



County Planning Committee

Date Tuesday 5 February 2019
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 8 January 2019 (Pages 3 - 6)
5. Applications to be determined
 - a) DM/16/00107/OUT - - Land To The South Of Three Ways, Hurworth Burn Road, Trimdon Village, TS29 6LX (Pages 7 - 36)
Outline planning permission (including means of access) for the erection of up to 150 dwellings, provision of open space and associated infrastructure.
 - b) DM/18/03642/WAS - Unit 9 Admiralty Way, Seaham, SR7 7DN (Pages 37 - 58)
Change of use of Unit 9, Foxcover Distribution Park from B1/B8 to include B2, to enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure.
6. Proposed amendment to the Code of Practice for Members and Officers dealing with Planning Matters (Pages 59 - 76)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
8. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

9. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
28 January 2019

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Hawley, I Jewell, C Kay, A Laing,
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,
M Wilkes and S Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 8 January 2019 at 1.00 pm**

Present:

Councillor F Tinsley (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett, J Clare, K Hawley, I Jewell, C Kay, A Laing, L Maddison, G Richardson, A Shield, A Simpson, J Turnbull and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors Nicholson, Robinson and Shield.

2 Substitute Members

Councillor Bennett as substitute Member for Councillor Nicholson and Councillor Turnbull as substitute Member for Councillor Robinson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 4 December 2018 were confirmed as a correct record and signed by the Chairman.

Councillor Wilkes informed the Committee that he had been unable to attend the meeting on 4 December 2018 and had not been able to submit his apologies due to a last moment commitment. However, he referred to the item raised at that meeting regarding his query on the 2 October 2018 minutes regarding an application at Shildon. Councillor Wilkes informed the Committee that he was clear that he had heard reference to the levels of ponds at the site, which would be detrimental to the objector to that application and wished for this to be recorded.

5 Applications to be determined

DM/17/01033/FPA - Hurworth Burn Reservoir, Hurworth Burn Road, Trimdon, TS28 5NS

The Committee considered a report of the Senior Planning Officer regarding a hybrid application for the formation of 81 touring caravan pitches, 26 holiday lodges

and associated amenity, storage and maintenance buildings, infrastructure and access, the erection of a building to serve as a water sports centre, including bar/restaurant (outline all matters reserved except access and the part change of use of a reservoir to allow non-motorised water sports at Hurworth Burn Reservoir, Hurworth Burn Road, Trimdon (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application, which included a site location plan, aerial photograph, proposed site layout, a representation of the caravan site, view from the northern shore, proposed holiday lodges, views from the north east shore and Castle Eden Walkway and the existing site entrance. The Senior Planning Officer informed the Committee that since the publication of the report one additional letter of objection had been received.

Mr A McLee of Teesmouth Bird Club addressed the Committee to object to the application. Mr McLee informed the Committee that the Bird Club supported the recommendation in the report that the application should be refused with similar objections as contained in the Planning Officer's report.

Mr McLee referred to the applicants statement at paragraph 63 of the report that an additional and almost identical habitat available at the Crookfoot Reservoir 2 miles away and informed the Committee that there was no evidence to support this. Mr McLee asked that if this was an alternative site, why birds were not currently occupying the site.

Mr M Thompson, local resident, addressed the Committee to object to the application. The Hurworth Burn Reservoir was a gem of the locality and was unique in east Durham. The proposed development would be detrimental to wildlife at the reservoir and the Environment Agency had objected to the application on the grounds that the assessment and mitigation of the risks to otters were inadequate.

Mr Thompson expressed concerns regarding flooding of the site and downstream and questioned whether the development would exacerbate these problems, as well as possible problems with water contamination. Mr Thompson asked the Committee to uphold the recommendation in the report and refuse the application.

Mr R Woolridge, architect, addressed the Committee on behalf of the applicant. The application had been amended since its original submission and water based activities no longer formed part of the scheme.

The application was being recommended for refusal on grounds of ecology. The scheme had been revised and now only affected 13% of the site and mitigation measures were proposed. Natural England had not objected to the scheme the first two times they were consulted.

There was no evidence of an otter holt on site. The applicant considered that the ecology report had not been assessed in a balanced manner and was willing to meet the cost of an independent ecology report for the application.

This was a unique site and the scheme would provide jobs, bring much needed income to the local economy in the Trimdon area and was possible to be delivered with proposed mitigation measures. Mr Woolridge asked the Committee to consider approving the application or deferring the application pending the production of an independent ecology report.

The Senior Planning Officer informed the Committee that the applicant had offered amendments to the application but none of these had been supported with revised environmental information, so the amendments had not been accepted.

Councillor Wilkes asked why there had been no site visit the previous day for the application. H Jones, Principal Planning Officer replied that the reasons for carrying out site visits were contained in the Council's Constitution and included that the impact of the proposed development was difficult to visualise from the plans and any supporting material, including photographs taken by officers; or the proposal was particularly contentious. None of these were considered to apply for this application.

Councillor Wilkes considered that because the application was being recommended for refusal because of its visual impact and impact on ecology and a site visit had not been carried out it was difficult to assess the visual impact. The applicant was willing to fund an independent ecology assessment of the proposal and Councillor Wilkes **moved** that the application should be deferred pending the production of the assessment and the Committee carrying out a site visit.

Councillor Tinsley reminded Councillor Wilkes that any Member could request a site visit when they receive the agenda for a meeting which is a week before the meeting takes place.

Councillor Maddison referred to paragraph 42 of the report which referred to insufficient information being available on the possible impacts of the proposal and considered that the Committee had sufficient information on which to make a decision. The applicant was willing to fund an independent ecology report on the impact to assess the impact of the proposal and Councillor Maddison **seconded** Councillor Wilkes proposal that the application be deferred. Councillor Maddison added that the proposal would bring much needed tourism accommodation into County Durham.

Councillor Bell informed the Committee that there was a shortage of this type of proposed holiday accommodation within County Durham and that the development of such sites should be encouraged. However, he recognised that there were objections to the application to be overcome and more ecology work needed to be done.

Councillor Kay could see no reason to defer the application pending the production of a further ecology report. There were already two ecology reports, one from the applicant and one from Council officers and they had different views. There was no need for a third report. He considered the ecology case to be overwhelmingly against this application and **moved** refusal of the application for the reasons stated in the report.

Councillor Jewell considered that the offer for the production of a third ecology report was clouding the issue. Although Visit County Durham were supportive of the application, planning officers had considered the application in a wider sense, including ecological impact. Councillor Jewell **seconded** refusal of the application.

Councillor Clare considered that there was no justification to defer the application. The scheme had changed as it progressed and the agent for the applicant now offered an independent ecology report on the application. These were all matters which should be sorted before applications were brought to Committee for determination and if the scheme was to change then a new application should be submitted.

N Carter, Planning and Development Solicitor informed the Committee that tourism benefits were a material planning consideration. The proposed deferment was for additional information to be submitted and the production of an independent ecology report. It would be unusual to require a further independent ecology report. It was for the Committee to determine whether it accepted the opinion of the Council Ecology Officer or did not. The application was of some age so it was likely that the applicant had already been afforded an opportunity to submit the required further information but invited the Senior Planning Officer to confirm.

The Senior Planning Officer confirmed that the application had been in since March 2017 and it was clear there was no middle ground on ecology, therefore it had to be determined. He had invited the applicant to submit further information but none had been forthcoming. He agreed that it would be extraordinary to get a third ecologist to review the ecology position when the Council employs a specialist ecologist to do that. Whilst he fully recognised the benefit of tourism, it did not outweigh the adverse landscape and ecology impacts.

G Shears, Senior Ecologist informed the Committee that this was a County Wildlife Site which hosted overwintering birds and otters. The information from the applicant had been assessed together with information held by the Council's Ecology Service. Surveys carried out by the applicant were deficient and information had been provided on a sporadic basis. The full ecological impact of the proposed development could be found at paragraphs 73 to 83 within the report.

Councillor Wilkes informed the Committee that he had listened to the information provided and would now support refusal of the application. Councillor Maddison informed the Committee that she remained to **move** deferment of the application. There was no seconder to this motion.

