

# Item 5

## SEDGEFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2006/0548/DM APPLICATION DATE: 23 August 2006

PROPOSAL: **ERECTION OF 104 NO. DWELLINGS AND ASSOCIATED MEANS OF ACCESS (OUTLINE APPLICATION)**

LOCATION: **THE FORMER GREYHOUND STADIUM SPENNYMOOR CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Mr Brian Robinson  
36 Gurlish West, Coundon, Bishop Auckland, Co Durham

#### CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. Andrew Gray
3. Cllr. A. Smith
4. Cllr. J.M. Khan
5. REGENERATION
6. DCC (PROWS)
7. POLICE HQ
8. LANDSCAPE ARCH
9. DESIGN
10. ECONOMIC DEV
11. L.PLANS
12. VALUER
13. ENV. HEALTH
14. WILDLIFE TRUST
15. ENV AGENCY
16. N.ELEC (DARLO)
17. BUILDING CONTROL
18. ENGLISH NATURE
19. NORTHUMBRIAN WATER
20. DCC (TRAFFIC)
21. DCC (PLANNING)
22. ENGINEERS
23. One North East
24. The North East Assembly

#### NEIGHBOUR/INDUSTRIAL

Kemarven  
The Winning Post  
Jewson Ltd  
SBC Training Centre  
Electrolux Ltd  
Thorn Lighting  
Jubilee Centre  
Northstar Vehicles Ltd  
Deerness Rubber Co Ltd  
Gardiners Coaches

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Leather Repairs Services  
The Frog & Ferrett  
Transco  
DISC  
Sedgfield PCT  
2-5

Coulson Street:27,Gardiners Coaches,6,9,5,Brookland Garage,Lyons Electrical & Plumbing,Edmar Tyres & Exhaust Services,Andrew Parnaby Mobility Services,Flat 1,Flat 2,Flat 3,Flat 4,Flat 5,Pixley Dell Nursery

**BOROUGH PLANNING POLICIES**

H1 Housing Development in Newton Aycliffe, Spennymoor, Shildon and Ferryhill  
D5 Layout of New Housing Development  
E14 Safeguarding Plant and Animal Species Protected by Law

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**THE PROPOSAL**

Outline planning permission is sought for residential development comprising 104 dwellings on the site of the former Greyhound Stadium, Spennymoor. The submitted plans indicate that vehicular access would be taken from Front Street, with existing public footpaths / rights of way along the northern and western boundaries retained, linking through to the subway that provides pedestrian access to Merrington View and the town centre beyond. The schematic plans also indicate that a landscaped buffer would be provided along the northern boundary to screen existing industrial uses in Coulson Street.

**CONSULTATION AND PUBLICITY RESPONSES**

Spennymoor Town Council has no objection to the proposal.

Durham County Council (Highway Development Control Section) has commented that the existing access to the site from Front Street and its junction with the B6288 (Merrington Lane) is not very satisfactory, and that the most appropriate access improvement would be based upon a Type 3 Minor Access Road. This would be of 4.8 metres carriageway width with 1.8 metres wide footpaths either side, and would set a limit of 100 dwellings on the site. A preference has however been expressed for only 80 dwellings.

It is also recommended that a cycleway be incorporated into the scheme, running alongside Public Footpath No. 57 to link Front Street with the subway.

It has been pointed out that the improved access may involve acquisition of land to form adequate junction radii, and the removal of hedging to improve visibility.

Resurfacing of part of the existing pedestrian footway will be required, a section will need to be stopped up and diverted along the new footway, and road markings will need to be introduced in agreement with the Traffic Section.

Durham County Council (Planning Policy Team) has stated that the proposal would be in general conformity with the County Structure Plan, provided sustainable access to the whole site is facilitated and encouraged. In particular, the development should be designed to

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encourage walking, cycling and the use of public transport. The lack of bus passenger waiting facilities on Merrington Lane has been highlighted, and it is recommended that two well-lit shelters be provided by the developer at the nearest bus stopping points.

Layouts of 100 or more dwellings need to allow for appropriate bus penetration, and there should be demonstration of, and financial contribution towards improving the footpath links and cleaning up the subway under the A688. There should be 1 easily accessible and secure cycle parking space per dwelling.

Durham County Council (Public Rights of Way Section) advise that Public Footpath No.56 lies within the site boundary, whilst No.57 runs adjacent to the western boundary. Improvements to footpath No.56 should be detailed in any subsequent detailed application. A footpath diversion may be necessary where the footpath terminates at Front Street.

