tested to establish that the use of the appeal site and its building for an employment purpose was not viable. In arriving at this conclusion the inspector also agreed with the council that there was an adequate supply of housing land. In addition its proximity to existing industrial uses would also make it difficult to create a satisfactory living environment for future residents. These matters he held also supported his decision to dismiss the appeal.

City of Bradford Metropolitan Council (Planning Resource.co.uk Ref No. 100041666) (Housing Approved)

The redevelopment of a haulage depot to enable 24 dwellings to be erected was approved after an inspector decided that the site was unsuited to continued employment use. The appeal site was located within a predominantly residential area and extended to 0.6ha. It contained two industrial buildings and much of the land was not actively used for industrial purposes. The council in accepting that the site was located within a sustainable location, argued that there was a shortage of employment land and buildings in the city. The appellant stated that when the site had been actively used as a haulage depot and a scaffolding business, complaints had been made by local residents and this had culminated in the council taking enforcement action to regulate the activities. On this basis it was claimed that the site was no longer suited to continued employment use. The inspector noted that the site was not well suited to use as a haulage depot due to the limited space to turn commercial vehicles. The scaffolding business had been unable to comply with restrictions imposed on a planning permission which limited the hours of use of the site. In his opinion given the closeness of residential properties, its continued employment use would undermine the amenity of local residents. He therefore agreed with the appellant that the existing buildings had reached the end of their economic life, with low eaves heights and poor internal configuration. They were in a poor state of repair and it would be unviable to either refurbish them or redevelop them for employment purposes. He therefore decided that residential use was the only realistic option and allowed the appeal.

Bradford City Council (Planning Resource.co.uk Ref No. 36926347) (Housing Approved)

Belway Homes Ltd secured permission for a 70 unit housing development should be permitted on employment land. The appeal site comprised 0.89 hectares of land in Ilkley occupied by a large building which had been used for industrial research by the International Wool Secretariat. The inspector thought it unlikely that the building on site would be suitable

LIST OF PROPOSED CONDITIONS
Outline Planning Application (Ref No. 7/2006/0476/DM).
Demolition of existing factory premises and subsequent redevelopment for
approximately 400 residential units with associated landscaping and infrastructure
improvements.

1	<p>Reserved Matters</p> <p>Approval of the details of the siting, design and external appearance of the buildings and landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.</p> <p>Reason: Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
2	<p>Reserved Matters</p> <p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of THREE years from the date of this permission and the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter has been approved.</p> <p>Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3	<p>Phasing of Development</p> <p>The housing development shall be carried out so that the average house unit building rate at any one time from the date of completion of the first house is no more than 75 house units per year unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that the proposal does not over heat the housing market in Spennymoor nor have an undue influence on other housing markets in the Borough and to accord with the requirements of Policy 33 of the Draft Regional Spatial Strategy.</p>
4	<p>Phasing of Development</p> <p>No development shall commence until a phasing scheme for the development of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved scheme.</p> <p>Reason: In order to ensure that the various phases of development are accessible by road and footpaths and that houses are fully serviced prior to their occupation.</p>
5	<p>Housing Provision</p> <p>The development hereby permitted shall provide a range and mix of house types ranging between one to four bedroomed properties.</p> <p>Reason: To ensure local housing needs are addressed.</p>

6.	<p>Method statement</p> <p>The buildings on the site shall not be demolished before a method statement for the means of demolition and disposal of materials has been submitted to and approved by the Local Planning Authority. Thereafter, the demolition and disposal of materials shall be undertaken only in accordance with the approved method statement unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that the occupants of nearby properties are not adversely affected by the demolition of the buildings and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.</p>
7	<p>Means of access</p> <p>No dwellinghouse shall be occupied unless they are served by an access which has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To ensure the the dwellinghouses hereby approved are served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.</p>
8	<p>No dwellings shall be occupied until the details of the site access has been submitted to and approved in writing by the Local Planning Authority and has been implemented on site in accordance with the approved plans.</p> <p>Reason: To ensure the formation of a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.</p>
9	<p>Means of Access</p> <p>No dwellings shall be occupied unless they are served by an access which has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the dwellings hereby approved are served by a satisfactory means of access in the interests of highway safety and to comply with Policy T6 (Improvements in Road Safety) of the Sedgefield Borough Local Plan.</p>
10	<p>Travel Plan</p> <p>The development shall be implemented in accordance with the provisions of the Travel Plan approved with the planning application, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure a sustainable development.</p>
11	<p>Open Space Provision</p> <p>No development shall take place until a scheme for the provision of formal and informal open space, together with play facilities, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in accordance with timescales to be agreed in writing with the local planning authority.</p> <p>Reason: In the interests of residential amenity and to provide for open space and play facilities in accordance with Policy L2 of the Sedgefield Borough Local Plan.</p>