Moved by Councillor Kay, **Seconded** by Councillor Jewell and

Resolved:

That the application be refused for the reasons contained in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/00107/OUT
FULL APPLICATION DESCRIPTION:	Outline planning permission (including means of access) for the erection of up to 150 dwellings, provision of open space and associated infrastructure.
NAME OF APPLICANT:	Sustainably Green Regeneration Ltd
ADDRESS:	Land To The South Of Three Ways, Hurworth Burn Road Trimdon Village, TS29 6LX
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a largely rectangular shaped parcel of land located to the eastern edge of Trimdon to the south of the County. The site extends to approximately 5.10 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 8m in a south easterly direction. The site is bound by the highway Hurworth Burn Road to the north, which beyond lies Trimdon Cemetery. Agricultural fields are located to the east while allotment gardens are sited to the south of the site. An existing field access to the north taken off Hurworth Burn Road provides vehicular access. Part of the site (1.34ha) is in the ownership of the County Council.
2. A public right of way (Footpath No.9, Trimdon) extends adjacent to the eastern boundary of the site. A second public right of way (Footpath No.30, Trimdon) crosses the north western corner of the site. There are informal pedestrian access paths extending off the site running in an east-west direction.
3. The site is located approximately 270m to the south of Charity Land Site of Special Scientific Interest (SSSI) and Captains Well Local Wildlife Site, 1330m to the north east of Fishburn Grassland SSSI and 1500m to the South east of Trimdon Limestone Quarry SSSI and Raisby Way and Trimdon Grange Local Nature Reserve. Approximately 3000m to the east of the site lies Hurworth Burn Reservoir Local Nature Reserve. Part of the northern boundary of the site forms the boundary to Trimdon Village Conservation Area with includes the Grade II Colliery Disaster Memorial in

Trimdon Cemetery (37m away) and the Grade II listed building of the Church of St. Mary Magdalene (190m away).

The Proposal and Background

4. This amended outline planning application seeks permission for the erection of up to 150 dwellings and the provision of open space and associated infrastructure including the means of access, with all other matters reserved. The application was amended on the 11th January 2019 removing a proposed health centre from the scheme and increasing the number of dwellings from 138 to 150. This amendment followed withdrawal of the application from the 5 June 2018 County Planning Committee to permit further consideration of the proposed health centre element of the proposal.
5. An illustrative masterplan has been submitted, which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off a main distributor road. It is indicated that there would be active frontages overlooking a central area of public open space. The masterplan sets out that a landscape buffer would be created to the eastern site boundary extending up to 20-30m in width incorporating areas of public opens space and S.U.D.S features. 10% of the dwellings would be offered on an affordable basis.
6. The main vehicular access to the site would be taken off Hurworth Burn Road with a protected right turn created within the carriageway, highway widening works would extend up to Horse Close Lane. A second vehicular access is proposed to be taken off Swainby Road, along with a pedestrian access.
7. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

8. An outline planning application for the erection of up to 138 dwelling and a health centre (7/2011/0441/DM) was disposed of by the Authority in 2013.
9. An outline planning application for part of the site for the erection of 112 dwellings was refused in 2006 (Ref 7/2066/0152/DM) due the development being beyond the settlement boundaries of Trimdon, impact on the conservation area and the level of screening provided to the east.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in

the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

12. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. NPPF Part 12 – Achieving well-designed places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

20. NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

24. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
25. *Policy E11 – Safeguarding of sites of Nature Conservation Interest –* Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.

26. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
27. *Policy E18 – Preservation and Enhancement of Conservation Areas –* Sets out that that the character or appearance of conservation areas will be preserved or enhanced, by not normally allowing development proposals which would detract from their character and appearance and not allowing the demolition of buildings or structures. Applications are required to be supported by sufficient detail to demonstrate the impact of the proposal on such areas.
28. *Policy H8 – Residential Frameworks for Larger Villages.* Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Trimdon.
29. *Policy H18 – Acceptable Uses within Housing Areas.* States that facilities such as small shops, surgeries and community facilities located within housing areas will normally be granted planning permission provided compliant with other policies and appropriate in terms of scale, character and residential amenity.
30. *Policy H19 –Provision of a range of house types and sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
31. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
32. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings
33. *Policy L5 – Safeguarding Areas of Open Space* sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development of new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment whether there is sufficient provision would be required
34. *Policy L16 – Health Centres and Surgeries –* Sets out that Health Centres, Doctors, Dentists and other surgeries should be located with or on the edge of town, local or village centres. They should be located close to bus stop and have level access and adequate car parking.
35. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
36. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

37. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
38. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
39. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
40. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
41. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

42. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Sedgefield Borough Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Trimdon Parish Council* – Offer support for the proposals, though consider that more central locations should be considered for the health centre.
44. *Highways Authority* – It is advised that the proposed access arrangements to the site are broadly acceptable, this includes the proposed primary access into the site from Hurworth Burn Road including the formation of a protected right turn and highway road widening up to Horse Close Lane along with the formation. The proposed secondary vehicular access onto Swainby Road is also considered broadly acceptable and necessary to serve the development. This is subject to securing final engineering

details and increasing the width of the primary access road to 6.75m and the secondary access to 6.1m, to be agreed by condition.

45. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
46. *Drainage and Coastal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme prior to submission of any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

47. *Spatial Policy* – Advise the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). It is identified that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan.
48. It is also advised that the NPPF, does not prevent a local planning authority from defining settlement boundaries; however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the SBLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date. As a result they can only be afforded limited weight in the decision making process.
49. Therefore, in the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular Paragraph 11, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and the remaining relevant saved policies of the SBLP.
50. It is identified that the site is not designated under policy L5 of the SBLP as open space but the Councils 2010 OSNA classified the site as open amenity space. SBLP policy L5 sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development representing new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment of whether there is sufficient provision for the settlement would be required.
51. *Design and Conservation* – Advise the submitted heritage statement adequately assesses the impact of the development on the historic environment. Due to the transformative nature of the scheme on this undeveloped part of the village, the scheme will cause localised harm to the setting of the conservation area as a result of the further erosion of the historic core. However this harm is assessed as being less than substantial.
52. *Landscape* – Advise that some adverse landscape and visual effects would arise contrary to relevant development plan policies. These include the potential vegetation removal to facilitate the access and required site lines. An existing tree belt screens

the development site, the submitted masterplan identifies that there would be some incursion into this area and footpaths and opens spaces formed. Concerns are also raised regarding the impact on the Conservation Area, particularly in relation to the current rural approach into the village which would be changed, whilst there would be some loss of village green to facilitate the required highway works. Views of the development would also be achievable from within the Conservation Area.

53. *Landscape (Arboriculture)* – Advise that any detailed planning application will require an accurate survey of trees and hedgerows to inform the layout to minimise any impact on these features.
54. *School Places and Admissions Manager* – Advise that a development of 150 houses could produce an additional 45 primary pupils and 18 additional secondary pupils. It is identified that there are sufficient secondary school places however in relation to primary school places there would not be sufficient space to accommodate the pupils generated from the development. Based on the Council's policy in calculating developers contributions in relation to education provision, taking into account existing surplus in the area a total of £661,635 contribution would be required to mitigate the developments.
55. *Housing Delivery* – Advise that the proposed 10% (15 units) affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
56. *Ecology* – Raise no objection, advising that there are no adverse impacts on protected species and habitats. Advice is offered in relation to the final layout including the retention of hedgerows, with appropriate buffers and lighting to maintain foraging for bats. The detailing of the amenity areas should be designed to provide and enhance biodiversity with appropriate management strategies.
57. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is not in close proximity of any Air Quality Management Areas, however that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 AADT LDV flows and 100 AADT HDV flows. Methods for the suppression of dust and particulates should be adopted during construction.
58. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
59. *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objection recommending a conditional approach to requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents along with details of any plant on the Health Centre.
60. *Archaeology* – Have previously advised that the results of a desk top survey are sound, but this should be followed up by a geophysical survey and trial trenching. This should be undertaken before the determination of any application which sets the layout in case any remains need to be retained in situ.
61. *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent and crossing the development site. Officers consider that opportunities for improving links in the public rights of way network should be secured through the consideration of the reserved matters application.

62. *Sustainable Transport* – Advise that a framework and a final travel plan should be submitted by condition.
63. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation
64. *Sustainability Team* – Summarise previous SHLAA assessment results highlighting average assessment results in respects to social and environmental determinants and poor results in respects to economic determinants. Embedded sustainability measures within the development should be conditioned.

