

# Item 4

SEDGEFIELD BOROUGH COUNCIL

REPORT TO DEVELOPMENT  
CONTROL COMMITTEE

8 TH DECEMBER 2006

REPORT OF HEAD  
OF PLANNING SERVICES

PROPOSED DEMOLITION OF EXISTING FACTORY UNIT AND SUBSEQUENT REDEVELOPMENT FOR APPROXIMATELY 400 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE IMPROVEMENTS AT MERRINGTON LANE INDUSTRIAL ESTATE SPENNYMOOR

## 1.0 PURPOSE OF THE REPORT

1.1 To ratify the in principle decision made by the Development Control Committee on the 20th October 2006 to approve the planning application (Plan Ref 7/2006/0476/DM) subject to conditions and the imposition of a Section 106 Legal Agreement for the demolition of existing factory premises and subsequent redevelopment for approximately 400 residential units with associated landscaping and infrastructure improvements at Merrington Lane Industrial Estate, Spennymoor, for Thorn Lighting, following confirmation from the Government Office for the North East (GONE) that the Secretary of State had decided not to call in the application to determine herself and that the application should remain with the Council for decision. A copy of the decision letter is found at Appendix 3

1.2 Following consideration of the application at committee a considerable amount of officer time has been spent in negotiations with the applicant's agents in preparing the draft legal agreement. In doing so it subsequently transpired that a couple of conditions had been duplicated in the committee report and that it was possible to deal adequately with a number of the issues set out in the proposed heads of terms for the agreement by condition instead. The appendices attached to this report which Members are asked to endorse reflect these changes.

## 2.0 BACKGROUND

2.1 On the 20th October 2006 Development Control Committee endorsed the officer recommendation of approval in respect of the above mentioned planning application. The decision to grant approval was made in the knowledge that the application needed to be referred to GONE because the proposed housing development would constitute a major departure from the Development Plan.

2.2 The purpose of referring an application to GONE is to enable the Secretary of State to decide whether or not she wishes to call in the application to determine herself.

### 3.0 THE DECISION OF THE SECRETARY OF STATE

3.1 Notification has now been received from GONE dated the 15th November 2006 (copy attached) stating that the Secretary of State has decided not to call in the application. The Secretary of State in arriving at this decision has taken the following factors into account:-

- contributing to the delivery of sustainable development through the achievement of social cohesion and inclusion, the protection and enhancement of the environment, the prudent use of natural resources and sustainable economic development;
- promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all;
- meeting the housing requirements of the whole community, including those in need of affordable housing, widen housing opportunity and create mixed communities;
- re-using previously developed land within urban areas in preference to the development of greenfield sites;
- creating more sustainable patterns of development by exploiting and delivering accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services;
- making more efficient use of land;
- reducing car dependence by facilitating more walking and cycling, improving linkages by public transport between housing, jobs, local services and local amenity;
- promoting good design in new housing developments, including placing the needs of people before ease of traffic movement;
- using planning conditions to ensure the conservation and enhancement of the site's biodiversity or geological interest;
- reducing the need to travel by car;
- accommodating housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling;
- using planning conditions to ensure that developers undertake a programme of archaeological recording prior to development taking place;
- meeting the open space, sport and recreation requirements of the whole of the community by securing new provision;
- ensuring that development control decisions are taken efficiently and are consistent with national and international climate change policy obligation;
- controlling or reducing the impact of noise, as far as practicable, at the planning stage; and

- ensuring that planning applications are accompanied by a flood risk assessment.

The Secretary of State has concluded that her intervention would not be justified as there is not sufficient conflict with national planning policies on the above matters or any other sufficient reason to warrant calling in the application for her own determination. She has therefore concluded that the application should remain with Sedgefield Borough Council for decision.

#### 4.0 RECOMMENDATION

4.1 That in the light of the Secretary of State's decision not to call in the application, Development Control Committee endorses the earlier recommendation of approval as set out in the original committee report subject to a variety of conditions set out in appendix 1 and that the Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval certificate in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers the various elements of planning gain in the revised heads of terms set out in appendix 2.

**APPENDIX 1**

**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><b>Reserved Matters</b></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><b>Reserved Matters</b></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><b>Phasing of Development</b></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><b>Phasing of Development</b></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><b>Housing Provision</b></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><b>Method statement</b></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><b>Means of access</b></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><b>Site Access</b></p> <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><b>Travel Plan</b></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>
10	<p><b>Open Space Provision</b></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>
11	<p><b>Controls during Demolition</b></p> <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>
12	<p><b>Archaeological.</b></p> <p>No development shall take place until the applicant has secured the implementation of an agreed programme of archeological works and archaeological 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>
13	<p><b>Landscaping details</b></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</p>

	<p>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>
14	<p><b>Landscaping implementation</b></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>
15	<p><b>Landscaping maintenance</b></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>
16	<p><b>Landscape Management Plan</b></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>
17	<p><b>Protection of trees</b></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</p>

	<p>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>
18	<p><b>Surface water run-off</b></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>
19	<p><b>Footpaths and cycle ways</b></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>
20	<p><b>Contamination</b></p> <p>No development approved by this permission shall be commenced until:</p> <p>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.</p> <p>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:</p> <p>- a risk assessment to be undertaken relating to ground and surface</p>