12	<p>No diesel powered plant or equipment shall be used on the site on any Sunday, Saturday afternoon or Bank holiday nor at other times other than between the hours of 8.00am and 6.30pm and no building, packing or other materials shall be allowed to blow off the site. No fires shall be burned within 100 metres of occupied dwellings.</p> <p>Reason: In order to protect the amenities of the occupiers of nearby premises.</p>
13	<p>Archaeology</p> <p>No development shall take place until the applicant has secured the implementation of an agreed programme of archeological works and architectural recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.</p> <p>Reason: The site is in an area where there is archaeological potential and in order to comply with policy E17 (Protection of Archaeological Remains) of the Sedgefield Borough Local Plan.</p>
14	<p>Landscaping details</p> <p>No development shall take place until there has been submitted to and approved 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.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
15	<p>Landscaping implementation</p> <p>The approved scheme of landscaping shall be carried out in accordance with the approved plans and shall be completed as set out in the phasing scheme required under the terms of the associated Section 106 Agreement and the date of practical completion shall be supplied in writing to the Local planning Authority within seven days of that date.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
16	<p>Landscaping maintenance</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained in accordance with British standard 4428 for a period of 5 years commencing on the date of practical completion and during this period any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and grass that fails to establish shall be re-established unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To achieve a satisfactory form of development in the interests of visual amenity, and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>

17	<p>Landscape Management Plan</p> <p>No works to trees, including topping, lopping and pruning and felling shall take place until a Landscape Management Plan and Strategy has been agreed with the Local Planning Authority and any such works shall not take place without the prior approval of the Local Planning Authority.</p> <p>Reason: To ensure that the Landscape quality of the site is preserved and enhanced and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
18	<p>Protection of trees</p> <p>All trees and hedges to be retained shall be properly fenced off from those parts of the site to be demolished or redeveloped and shall not be removed without prior approval of the Local Planning Authority. Details of the type and positioning of the fencing shall be submitted and approved by the Local Planning Authority prior to the development of demolition commencing.</p> <p>Reason: To enable the Local Planning Authority to ensure that existing natural features on the site are protected and retained in the interests of the visual amenity of the site and to comply with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the Sedgefield Borough Local Plan.</p>
19	<p>Surface water run-off</p> <p>No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy D13 (Development Affecting Watercourses) of the Sedgefield Borough Local Plan.</p>
20	<p>Footpaths and cycle ways</p> <p>No development shall commence until details of all routes for pedestrians and cyclists have been submitted to and approved by the Local Planning Authority. The routes shall be implemented and thereafter maintained in full accordance with the approved details.</p> <p>Reason: In order to provide for a network of footpaths and cycleways and to comply with policy T1 (Footpaths and Cycleways) of the Borough Local Plan.</p>
21	<p>Contamination</p> <p>No development approved by this permission shall be commenced until:</p> <ul style="list-style-type: none"> a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced. b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

	<ul style="list-style-type: none"> - a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and - refinement of the Conceptual Model, and - the development of a Method Statement detailing the remediation requirements <p>c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.</p> <p>d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.</p> <p>Reason: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.</p>
22	<p>Contamination</p> <p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.</p>
23	<p>Remediation</p> <p>Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.</p> <p>Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.</p>
24	<p>Levels, existing and proposed</p> <p>No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.</p> <p>Reason: In order to control the level at which the development takes place in order to protect the visual and residential amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan</p>
25	<p>Means of enclosure</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any walls or fences or other means of enclosure shall be approved by the Local Planning Authority and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan..</p> <p>Reason: In the interests of safeguarding the visual amenity of the residential area</p>