NON-STATUTORY RESPONSES:

65. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, Concerns are raised regarding the proposed layout whilst recognising that the application is at an outline stage. It is advised that an appropriate scheme of lighting should be developed.
66. *NHS* – Advise that the local primary care services are under extreme strain and the formation of additional dwellings in this location would put further pressures on the capacity of current provision. The formerly proposed creation of an additional on-site facility would not be helpful in this regard. This is because it would add additional pressure to an already stretched workforce, at a time when the GP practice is engaging with patients to reduce the current number of operational sites. The proposal of £200k investment is welcomed as it would assist in delivering better access to GP services in line with the NHS Plan.

PUBLIC RESPONSES:

67. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

Objection

68. 17 letters of objection from local residents have been received in relation to the development as summarised below.

Principle/Sustainability of development

- The development would not accord with the Sedgefield Borough Local Plan, the plan sets out that this site should be protected for heritage and open space reasons.
- The size of the development is greater than that proposed in the plan for larger villages.
- There are sufficient brownfield sites that could be developed out first, other land is available within Trimdon.
- Local infrastructure could not support the development, the nursery school is oversubscribed and others have issues with capacity.
- The development is not located within a sustainable location, there are no employment sites within the vicinity of the site and future journeys would likely be by private car.
- The proposal to build a health centre does not address the issues with funding and will likely not meet the needs of residents.
- 10% affordable housing should be required to be provided.
- The site does not integrate well with the rest of the village in relation to transport needs.
- The location of the medical centre out of the village centre will increase car trips.

- There are restrictive covenants which prevent development of part of the site.
- Development would result in the loss of public access over open land.

Highways

- Concerns of flooding on the road network in the vicinity of the site
- The lack of street lighting on Hurworth Burn Road is highlighted.
- The existing road network would not support the development, particularly in relation to HGV's during construction.
- Consideration should be given to upgrading the road network.
- The lack of footpaths on the road network is highlighted.
- Concerns regarding site lines achievable out of the access.

Residential Amenity

- Potential impact of construction traffic on highway safety and residential amenity.
- Appropriate conditions should be attached if approval is given to limit the construction impact.
- Loss of outlook for existing residents.
- Loss in value of existing homes.
- Potential loss of access.

Other Issues

- The potential for archaeological remains is highlighted.
- The potential ecological impact of the site is highlighted, some sections of the reports online have not been made available.
- Loss of as recreational facility.
- The development will have an impact of the heritage of the tranquil mediaeval village, particularly though increase traffic.
- A significant visual impact on the character of the conservation and open countryside area will arise as identified in the Councils SHLAA assessment.
- Concerns are raised regarding the loss of hedgerows on site.
- The site is green belt land.
- Impact of public footpaths in the vicinity and across the site.
- The development is a money making venture.
- The need for new housing is questioned.
- The local community is overwhelmingly against the development.
- Previous applications have been refused on site.
- The application does not show the layout and details of the development.
- Concerns over sewerage capacity.
- Concerns are raised regarding a potential increase in crime.
- The proximity of agricultural uses are highlighted and the smells generated from chicken sheds.
- The Loss of agricultural land is highlighted.
- The submitted data is now out of date an inadequate to determine the planning application.
- The development would negatively impact on the conservation area contrary to local plan policies. Other applications that impact on the conservation area have been refused within the village.

69. CPRE – Consider that the proposed development would have a significant detrimental impact on the conservation area and adjacent listed buildings and that the previous refusal reflected that. This harm must be given weight in the appropriate planning balance test. Weight should also be afforded to the statutory presumption against development under S.72 under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Support

70. Three letters of support for the development has been received from local residents, highlighting the benefit of new housing for young families and that new developments are positive subject to concerns around highway safety being addressed.

APPLICANTS STATEMENT:

71. This application for 150 new homes in Trimdon village provides a realistic way of meeting development needs in the village first raised by the local community through the Parish Council. The first application had some weaknesses, including not being contiguous with the existing village and uncertainty over the investment in the local community and was refused. The subsequent revisions have overcome those deficits. The application now includes land owned by the council between the original site and existing development off Swainby Road and investment through a commuted payment into local healthcare provision.
72. There is strong support for the proposals in the local community as the introduction of a choice of new homes into the village will make an important addition to local diversity that will benefit the village as a whole and help secure the future of services and facilities, including healthcare.
73. Healthcare was originally proposed to be dealt with by on-site provision of a medical centre to replace the current inadequate facility and a legal agreement was reached with the doctors' practice on its form, siting and occupancy. However, the intention to providing healthcare in the locality is changing and this led to the revised scheme now before committee.
74. Significant work has been put in on behalf of the applicant in working with the council, the parish council, the Doctor's practice and the PCC to facilitate construction of a new health centre on the nearby former school site and a number of meetings have been attended. However, important questions about the provision of health care in the Trimdons, Fishburn and Sedgfield remain unresolved and therefore it has been agreed that the cost of on-site provision be converted to a commuted payment available on sale of the land which can be flexibly applied to whatever health care solution is agreed to benefit existing and future residents of Trimdon.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

75. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: The principle/Location of the development, five year land supply, locational sustainability of the site, heritage impact, landscape and visual impact, loss of open

space, layout and design, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, other issues and planning obligations.

Principle of Development

76. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
77. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
78. Relevant to this application site is Sedgefield Borough Local Plan (SBLP) Policy H8 which identifies the residential framework within which housing development would normally be approved, ostensibly to “balance the need for new housing whilst maintaining the character of the countryside”. The Policy is positively worded, and, whilst aiming to maintain the character of the countryside, is considered only to be applicable to housing proposals situated within those settlements identified. The application site lies outside of such a settlement, for the purposes of this policy, and consequently it considered that SBLP Policy H8 is not applicable in this instance, and no support for the proposed development is drawn from it, nor is the development considered contrary to it.
79. It is noted that SBLP Policy H8 was originally accompanied by SBLP Policy E9 (Protection of the Countryside) which related to development proposals in the countryside outside of settlements, however this policy was not saved when the SBLP was reviewed, and consequently no longer forms part of the Development Plan. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development
80. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole

81. It is considered that the policies which are most important for determining the application are out of date and the acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as set out above.

Five Year Housing Land Supply

82. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
83. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
84. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was therefore impossible for the Council to have such an annual position statement in place at the time of the appeal.
85. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.
86. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Locational Sustainability of the Site

87. Paragraph 103 of the NPPF sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements and facilitate access to high quality public transport whilst development should address the connections between people and places. In this respect, whilst recognising that the development is located on the edge of the settlement, it is considered that the scheme would integrate itself well into the built environment of Trimdon by reinforcing and providing new pedestrian connections to the settlement and the public rights of way network. Objections have been raised regarding the sustainability of the site and Trimdon village as a whole.

88. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Trimdon representing a greenfield extension. However, a distance of approximately 450m is evident from the centre of the site to the village centre which provides retail options and community facilities. A distance of 735m is evident to the nearest Primary School. The walking routes into Trimdon are also on adopted well-lit highways with no significant topographical restrictions. Sedgefield and Wingate, which contain secondary schools and wider services, are located approximately 5 and 8 miles away, respectively.
89. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. The scheme would represent a modest 4% increase over and above the approximate 4000 properties within Trimdon. The erection of 150 dwellings is therefore considered to be proportionate to the villages role within County Durham and the level of services provided.
90. In terms of cycle access, the site performs slightly better, with services in Sedgefield a 15 minute cycle ride away. Trimdon is relatively well connected in terms of its bus service with regular bus routes (in excess of 1 per hour at times) to Sedgefield, Spennymoor, Bishop Auckland, Durham, Darlington and Middlesbrough. The closest bus stop would be located approximately 435m from the centre of the site. The proposed highway infrastructure would allow a bus route to be provided through the site should demand exist.
91. Separate discussion in respects to healthcare provision is contained elsewhere in this report.
92. Overall, it is considered that the proposed connections, walking distances and the frequency of the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with Paragraph 103 of the NPPF and SBLP Policies T1, D3, which is considered consistent the NPPF in this respect.

Heritage Impact

93. SBLP Policy E18 seeks to protect or enhance the character or appearance of conservation areas by not normally allowing development proposals which would detract from their character and appearance This policy is considered broadly consistent with the NPPF in this respect, which sets out at Part 16, that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. It does not, as one objector asserts, create a presumption against development. Further objections have also been raised regarding the heritage impact of the development, including the impact on the conservation area.