One North East in its capacity as the Regional Development Agency has no comment to make on the proposal.

Durham Constabulary (Architectural Liaison Officer) recommends the introduction of a range of house types, because this would increase the potential for natural surveillance, community interaction and environmental control.

Advice has also been given on the location, width and illumination of footpaths, the provision of CCTV surveillance of the subway, and the security of car parking.

Natural England is unable to provide informed and substantive advice on the proposal because insufficient information has been submitted in order to tender helpful advice. It has advised however that the Borough Council's own ecology team screens the proposal to ascertain whether an ecological survey is required.

Borough Council's Countryside Team has examined the site and concluded that there is evidence of nesting birds, and presence of 'birdsfoot trefoil', a food source for the Dingy Skipper – a butterfly specifically mentioned in the Durham County Biodiversity Action Plan. It is recommended therefore that a Phase 1 Ecological Assessment is undertaken before any planning permission is granted to establish whether the site is a habitat for species protected by law or otherwise included in the Durham County Biodiversity Action Plan. Such an assessment could not however be made until the summer months in respect of the Dingy Skipper..

Borough Council's Engineering Services Team has no objections provided there is prior agreement of engineering details.

Northumbrian Water does not object to the proposal, but has made recommendations about technical requirements for the discharge of foul and surface water. It has also been pointed out that the developer should contact Northumbrian Water to determine whether the local sewage treatment works can accept the additional capacity of foul flows from the site.

The Environment Agency recommends the imposition of a condition on any planning approval granted to secure the implementation of a surface water run-off limitation scheme to prevent increased risk of flooding.

Borough Council's Forward Planning Team has concluded that whilst the site is detached from the existing settlement, it represents an opportunity to redevelop a redundant brownfield site

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that would accord to a significant degree with the RPG1, the Submission Draft RSS, the Borough Local Plan and national guidance contained in PPG3 and Draft PPS3. It is also considered that the development would also contribute towards the national target that by 2008, at least 60% of additional housing should be provided on brownfield land. The scheme should contribute significantly to the provision of affordable housing in Spennymoor, and would sustain local services and facilities.

Attention has been drawn to the historical use of the site as a brickworks and the likelihood of residual contamination issues. It is therefore recommended that appropriate conditions be attached to any planning consent granted.

Borough Council's Environmental Health Team has recommended that a desktop survey be carried out to establish whether there are any contamination issues with the site that require more detailed investigation and remediation. Other environmental controls are suggested in relation to noise and dust nuisances.

Publicity / Neighbour Responses – No comments/observations have been received in response to the public consultation exercise which included individual letters, site notices and a press notice.

**PLANNING CONSIDERATIONS**

The main planning considerations in this case are:

- Does the proposal represent a sustainable and accessible option for housing development
- What improvements could be secured to enhance accessibility to/from the town centre
- Does the proposal adequately deal with survey, assessment and mitigation measures relating to the ecology of the site
- Provision of Affordable Housing

This proposal represents the redevelopment of a site that has no formal land-use designation within the Borough Local Plan. The land was previously in use as a leisure facility (Greyhound Stadium) but the venue was demolished a number of years ago, with the land remaining vacant and largely unused ever since. Whilst each planning application should be determined on its individual merits, the outcome of this application is very much influenced by the recent decision to approve housing on the Thorns site, based at Merrington Lane Industrial Estate. This application has been referred to Government Office as a Departure from the Development Plan in force and their decision as to whether or not they wish to call in the application is awaited.

The current proposal is in some respects more straightforward than the Thorns application because this land is not currently in any active use, and is not designated for industrial purposes, therefore the issue centring around Paragraph 42(a) of PPG3 which was crucial in the determination of Thorns' application, is not applicable in this instance. The former greyhound stadium is in distance terms much closer to the subway (which connects the town centre with land to the south of the A688 dual carriageway) than the Thorns' site. It will therefore be exceptionally difficult to oppose this scheme on the grounds that it is not a sustainable option for development, given how the precedent for housing on land to the south of the dual carriageway has been set potentially by the recent approval of the Thorns application.

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Borough Local Plan

Policy H1 lays out the criteria for assessing new housing development on sites within Spennymoor. It states that a site must either be substantially surrounded by housing; or not lead to an extension of development into the open countryside. Additionally a scheme must not prejudice the environmental restraint policies of the Local Plan and must not conflict with Policy D5 which sets out the design principles for new housing. Fundamentally, this policy requires that housing developments should provide a safe and attractive environment and make provision for adequate amenity and privacy. Whilst this site is not substantially surrounded by housing, the development of housing on this site would not lead to development encroaching into the countryside, and additionally the proposal would utilise previously-developed land. It is therefore considered that Policies H1 and D5 are substantially satisfied.