	<p>waters associated on and off the site that may be affected, and</p> <ul style="list-style-type: none"> <li>- refinement of the Conceptual Model, and</li> <li>- the development of a Method Statement detailing the remediation requirements</li> </ul> <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>
21	<p><b>Contamination</b></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>
22	<p><b>Remediation</b></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>
23	<p><b>Levels, existing and proposed</b></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>

24	<p><b>Means of enclosure</b></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>
25	<p><b>Noise</b></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>
26	<p><b>Material storage and employee parking during construction</b></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>
27	<p><b>Wheel washing facilities</b></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>
28	<p><b>Energy Efficiency</b></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</p>

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.

### **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

	<p>T7 Traffic Generated by New Development</p> <p>L1 Provision of Open Space, including Standards  L2 Provision of Open Space in New Housing Development  L9 Footpaths, Cycleways and Bridleways in the Countryside</p> <p>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</p>
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	<p>Supplementary Planning Guidance Notes:</p> <p>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</p>
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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 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 inclusion of elements of public art or contribution to towards public art.
- 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.



GOVERNMENT OFFICE  
FOR THE NORTH EAST

RECEIVED

15 NOV 2006

Mr Glyn Hall  
Director of Neighbourhood Services  
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Your Ref: 7/2006/0477DM  
Our Ref: GONE/M1330/219/06/1  
Date: 15 November 2006

For the attention of Andrew Farnie

Dear Sir

**PROPOSED DEMOLITION OF EXISTING FACTORY UNIT AND SUBSEQUENT REDEVELOPMENT FOR APPROXIMATELY 400 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE IMPROVEMENTS AT MERRINGTON LANE INDUSTRIAL ESTATE, SPENNYMOOR**

I refer to your letter of 7 November 2006 referring to the Secretary of State under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, an application for detailed planning permission for the above development.

2. As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that in general they should be free to carry out their duties responsibly, with the minimum of interference.
3. There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine it herself, instead of leaving it to the local planning authority. Her policy is to be very selective about calling in planning applications. In general, she will only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.
4. We have carefully considered all the matters raised about this application. The issue before the Secretary of State for decision is not whether the application should be granted planning permission, but whether or not she should call it in for her own determination. The Secretary of State considers that the main matters relevant to her decision in this case are national policies with regard to:

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INVESTOR IN PEOPLE

- contributing to the delivery of sustainable development through the achievement of social cohesion and inclusion, the protection and enhancement of the environment, the prudent use of natural resources, and sustainable economic development (*PPS1 – Delivering Sustainable Development*);
- promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all (*PPS1 – Delivering Sustainable Development*);
- meeting the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities (*PPG3 - Housing*);
- re-using previously-developed land within urban areas, bring empty homes back into use and convert existing buildings, in preference to the development of greenfield sites (*PPG3 - Housing*);
- creating more sustainable patterns of development by exploiting and delivering accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services (*PPG3 - Housing*);
- making more efficient use of land (*PPG3 - Housing*);
- reducing car dependence by facilitating more walking and cycling, improving linkages by public transport between housing, jobs, local services and local amenity; (*PPG3 - Housing*);
- promoting good design in new housing developments, including placing the needs of people before ease of traffic movement (*PPG3 - Housing*);
- using planning conditions to ensure the conservation and enhancement of the site's biodiversity or geological interest (*PPG9 – Biodiversity and Geological Conservation*);
- reducing the need to travel by car (*PPG13 – Transport*);
- accommodating housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling (*PPG13 – Transport*);
- using planning conditions to ensure that developers undertake a programme of archaeological recording prior to development taking place (*PPG16 – Archaeology and Planning*);
- meeting the open space, sport and recreation requirements of the whole of the community by securing new provision (*PPG17 – Planning for Sport, Open Space and Recreation*);

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- ensuring that development control decisions are taken efficiently and are consistent with national and international climate change policy obligation (*PPS22 – Renewable Energy*);
- controlling or reducing the impact of noise, as far as practicable, at the planning stage (*PPG24 – Planning and Noise*);
- ensuring that planning applications are accompanied by a flood risk on assessment (*PPG25 – Development and Flood Risk*);

5. The Secretary of State has concluded that her intervention would not be justified as there is not sufficient conflict with national planning policies on the above matters or any other sufficient reason to warrant calling-in the application for his own determination. She has therefore concluded that the application should remain with Sedgefield Borough Council for decision.

6. In considering whether to exercise her discretion to call-in the application, the Secretary of State has not considered whether the development proposed is "EIA development" for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The local planning authority responsible for determining the application remains the relevant authority responsible for considering whether the 1999 Regulations apply to the proposed development and, if so, for ensuring that the requirements of the 1999 Regulations are complied with.

7. Would you please forward to the Secretary of State at the address of this Office a copy of any permission granted for the development referred to above, in accordance with paragraph 6 of the above Directions?

Yours faithfully



**IAN D J MARTIN**  
Authorised by the Secretary of State  
to sign in that behalf

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