94. The heritage assets in this instance are identified as the Trimdon Village Conservation Area bordering the northern boundary of the site and the listed buildings including the Grade II listed building of the Colliery Disaster Memorial in Trimdon Cemetery (37m to the north away) and the Grade II listed building of the Church of St. Mary Magdalene (190m away to the east). The applicant has submitted a heritage statement which appraises the impact of the development on the significance of these heritage assets.
95. In reviewing the submitted heritage assessment and considering the potential impacts of the development the Councils Design and Conservation Officer advises that the submitted heritage statement adequately assesses the impact of the development on the historic environment. It is however advised that due to the inherent transformative nature of the scheme on this undeveloped part of the village, the scheme will cause localised harm to the setting of the conservation area as a result of the further erosion of the historic core. It is also identified that the development would be visible from limited parts of the conservation area. There would be some limited intervisibility between the development and the above identified listed buildings, however due to the separation of the site and screening of existing developments, it is considered that this would not impact on their setting. The visual impact of the loss of village green and the resultant impact on the Conservation Area is also recognised. It is advised by the Councils Design and Conservation Section that the identified harm is assessed as being less than substantial due to the landscaping proposed mitigation and the limited indivisibility between the site and most sensitive parts of the conservation area.
96. There would, as a result, be a degree of conflict with Policy E18 of the SBLP, which sets out that normally development proposals which detract from the character, appearance and setting of conservation areas would not be allowed. Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Consideration should also be given to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
97. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. A desk based assessment of the site was submitted in support of previous applications on the site which identified that there was no known archaeological resources that would be negatively impacted on whilst noting the presence of rig and furrow on part of the site. However the assessment recommends a geophysical survey to establish the nature and extent of any archaeological resource that may be present. In reviewing this assessment the Council's Archaeology Officer advises that the geophysical survey should be carried out before the determination of this application. However on balance given the nature of the application this work could be conditioned and undertaken before the submission of any reserved matters application which would inform the layout given the relatively low risk of significant remains being found.

Landscape and Visual Appraisal

98. SBLP Policy E1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance of the River Wear Area and protecting landscape features. SBLP Policy D1 required developments to take account of the sites natural features and adopt appropriate landscaping. SBLP policy E15 sets out that landscape, including trees and hedgerows features should be retained in the layout of the developments. These policies are considered consistent with Parts 12 and 15 of the NPPF which sets out that good design is indivisible from

good planning while also seeking to protect local landscapes. Objections have been raised regarding the visual impact of the development.

99. Landscape officers advise that the development would effectively extend the built form of Trimdon to the east. The effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse, as with all developments of this nature. In deeper views from the south east, the further encroachment of built form may be noticeable within the landscape, however the general character of the view would remain similar, as the development would largely be seen against the backdrop of Trimdon.
100. The visual impact of the development would be reduced providing the existing landscape buffer to the eastern boundary is incorporated into the development and left to fully mature. The existing mature hedge line adjacent to Hurworth Burn Road is also proposed to be retained, as encouraged by SBLP Policy E15, which would help retain the green approach into the village although there would be the perception of development behind and vegetation would need to be removed to facilitate the access into the site. The existing wide verge lining Hurworth Burn Road would also need to be reduced in width to facilitate a protected right turn into the site.
101. Overall, the built form of the development would remain relatively prominent particularly from Hurworth Burn Road and in these localised views including from the PROW adjacent to the eastern boundary of the site, extending the urban character of the settlement in to the countryside, however this impact would remain localised.
102. SBLP Policies E1 and D1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance of the River Wear Area and protecting landscape features and incorporating appropriate landscaping with developments. The development would result in landscape harm, a result of the development an extension beyond the established settlement edge. However, the combined visual impact is considered localised while views of the site would largely be set against the backdrop of existing housing development, whilst indicated landscape vegetation would help to filter these views. This harm is not considered contrary to Local Plan (SBLP Policy E1) due to its localised nature, however, the impact needs to be considered within the wider planning balance.

Loss of open space

103. SBLP policy L5 sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development representing new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment of whether there is sufficient provision for the settlement would be required. Objections have been raised regarding the loss of open space as a result of the development.
104. SBLP policy L5 designated larger sites of open space on the Proposals Map for protection. No designation was afforded to the site under this policy though the justification to the policy explains that only the larger sites are shown on the Proposals Map and it is considered that the policy remains applicable to smaller parcels of open land. SBLP policy L5 is considered partly consistent with the NPPF, paragraph 97 of the NPPF in general seeks to protect areas of open space, however when a development is proposed an assessment is required to establish whether the land is surplus to requirements, would be replaced by better provision or the development represents alternative sports which outweigh the loss. Further to this paragraph 96 of

the NPPF sets out that planning policies should be based on the robust and up to date assessments of need and provision for open space, recreational and sports provision. Reduced weight should therefore be afforded to policy L5 in the decision making process.

105. The Council carried out an Open Space Needs Assessment (2018) which identified all areas of open space within the County by typology, this is considered the most up to date assessment of need and provision. In this assessment the site has not been designated, a change from the previous 2010 OSNA which designated the site as amenity open space. Notwithstanding this, it is recognised that there is a public right of way and unregistered footpaths/desire lines crossing the site and that the site is used by dog walkers and members of the public accessing the wider countryside. The development of the site would impact on this function, however the indicative masterplan sets out that across the development site as a whole, approximately 2 ha of open space would be provided including across the amenity green space and parks and gardens typologies along with an offsite contribution for allotment, outdoor sport and play space typologies. Accessibility to the wider countryside to Public Rights of Way would be maintained and enhanced through the development. As a result it is considered that the proposals are compliant with SBLP Policy L5 and paragraph 96 of the NPPF.

Layout and Design

106. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.
107. In this respect the application is in an outline form, however based on the indicative master plan it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout could be achieved subject to the details to be provided through a reserved matters application.
108. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning condition.
109. Overall, subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies D1, D2, D3 and D5, and Part 12 of the NPPF.

Highway Safety and Access

110. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Concerns over highway safety, including the capacity of the road network to accommodate additional flows generated by the

development and the safety of the surrounding roads have been raised by local residents.

111. It is proposed that the main vehicular access to the site would be taken off Hurwoth Burn Road to the northern boundary of the site, creating a protected right turn into the site. The existing 30mph speed limit is proposed be relocated whilst visibility splays could be laid out to retain the existing hedgerow. A secondary vehicular and pedestrian access is proposed to be created off Swainby Road linking the development into the existing settlement. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network and concluded that the development would have an acceptable impact on relevant junctions.
112. In reviewing the proposals, the Highway Authority advise that this proposed access into the site would be acceptable, subject to achieving minimum access with and the delivery of off site highway works, including the widening of the highway along part of Hurwoth Burn Road up to Horse Close Lane. It is, however, advised that a condition would need to be attached to any planning approval to agree the finer detail of the access works, provision of the detailed visibility splays and ensure implementation. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application.
113. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP Policy D3 and Part 9 of the NPPF in this respect.

Residential Amenity

114. SBLP Policies D1 and D3 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These policies are considered NPPF compliant with parts 12 and 15 of the NPPF which requires that a good standard of amenity for existing and future users, whilst seeking to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. Objections have been raised by local residents in relation to construction related impacts.
115. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances, whilst recognising their outlook would change, it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage. It is recognised that the development would increase traffic and movement down Swainsby Road and adjacent streets. However this is considered commensurate with levels of traffic in other streets within Trimdon and would not warrant refusal of the application in itself.
116. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated. It is also recommended to control any plant erected on the proposed health centre to prevent any loss of amenity for future residents.

117. The proximity of intensive chicken rearing sheds approximately 800m to the east of the site boundary is not considered to give rise to issues around statutory nuisance given the existing sensitive receptors along the eastern edge of Trimdon Village.
118. Issues regarding a loss in value of existing properties or a loss of a view are not a material planning consideration.
119. Overall, the scheme would comply with SBLP Policies D1 and D3 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents subject to appropriate conditions and

Ecology

120. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located approximately 270m to the south of Charity Land Site of Special Scientific Interest (SSSI) and Captains Well Local Wildlife Site, 1330m to the north east of Fishburn Grassland SSSI and 1500m to the South east of Trimdon Limestone Quarry SSSI and Raisby Way and Trimdon Grange Local Nature Reserve. Approximately 3000m to the east of the site lies Hurworth Burn Reservoir Local Nature Reserve.
121. A phase 1 habitat survey has been submitted in support of the planning application. Subject to preserving the line of the existing hedgerow through the site and around the margins of the site, it is concluded that no species specially protected by law would be adversely affected by the proposals. Mitigation planting is proposed in the landscaped areas and areas of open space along with controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes. Subject to delivering this mitigation and subject to further review of the reserved matters application the Council's Ecology Officer raises no objections to the application. No objections or concerns are raised in regards to the above listed statutory and locally designated sites. The development is therefore considered to conform to SBLP Policy E11 (consistent with the NPPF) and Part 15 of the NPPF in this respect.