National Guidance

Current housing policy is largely encapsulated within PPG3 and Draft PPS3. The goal of concentrating most additional housing development within urban areas is at the heart of this policy. This is closely allied to an aim of making more efficient use of land by maximising the re-use of previously developed land. The presumption is that previously developed sites should be developed before Greenfield sites. The exception to this principle is where previously developed sites perform so poorly in relation to the following criteria as to preclude their use for housing before a particular Greenfield site. Sites for housing should be assessed for their suitability against the following criteria:

- *the availability of previously-developed sites and empty or under-used buildings and their suitability for housing use;*  
The site constitutes previously-developed land, and therefore in broad terms, it should be developed before greenfield sites, provided it represents a sustainable option for development.
- *the location and accessibility of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;*  
Whilst in distance terms, this site is close to the town centre, in respect of accessibility it does not currently perform particularly well because it is separated from the town centre by the dual carriageway. Existing pedestrian rights of way running along the periphery of the site and linking to the town centre through a subway under the by-pass could however be enhanced to strengthen accessibility.
- *the capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;*  
Northumbrian Water has invited negotiations with the developer to ensure that any foul waste capacity issues can be resolved. Existing bus routes along Merrington Lane would be accessible by residents of the new development site.
- *the ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities;* The development of new housing in Spennymoor would have benefits, such as increased footfall in the town centre, and would provide more demand to sustain appropriate local services and facilities.
- *the physical and environmental constraints on development of land, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.*  
Whilst a recent Council funded Strategic Flood Risk Assessment (SFRA) of all areas in the Borough did not identify the application site or its surroundings as being under any

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immediate risk of flooding, surface water run-off would need to be controlled with relevant up to date sustainable urban drainage systems.

Paragraph 13 of Draft PPS3 states that to be considered developable, a site should meet the following criteria:

- a) Available (the site is available now or is likely to become available for housing development and be capable of being developed within five years);
- b) Suitable (the site offers a sustainable option for development and would contribute to the creation of sustainable urban and rural communities); and
- c) Viable (housing development is economically viable on the site).

The proposal would satisfy parts (a) and (c). Despite being located on the “wrong side” of the dual carriageway, there is potential to improve accessibility with the towns main shops and services and build a mixed inclusive community, which integrates with the wider Spennymoor. Therefore to accord with Section (b), the applicant would need to implement access improvements by way of a Section106 agreement.

#### Regional Guidance

##### RSS

The North East Assembly has produced the Submission Draft Regional Spatial Strategy (RSS). This document will form part of the statutory development plan for the Borough, and once it is approved will replace the existing RPG1 and County Durham Structure Plan. The strategy provides the long-term framework for the region for developing a stronger economy and improving the quality of life of communities as places to live and work. A key theme throughout the report, is the need for development that takes place to be in compliance with sustainable development principles. These concepts will be fully enshrined in the final version of RSS that will be developed by GO-NE over the coming months.

Policy 2 of the document concerns Sustainable Development and highlights that LDFs should support sustainable construction and development through the delivery of a number of objectives relating to environmental, social and economic concerns. A well designed detailed scheme would be likely to meet these requirements.

Policy 3 of Submission Draft RSS advocates the sequential approach to development that gives priority to previously developed land and buildings in the most sustainable locations. All sites should be in locations that are, or will be, at lowest risk from flooding, and well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling. This criterion is broadly compliant to that contained within PP3 and it is clear that this location would be a priority for development as it constitutes previously-developed land within Spennymoor’s urban area, provided accessibility improvements can be made.

Policy 5 of Submission Draft RSS concerns the locational strategy and dictates that new development should be concentrated in the conurbations and main towns, as these are the most sustainable locations where the majority of economic activity takes place.

Policy 7 relates to the Tees Valley City Region and specifically supports the regeneration of Spennymoor. Housing should be developed to support the economic growth strategies in sustainable locations, mainly on previously developed land in areas where it does not undermine existing housing markets, particularly housing market-restructuring areas. This proposal is in broad accordance with these policies

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This proposal comprises 104 residential units, which are likely to be of mixed size and type. All of these would be on previously developed land. This would be consistent with Policies H1 and H4 of RPG1 as it would contribute significantly to meeting the region's previously developed land targets of 60% by 2008 and 65% by 2016.