26	<p>Noise</p> <p>The development layout and building envelopes of the dwellings shall be designed and constructed to provide protection from noise generated from the local road network and the adjacent industrial estate. The upper limits for the designed noise levels within the developments shall be 35dBA LAeq in habitable rooms with windows shut and other means of ventilation provided and for external noise shall be 55dBA LAeq in outdoor living areas.</p> <p>Reason: To protect residential amenity.</p>
27	<p>Controls during Demolition</p> <p>During the course of demolition:</p> <ul style="list-style-type: none"> a) No diesel powered plant or equipment shall be used on the site outside the hours of 8:00am and 6:30pm Monday to Friday, 8am to 1pm on Saturdays or at any times on Sundays or Bank Holidays. b) No waste materials shall be burned on the site within 100 metres of occupied dwellings. c) No building, packing or other materials shall be allowed to blow off the site. <p>Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Polluting Developments) of the Sedgefield Borough Local Plan.</p>
28	<p>Material storage and employee parking during construction</p> <p>Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction.</p> <p>Reason: In the interest of amenity during the construction of the development and to comply with Policy D10 (Location of Potentially Polluted Developments) of the Sedgefield Borough Local Plan.</p>
29	<p>Wheel washing facilities</p> <p>Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times.</p> <p>Reason: In the interest of amenity and to reduce the amount of mud on the roads and in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.</p>
30	<p>Energy Efficiency</p> <p>Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.</p> <p>Reason: In order to minimise energy consumption and to comply with Regional planning Guidance 1 policies EN1 and EN7.</p>

INFORMATIVE: REASONS FOR APPROVAL

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, visual and residential amenity of the area and will provide for a modern sustainable housing development which will:

- Facilitate the development of a purpose built state of the art facility.
- Ensure the retention of a significant number of jobs and also protect local supply activity.
- Support the local community including shops and local services.

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:

IB1 Types of Industry and Business Areas
IB2 Designation of Type of Industrial Areas
IB6 Acceptable uses in Industrial Areas
E1 Maintenance of Landscape Character
E8 Tree Planting
E9 Protection of the Countryside
E13 Promotion of Nature Conservation
E14 Safeguarding Plant and Animal Species Protected by Law
E15 Safeguarding of Woodlands, Trees and Hedgerows
E17 Protection of Archaeological Remains

H1 Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill
H2 Major Housing Sites in above Four Towns

T1 Footpaths and Cycleways in Towns and Villages
T6 Improvements in Road Safety
T7 Traffic Generated by New Development

L1 Provision of Open Space, including Standards
L2 Provision of Open Space in New Housing Development
L9 Footpaths, Cycleways and Bridleways in the Countryside

D1 General Principles for the Layout and Design of New Developments
D2 Design for People
D3 Design for Access
D5 Layout of New Housing Development
D6 Layout and Design of Pedestrian Areas and Public Spaces
D7 Structural Landscaping around Major Developments
D8 Servicing and Community Requirements of New Development
D9 Art in the Environment
D11 Location of Pollution Sensitive Developments
D12 Provision of Sewage Treatment
D13 Development Affecting Watercourses

Supplementary Planning Guidance Notes:

SPG3. Layout of New Housing.

SPG5. Traffic Calming.

SPG6. Parking standards

SPG7. Open Space

SPG8. Landscaping

SPG9. Conservation of Energy

SPG10. Crime prevention and personal Security

The Section 106 agreement will seek to secure the following:

- The completion/operation of the new facility to be developed at the Green lane Industrial Estate under planning application ref. No. 7/2006/0477/DM prior to the commencement of development of any houses at the Merrington Lane site.
- A phasing programme for the development and completion of the housing.
- A Management Plan for the future management and maintenance of areas of open space.
- A Design Code for the site comprising details of mix of house types, types of materials, surface treatments, street furniture and means of enclosure.
- Off site highway works including improvements to the junction with Merrington Lane.

- The efficient use of energy in all new housing, conserving water and utilising renewable energy.
- The inclusion of elements of public art or contribution to towards public art.
- The provision of cycle routes and secure facilities for cycle parking.
- The provision of equipped play areas.
- The provision of 10% affordable housing spread across the site
- A financial contribution towards the improvement of the existing footpath network and the A688 under pass, including improved lighting and surveillance by the provision of CCTV cameras.
- A financial contribution towards the production of a Master Plan for the Merrington Lane Industrial Estate.