Flooding and Drainage

122. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
123. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to capture surface water in 1 and 100 year flood events to discharge at greenfield run off rates. The scheme also proposes the implementation of drainage channels and porous paving, would help restrict runoff to greenfield rate and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach once a layout in a reserved matters application is developed Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.

124. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
125. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Ground conditions

126. In relation to land contamination the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.

Other Issues

127. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 5.10ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Nor do Natural England classification maps for the North-East region identify the agricultural classification of the site.
128. In a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that even if the whole site was best and most versatile agricultural land, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
129. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. It is however advised that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 Annual Average Daily Trips (AADT) Light Duty Vehicles flows and 100 AADT Heavy Duty Vehicles flows. In this instance the development is not expected to exceed these thresholds (284 LDV and 3 HDV). No further assessment on the impacts of air quality is therefore required in this instance. Methods for the suppression of dust and particulates should be adopted during construction to be secured by condition.
130. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.
131. The development would impact on areas of Village Green through the required widening of the highway up Hurworth Burn Road, which is considered necessary for the development to be considered acceptable. The protection of Village Greens is covered by separate legal legislation which the applicant would need to satisfy.

132. It has been highlighted that there may be restrictive covenants preventing development over part of the site in Council ownership. This is considered a legal matter for any future developer to address.
133. Objections have been raised regarding whether relevant surveys and reports are up to date. How as advised by relevant consultees the submitted surveys/reports adequate to inform the application in relation to relevant material considerations.

Planning Obligations

134. SBLP Policy H19, in accordance with paragraph 62 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended) with the final make up of the affordable housing to be agreed through the S106 agreement.
135. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
136. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
137. In this instance the indicative site layout indicates that around 0.75ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other indicated incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £152,995 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 planning obligation.
138. The School Places and Admissions Manager advises that a development of 150 houses could generate an additional 45 primary pupils and 18 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is not sufficient capacity in local primary schools to accommodate the additional pupils generated. A contribution of £661,635 is sought to extend existing provision and mitigate the developments impact in this respect. The developer has agreed to this contribution. It is advised that sufficient secondary school capacity exists in the area.
139. The Council's Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in

accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement.

140. The applicant proposes a financial contribution of £200,000 to provide healthcare provision within the village, in lieu of previously proposed onsite health care provision. In respect of this provision, the NHS advise that the local primary care services are under extreme strain and the formerly proposed creation of an additional on-site facility would not be helpful in this regard. This is because it would add additional pressure to an already stretched workforce, at a time when the GP practice is engaging with patients to reduce the current number of operational sites. However, it is advised that the proposal of £200k contribution is welcomed as it would assist in delivering better access to GP services in line with the NHS Plan.
141. Paragraph 204 of the NPPF advises that, planning obligations should only be sought where they are, amongst other things, necessary to make the development acceptable in planning terms, and directly related to the development. The provision of affordable housing, open space and education contributions are all necessary to mitigate the impacts of the development. The willingness of the developer to enter into the targeted and recruitment and training clauses must be viewed as a voluntary arrangement and is discussed below. In regards to the healthcare contribution, whilst it is clear that the the contribution would have a benefit to the community both in terms of existing and prospective residents and would mitigate impacts of the development itself the total contribution of £200,000 would not be fully necessary to make the development acceptable, and accordingly, they can be only considered on a voluntary basis. The contributions cannot therefore be afforded weight as a benefit of the development, but can, nonetheless, be secured as a planning obligation.
142. Issues over restrictive covenants/right of access are considered legal matters and are not material planning considerations.

Planning Balance

143. As set out above the acceptability of the application should be considered under the planning balance test contained within Paragraph 11d of the NPPF. It is identified that the development would result in less than substantial harm to the Trimdon Village Conservation Area. Paragraph 196 sets out that his harm should be weighed against the public benefits of the proposal and this paragraph comprises of a policy which protects areas or assets of particular importance and can (if it is not met) provide a clear reason to refuse the development. Paragraph 11d also sets out that planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the NPPF taken as a whole.

Benefits

144. The development would assist in maintaining housing land supply. However, the Council can demonstrate in excess of 6 years deliverable housing supply and therefore the weight to be attributed to the contribution to housing supply, is a limited one.
145. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy sustaining local services and facilities. There has been limited new housing developments within Trimdon.

146. The development would provide an increased range of house types including 10% affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

147. The development would result in less than substantial harm to Trimdon Conservation Area, by eroding the historic core of the village in conflict with Policy E18 of the SBLP. However, it is recognised that there would be a limited degree of intervisibility between the site and the most sensitive parts of the conservation area.
148. The development would result in residual landscape harm as a result of developing a greenfield site and extending built development into the countryside. Mitigation planting proposed, the retention of existing vegetation and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
149. The loss of a parcel of amenity open space would result, however this is not designated within the 2018 OSNA whilst the development would improve provision of other typologies and retain accessibility to the wider countryside.
150. Highways mitigation measures would result in the loss of some extents of grass highway verges and these are designated as village green.
151. The development would result in the loss of 5.10ha of agricultural land and potentially this could be best and most versatile agricultural land, however, even in such a scenario this level of loss is not significant.

CONCLUSION

152. As the most important development SBLP policies for determining the application are considered out of date, the acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11(d) of the NPPF.
153. The development would conflict with Policy E18 of the SBLP, due to the impact on the character appearance and setting of conservation area. In this instance it is considered that the public benefits of maintaining housing supply, provision of affordable housing, associated economic benefits would outweigh the less than substantial harm to the conservation area and thereby satisfy NPPF paragraph 196.
154. In addition to the heritage harm it is identified that the development would result in residual landscape harm though developing a greenfield site and extending built development into the countryside, loss of a parcel of amenity open space, grass verge land designated as village green and potentially, result in the loss of 5.10ha of Best and Most Versatile Agricultural Land. However, for the purposes of Paragraph 11d, none of this identified harm would significantly and demonstrably outweigh the recognised, social and economic benefits of new housing. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the SBLP.
155. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contributions towards provision of open space and sporting opportunities, increasing primary school capacity and the provision of

affordable housing are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. However, the provision of Targeted Recruitment Training and the total healthcare contribution of £200,000 are not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide these, it is on a voluntary basis only and cannot be afforded weight in the assessment of this application.

156. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of:-

- 10% Affordable housing
- £152,995 towards open space and sporting provision within the Electoral Division
- £661,635 towards increasing primary school capacity in the area

And the voluntary contribution of:-

- £200,000 towards to the delivery of health care provision in the village.
- A Targeted Training and Recruitment Plan

and subject to the following conditions:-

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced other than remediation works and site access works.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters of the development shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall comprise a maximum of 150 dwellings.

Reason: To define the consent and precise number of dwellings approved

4. Prior to the construction of the first dwelling hereby approved full engineering details of the access and highway improvement works detailed on plan no. no. J048/Access-mitigation/Fig 1 Rev A shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate a minimum highway width of 6.75m and include a timetable of implementation and completion of the highway works. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework

5. Prior to the construction of the first dwelling hereby approved full engineering details of the access and highway improvement works detailed on plan no. J048/Access-mitigation/Fig 6 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate a minimum highway width of 6.1m and include a timetable of completion. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework

6. Notwithstanding the submitted information, prior to the construction of the first dwelling the site visibility splays set out on plan no. J048/Access-mitigation/Fig 1 Rev A shall be laid out in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.

7. Application(s) for approval of reserved matters of the development shall be in accordance with the principles established within the illustrative Masterplan Drwg: 12-082-1002-B

Reason: In the interests of the visual amnesty of the surrounding area, in accordance with policy E1 and D1 of the Sedgfield Borough Local Plan and parts 12 and 15 of the NPPF.

8. Notwithstanding the submitted information and the requirements of condition no. 7, application(s) for approval of reserved matters of the development shall make provision to ensure that a minimum of 4950sqm of amenity/natural green space and 2310sqm of parks and gardens typologies. Full details of which, including the mechanism for the subsequent management and maintenance of these areas, shall be submitted to and agreed in writing prior to the occupation of the 1st dwelling. The open space areas shall be made available allowing free and unrestricted access by residents of the development upon the completion of the development.