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 order to ensure that a sustainable form of development is delivered, the developer would have to enter into a Section 106 agreement to make financial contributions towards these initiatives and to improve the existing footpath/cycle path network in order to make them more attractive to the public. This would be consistent with the approach that has been adopted in respect of the Thorns application.

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.

It is not considered that the proposal ought to be considered in isolation, as the suitability of the site for housing development is determined to a significant extent by the recent decision to approve housing development on the existing Thorn site on Merrington Lane. The current application therefore adds further weight to the need for the whole area to be the subject of a Master Plan, to ensure that development on land to the south of A688 is brought forward in a planned and co-ordinated fashion. It is considered therefore that the applicant should be required to contribute towards a Master Plan if planning permission were to be granted.

**Provision of Affordable Housing**

PPG3 states that the need for affordable housing is a material planning consideration. In order for Local Authorities to request affordable housing provision, there is a need to demonstrate a lack of affordable housing to meet local needs through evidence, such as Housing Needs

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Survey. Draft PPS3 and Circular 6/98 reinforce the Government view that there is a need for a sound evidence base to justify affordable housing provision.

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 s106 agreement.

Ecology

Circular 06/2005 'Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' that accompanies Planning Policy Statement 9 'Biodiversity and Geological Conservation' states that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'* (Para 98).

On this occasion no supporting ecology documentation has been submitted as part of the application, and for this reason, Natural England has not been able to offer substantive comments on the proposal. In response to their suggestions about a screening exercise, the Council's Countryside Team has examined the site. It has been concluded that the site bears evidence of nesting birds and the plant species 'birdsfoot trefoil'. The latter is a food source for the Dingy Skipper, a butterfly identified in the County Durham Biodiversity Action Plan, and it is considered that a Phase 1 Ecological Survey ought to have been carried out prior to submission of the application, and a report submitted identifying the presence or otherwise of any species that might be affected by the development, together with remediation measures.

A Phase 1 Ecological survey and report could not be carried out until next summer and whilst some unresolved issues could be catered for by way of the imposition of conditions on an outline planning permission Circular 06/2005 Biodiversity and Geological Conservation Statutory Obligations and Their Impact Within The Planning System' advises that

*'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted'*.

This approach is also echoed in Planning for Biodiversity and Geological Conservation –A Guide to Good Practice which states that:

*Where a development poses a likely risk of harm to a protected or priority BAP species, local planning authorities should ensure that an adequate survey is carried out in advance of a planning application. The results of this survey should be submitted with the planning application and show how the proposal has taken this evidence into account through its design and any mitigation or compensation proposed.*

PPS9 makes it clear that similar protection should be afforded to species identified in biodiversity action plans.

In this case no information whatsoever has been submitted with the application that suggests either the presence or absence of any protected species and/or their habitats on the site. In the



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absence of an ecological survey it is not possible to make a fully informed decision, as all relevant material considerations may not have been addressed in making the decision. To do so would potentially leave the Council open to criticism at the very least and at the worst subject to judicial review in the event that it was subsequently established that an ill formed decision had been reached which did not properly take into account the impact upon protected species.

**CONCLUSION**

It is considered that the principle of residential development in this location is acceptable because, whilst the proposed site is detached from the existing settlement of Spennymoor, its development for housing would present an opportunity to redevelop a redundant brownfield site, which would, to a significant degree, accord with RPG1, the Submission Draft RSS, the Borough Local Plan and national guidance contained within PPG3 and Draft PPS3. There is potential to make an efficient use of land, offer a good housing mix, and be of high quality design. It is a requirement of that does not have an unacceptable impact on the environment. The proposal would contribute significantly towards the national target that by 2008, at least 60% of additional housing should be provided on brownfield land.

The scheme would provide Spennymoor with a significant provision of affordable housing, in accordance with national, regional and local guidance. This would also help to sustain existing shops, services and facilities within Spennymoor.

As stated previously, whilst some unresolved issues could be catered for by way of the imposition of conditions on an outline planning permission, the applicant has not addressed the ecological issues in any way. The applicant has not provided an Ecological Report and as such insufficient information has been provided to demonstrate whether or not the development would have an adverse effect on a protected species or priority Biodiversity Action Plan species.

**It is therefore RECOMMENDED that planning permission be refused for the following reason:**

1. The proposal provides insufficient information regarding the impact of the development on protected species, is in conflict with Policy E14 'Safeguarding Plant and Animal Species Protected by Law' and contrary to Planning Policy Statement 9 'Biodiversity and Geological Conservation.

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