Reason: In order to supply sufficient amenity space for future residents and to mitigate the loss of open space in accordance with saved Policies L1, L2 and L5 of the Sedgfield Borough Local Plan and Part 8 of the National Planning Policy Framework.

9. Prior to the occupation of the first dwelling of any phase hereby approved, full engineering details including a timetable of completion and future maintenance of the internal highway network layout, including private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.

10. Prior to the occupation of the first dwelling hereby approved a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with policy D3 and T1 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.

11. Within a period of six months of the first occupation of any part of the development a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with policy D3 and T1 of the Sedgfield Borough Local Plan and Part 9 of the National Planning Policy Framework.

12. Application for approval of reserved matters of the development shall include a detailed scheme for the management and disposal of surface and foul water for that phase to be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme(s) should be based upon the principles contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme(s) should include but not necessarily be restricted to the following:

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. Details of timings for implementation
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be completed in accordance with the agreed scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 14 and 15 of the National Planning Policy Framework.

13. The development shall be carried out in accordance with the mitigation outlined within the Ecological Survey and Assessment ref 2015-109 compiled by ERAP Consultant Ecologists.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with part 15 of the National Planning Policy Framework.

14. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority to include timings for implementation and a maintenance regime. The approved scheme shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgfield Borough Local Plan and Part 12 of the National Planning Policy Framework.

15. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

16. No development shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

17. No development shall take place on any phase until a scheme of archaeological work in accordance with a written scheme of investigation has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

The archaeological mitigation strategy for that phase shall be carried out in accordance with the approved details and timings.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

18. The development shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) a Phase 2 Site Investigation and Risk Assessment shall be carried out for any phase before any development commences on that phase to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out for that phase. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition as the site contamination investigation/mitigation must be devised prior to the development being implemented.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

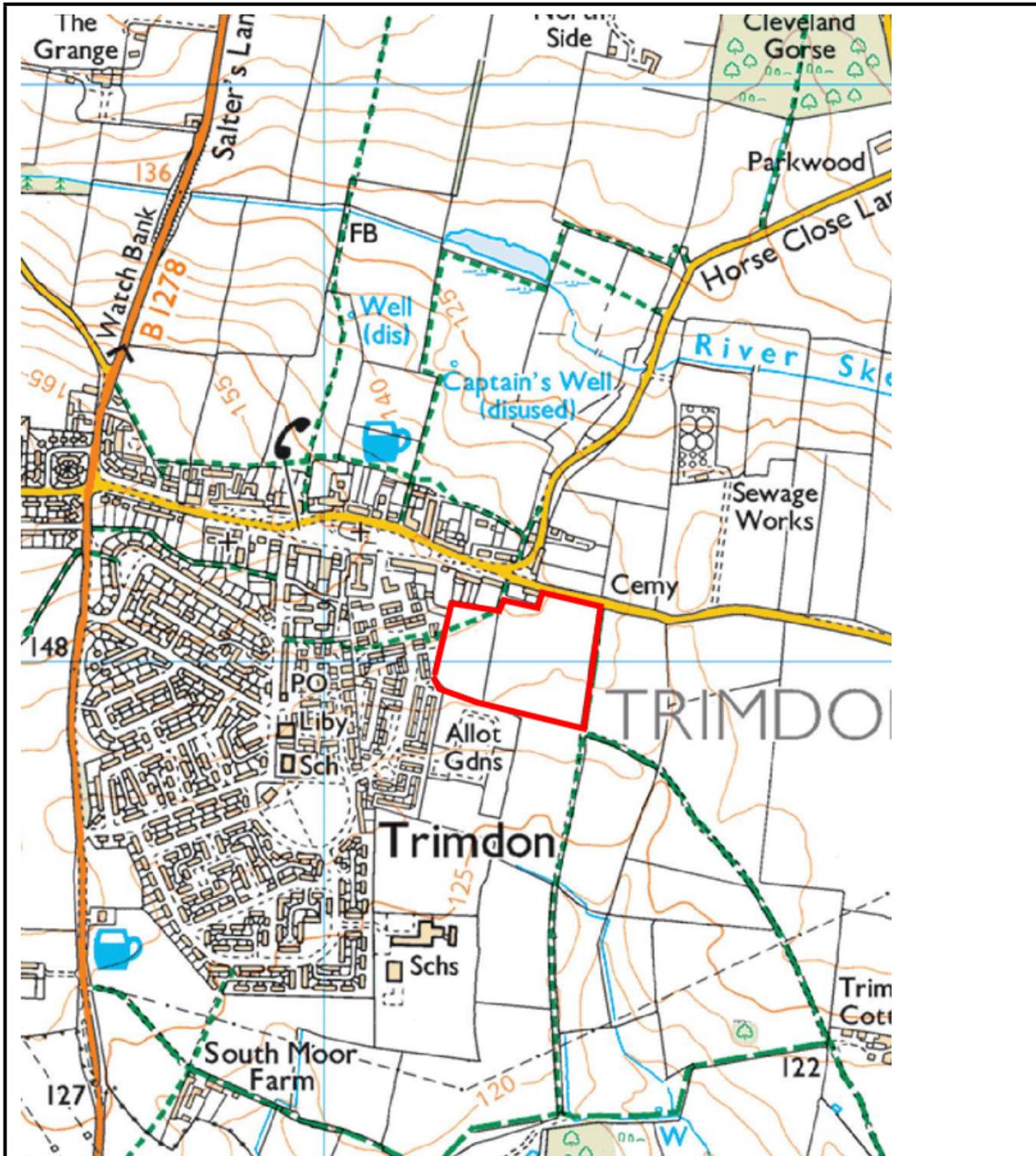
Sedgefield Borough Local Plan

The County Durham Plan (Pre Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning</p> <p>Services</p>	<p>DM/16/00107/OUT Outline planning permission (including means of access) for the erection of up to 150 dwellings, provision of open space and associated infrastructure</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005</p>	<p>Comments</p>	
	<p>Date February 2019</p>	<p>Scale Not to scale</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/03642/WAS
FULL APPLICATION DESCRIPTION:	Change of use of Unit 9, Foxcover Distribution Park from B1/B8 to B2, to enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure
NAME OF APPLICANT:	Biffa Waste Services Limited
ADDRESS:	Unit 9 Admiralty Way Seaham SR7 7DN
ELECTORAL DIVISION:	Dawdon
CASE OFFICER:	Claire Teasdale, Principal Planning Officer, 03000 261390, claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site is the existing northern unit on the Foxcover Industrial Estate located to the south of Seaham with Dawdon to the north west. The site originally formed part of an Enterprise Zone and is recognised as being suitable for industrial and commercial development. Vehicular access to the site is provided from the A182 Seaham Link Road. Spectrum Business Park is 300m to the west. The Northumbrian Water sewage treatment works is 360m to the south east.
2. The site (2.47 Hectares) comprises the existing building containing an integral three storey office, external hardstanding and car park. The building is a modern warehouse unit with a gross internal area of 12,292m² constructed of grey and silver lading material and is the site is secured by fencing.
3. To the north of the site boundary is a play area comprising play equipment, a playing pitch, rough grassland and woodland. To the south are existing industrial units and the vehicular access to the application site. To the east is a car park associated with the adjacent industrial unit beyond which is the Dawdon Welfare Park comprising a recreation ground and bowling green. Seaham Golf Course lies to the west of the site and separates the Foxcover Industrial Estate from the residential properties at Parkside.
4. The closest individual residential property is approximately 120m to the north east of the site building and 85m from the yard area at the closest point. Beyond are properties on Melbury Street and Mount Stewart Street with the closest properties being approximately, approximately 210m from the site boundary. The closest residential properties to the west of the site boundary are at Parkside with properties along Ash Crescent and Fern Crescent being between 230m and 300m from the application boundary although further from the edge of the existing building.

5. Although there are no landscape, ecological designations, designated heritage assets or public rights of way within the site there are a number in the vicinity. To the north of the site is the Hazel Dene Local Wildlife Site and Ancient Woodland Site which is bordered by the Seaham Golf Course to its northern and western boundary. The Durham Coast Special Area of Conservation and The Durham Coast Site of Special Scientific Interest lie approximately 830m to the south east at the closest point. The Grade II Church of St Hild and St Helen lies approximately 260m to the north east of the site. There are no landscape designations within the vicinity of the site. An Area of High Landscape Value and the Durham Heritage Coast lie over 800m to the south of the site. The site is also within a Coalfield Low Risk Development Area.
6. The closest public rights of way lie some 160m to the south east of the site these being Footpath No. 15 (Seaham) and 16 (Seaham) which run along the recreation ground then south between the industrial estate and the sewage treatment works. Footpath No. 15 (Seaham) links into Bridleways No. 14 (Seaham) and 15 (Seaham).

PROPOSAL:

7. The proposal is for a change of use of an existing industrial unit with planning permission for B1/B8 (offices and warehousing) to use B2 (general industry) to enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure. This involves the installation of a state-of-the-art polymer processing plant within the existing building and the provision of ancillary infrastructure to facilitate the development.
8. No changes to the height or materials of the building are proposed. On the roof it is proposed to install a ventilation chimney (950 – 975mm above the height of the roof), roof vents and flue vents along with fan housing (962mm above the roof) to provide ventilation to the building. It is proposed that a Biffa logo sign would be added to the southern elevation of the building but this would be dealt with under a separate application.
9. Externally a 2m high close boarded fence is proposed around the northern and eastern perimeter of the yard to the east of the building. Within the yard area skips would be used for waste storage 3 of which would be accommodated within an open fronted skip storage shed (16m by 8m and be 8m high at the rear and 9.1m high at the front) Also within the yard are proposed two quarantine areas and a 2.5m x 2.5m smoking shelter a pallet storage area for handling output material. In addition two x 15m long pit mounted weighbridges and a small gatehouse along with fuel storage areas and 3 Biffa High Voltage Transformers within a 2.4m high fenced compound and associated compressors and chillers are proposed. A replacement substation building may also be required.

The process

10. The proposed plastics recycling facility would reprocess single use polyethylene terephthalate (PET) drinks bottles back into a food contact material. Clear PET flakes would be produced which would then be transported off site to be used to produce new drinks bottles and food trays which would then be supplied to the manufacturers in the region, nationally and internationally.
11. The facility would have an input processing capacity of 5 tonnes per hour, equivalent to 37,000 tonnes per annum, it would be capable of processing enough clear PET flakes to produce around 3 million bottles per day equating to over 1 billion bottles per year.

12. The waste plastic would be segregated from other recyclable materials at the applicant's network of material recycling facilities before being baled and delivered in bulk to the application site. Once within the building, the baled plastic would be unloaded into internal storage bays and the wire holding the bales together manually removed and the bales would be placed on a conveyor before being broken up in the first stage of the process.
13. Any ferrous metals would be removed from the bales by a ferrous metal overband then a Near Infrared colour sorter (NIR) would identify the different types of plastic such as PET, PE, Polypropylene (PP), etc. to allow PET plastics to be recovered. The plastics would then be moved by conveyor belts to a materials bunker and then labels and sleeves from the bottles would be removed and additional sorting would be undertaken. This would be followed by a second NIR used to sort coloured PET bottles and to also detect metals and then a third NIR is used to further improve the quality of the process material. This stage is followed by manual picking to provide quality control of the process material and to pick out any unwanted plastic types and waste residues. The unwanted plastic material including the coloured bottles would be taken off site for recycling. A dust extraction system would be fitted to the NIR sorters and the dust would be collected in bags and disposed of appropriately.
14. The remaining clear PET would then be fed into wet grinders to flake into 12mm flakes, prior to being washed in a turbo washer to clean the flakes before the PET flake is sorted from the Polyolefin3 flake from bottle caps. The flakes would then be mechanically dried in a drying centrifuge prior to passing through a wind sifter to remove any dust particles or labels. Finally, the clear PET flakes would be conveyed into large bags and taken to the loading docks at the north east corner of the building, ready for onward transport.
15. Fork-lift trucks would operate inside and outside the building, transferring material from the HGVs to storage bays and subsequently to the processing area, as well as transporting waste to the skips outside on the east side of the building. There would be no forklift truck movements in the yard at night.

Working hours

16. The proposed facility would operate 24 hours a day 7 days a week for 50 weeks per year. The site would be closed for one week at Christmas and one week for annual maintenance.
17. The application predicts that the proposed facility would generate up to 70 full time jobs and employees would work in 12 hour shift patterns: 4 shifts on and 4 shifts off. Shift changeovers would take place at 08:00 and 20:00.
18. 44 parking spaces are available on site comprising 27 spaces, 11 overflow and 6 disabled spaces. In addition there is an additional car park to the east for parking up to 72 vehicles with 6 disabled bays which would be available if required. Cycle storage facilities would be provided.

Vehicle movements

19. On average 8 Heavy Goods Vehicles (HGVs) would deliver the baled plastics for reprocessing and 10 HGVs would leave the site each day delivering the recycled plastic product to specialist facilities for its reuse. Ancillary movements would equate to 2 HGVs and 2 LGVs per day on average. In total it is anticipated that goods vehicle movements would typically equate to 44 traffic movements per day (22 in and

22 out). All vehicles would access the site via the existing access point with cars diverted to the car park and HGVs to the proposed weighbridge before reversing towards the dock levellers under the automatic access doors.

Employment

20. The application predicts that the proposed facility would generate up to 70 full time jobs ranging from shop floor operators to skilled engineering and professional management and office-based personnel and filled locally wherever possible. In addition the facility would help to secure existing jobs within the applicant's north east operations and have a knock-on effect on the local economy through construction jobs and maintenance and ancillary jobs in the local area and the region.
21. This planning application is being reported to the County Planning Committee because it involves major waste development.

PLANNING HISTORY

22. Planning permission was granted under the Enterprise Zone Scheme (EZ/0000/0086) for three distribution warehouses at Plot 9 on 14 October 2005.
23. On 29 May 2007 planning permission (PLAN/2007/0206) was granted for a single distribution warehouse and offices.

PLANNING POLICY

NATIONAL POLICY

24. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
25. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
26. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

27. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
28. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
29. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
30. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
31. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
32. *NPPF Part 16 – Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>
33. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regard to: determining a planning application, floodrisk, waste, noise, natural environment, transport, and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

34. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

LOCAL PLAN POLICY:

County Durham Waste Local Plan (2005)

35. *Policy W2 – Need* – requires the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy.
36. *Policy W3 – Environmental Protection* – states that proposals for new development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.
37. *Policy W4 – Location of waste management facilities* – states that proposals for new waste management facilities will be determined having regard to protection of the environment and local amenity, traffic impacts, opportunities to integrate with other facilities or developments which will benefit from the recovery of materials and to extend or develop existing waste management facilities.
38. *Policy W7 – Landscape* – states that proposals for waste developments which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted
39. *Policy W9 – AHLV and Heritage Coast* – requires waste proposals to demonstrate that the operational requirements cannot be met from a less sensitive site, will not have an unacceptable detrimental effect on the special character of the area and that high environmental standards will be maintained.
40. *Policy W13 – Nature Conservation (Local)* – Waste development likely to have an adverse effect on Local Nature Reserve, a County Wildlife/Geological Site or a Regionally Important Geological/Geomorphological Site, will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site.
41. *Policy W16 – Nature Conservation (Ancient Woodland)* – Waste development which would have a significant adverse impact on areas of ancient woodland will not be permitted.
42. *Policy W17 – Nature Conservation (Minimisation of Adverse Impact)* – states that proposals should incorporate measures to ensure that any adverse impact on the nature conservation interest of the site is minimised.

43. *Policy W18 – Listed Buildings* – states that proposals for waste developments which would result in the demolition, alteration with adverse impact, damage or other adverse change to the special character or setting of a listed building will not be permitted unless it can be demonstrated that there are no alternative sites available and there are imperative reasons of over-riding public interest sufficient to outweigh the loss of or damage
44. *Policy W24 – Public Rights of Way* – States that waste development will be permitted where there will be no significant adverse impact upon the recreational value of the countryside, including the local path network, country parks and picnic areas
45. *Policy W26 –Water resources* – Proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to: the quality of surface or groundwater resources; and the flow of surface or groundwater at or in the vicinity of the site.
46. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
47. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
48. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
49. *Policy W33 – Protecting local amenity* – requires that suitable mitigation measures are incorporated into proposals to ensure that any harmful impacts from noise, odour, litter, vermin, birds, dust, mud, visual intrusion and traffic and transport are kept to an acceptable level.
50. *Policy W36 – Locations for Waste Recovery Facilities* – states that unless it can be clearly demonstrated that any environmental impacts can be effectively mitigated proposals for new or the expansion of existing waste management facilities should be fully contained within well designed buildings or enclosed structures appropriate to the technology or process and appropriate in scale and character to their surroundings.
51. *Policy W38 – Waste Transfer Stations* - states that proposals for Waste Transfer Stations and Materials Recovery Facilities will be permitted where it can be demonstrated that the development will assist the efficient collection and recovery of waste materials, and they can be satisfactorily located: a) on land identified for general industrial use; or b) on previously developed land in sustainable locations; or c) as part of an existing waste management facility; or d) where the proposal forms part of an integrated waste management facility. It is also stated within this policy that provision will be made for new waste transfer facilities in Teesdale and Wear Valley.

52. *Policy 15 - Protection of Sites of Special Scientific Interest and National Nature Reserves* – this Policy seeks to protect such areas by only permitting development which adversely affects such areas where there is no alternative solution and the development is in the national interest.

EMERGING PLAN:

The County Durham Plan

53. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/How-we-currently-make-planning-and-development-decisions> (County Durham Waste Local Plan & District of Easington Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

54. *Highways Authority* – raises no objections subject to a condition requiring the submission of covered cycle storage facility details.
55. *Environment Agency* – raises no objection. The Agency advises that the development would require a permit under the Environmental Permitting (England and Wales) Regulations 2016. Based on the information submitted with the planning application, the Agency states that it has not identified any major permitting concerns.

INTERNAL CONSULTEE RESPONSES:

56. *Environment, Health & Consumer Protection (Nuisance)* – raise no objections considering that subject to appropriate conditions relating to noise levels and restrictions on outside operations, the development is not likely to lead to a statutory nuisance.
57. *Sustainable Travel* – Raise no objections subject to a condition requiring the submission of a final travel plan. Queries are raised regarding pedestrian access to the site but officers consider that this is not an accessible site with no feasible walking route to the bus stop referred to in the submission. Regardless, officers advise that realistically there is nothing that can be sought by condition apart from encouraging staff to use other sustainable modes of transport to travel to work where feasible.

58. *Business Durham* – Biffa is making a significant investment and will be generating 70 jobs as a result; the company is working with Business Durham and Employability Durham to help it find local employees. Business Durham fully supports the application.

PUBLIC RESPONSES:

59. The application was advertised in the press, on site and notification letters were sent to neighbouring properties. No representations have been received.

APPLICANTS STATEMENT:

60. As a FTSE250 company Biffa is the UK's leading waste management company and already has a strong recycling presence in the North East of England with our existing award-winning Polymers Facility in Redcar and we are now looking to build upon our capabilities in the Region.
61. Following an extensive search Biffa has selected Seaham, County Durham, as our preferred location for a Plastics Recycling Facility utilising an existing modern warehouse that is currently vacant.
62. Waste plastics have been the subject of intense media focus over the last 12 months and if the Planning Authority are minded to approve this application it will make a significant contribution towards managing waste plastics appropriately and reducing reliance on virgin plastics.
63. Annually, the UK uses 13 billion plastic bottles but only 7.5 billion are currently recycled and the remaining 5.5 billion are sent to landfill, incinerators, or left to litter our land and waters. This cutting-edge facility would operate 24/7 and be capable of recycling over 1 billion bottles a year and would therefore make a substantial contribution to increasing the UK's plastic recycling capabilities.
64. Whilst the numbers of plastic bottles the facility can recycle is high, the tonnage is low (37,000tpa) and the HGV movements associated with the facility are therefore low at 44 movements (22 in, 22 out) per day during daytime hours only with no external operations or HGV movements at night. To put the HGV movements into context the existing warehouse facility would typically be expected to operate at around 50-55 HGV movements per day and could operate on a 24/7 basis.
65. Through utilising this vacant warehouse there is minimal new built development involved and our comprehensive planning application includes a detailed Noise Impact Assessment which demonstrates that the facility would not have any significant impacts on the nearest residential properties.
66. The proposed development would result in significant local job creation with around 70 new full-time jobs in an area of higher than average unemployment. The jobs would range from shop floor operators to skilled engineering to professional management and office-based personnel which Biffa would seek to fill locally wherever possible by utilising a local recruitment consultant. It is important to Biffa that as many positions as possible are filled locally and as a result comprehensive training would take place thereby improving the skills within the local workforce with career progression opportunities available within Biffa thereafter. Depending on the role, training would take between 1 and 6 months.

67. Biffa consider that this pioneering facility would play a crucial role in plastics recycling and make an important contribution to a sustainable, low carbon, resource and energy efficient economy in County Durham.
68. Biffa understand that there are no objections from the statutory consultees and we consider that the comprehensive planning application has therefore demonstrated that the proposals are supported by national and local policies to encourage recycling and is in accordance with the Policies of the Development Plan. We are therefore hopeful that the proposals will receive approval.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape, residential amenity, ecology, access and traffic, public rights of way, flood risk and drainage and coal mining risk and cultural heritage.

Principle of Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Waste Local Plan (WLP) and the Easington District Local Plan (DELP) remain statutory components of the development plan and the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends on the degree of consistency with the NPPF.
71. The WLP was adopted in 2005 and was intended to cover the period to 2016. The DELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.
72. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
 - c) approving development proposals that accord with the development plan without delay; or
 - d) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
73. The key policies for the determination of this application are WLP Policies W2 (Need), W3 (Environmental Protection), W4 (Location of waste management facilities) and W38 (Waste Transfer Stations). In addition, there are a number of applicable environmental protection policies.
74. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. This is reflected in WLP Policy W2 requiring developments to demonstrate an established need for the facility and to show that they would make a contribution to the County's sustainable waste strategy and achieve overall environmental benefits, and move waste up the Waste Hierarchy. Furthermore, the Policy seeks to prevent unnecessary importation of waste into the County. Although bottles would be imported into the County the proposal offers a unique opportunity to seek to tackle plastic bottle waste not only within the County but on a national level and would have the effect of moving the management of this waste material up the waste hierarchy.
75. Paragraph 7 of the NPPW says that applicants should only be expected to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan. The WLP is thirteen years old and there have been significant changes in the production, management and treatment of waste during the intervening period. As a result the Plan as a whole can no longer be considered to be up to date and there can be no requirement to demonstrate that there is an established need for the facility. The waste plastic to be used at the facility would be brought to the site from Biffa's network of Material Recycling Facilities located nationwide. This would have the effect of moving the management of waste up the waste hierarchy with clear benefits. The management of waste up the waste hierarchy is a requirement of Section 3 of the NPPW and this aspect of Policy W2 is still relevant and in this context the Policy is not out-of-date.
76. The application site lies within a former Enterprise Zone as defined within the DELP. The site itself comprises a building and yard with an extant planning permission for B1/B8 (offices and warehousing). The application is for a change of use to B2 (general industry) to enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure. This involves the reprocessing of used drink bottles into plastic flakes to be re-used in other industries and would take place in an existing building.
77. Foxcover is identified in supporting text to the WLP as a prestige industrial estate not suitable for waste development. The supporting text to the WLP advises that ideally preference should be given to general and local industrial estates before prestige industrial estates but only where the proximity principle would not be compromised and there would not be a greater impact upon the environment. However, it should be noted that the Council's latest assessment of employment land as set out in the 'Employment Land Review Update - Final Report' (June 2018) does not now recommend retaining the prestige employment land designation and considers the

Foxcover industrial estate as being suitable for B1, B2 and B8 uses. The environmental impacts of the proposed development are considered below. However, the proposed development would be located in a building and given the nature and process the proposed facility is not a typical waste site.

78. WLP Policy W4 refers to the location of new waste management facilities and criteria to be considered including protection of local amenity, minimising the transportation of waste, integration with other facilities, environmental benefits and the safe and free flow of traffic on the highway network. These criteria are reflected in Appendix B of the NPPW which also includes protection of water quality and resources, land instability, landscape and visual impact, nature conservation, traffic and access, air emissions, odours, noise and light. Those applicable to this development and location are considered in this report. WLP Policy W29 reinforces the need to minimise the transportation of waste. WLP Policy W4 is considered to be consistent with the NPPW, as the criteria in the Policy are similar to those in Appendix B of NPPW. WLP Policy W29 is also considered to be consistent with the NPPW and both Policies can be afforded weight in the decision making process.
79. The change of use would enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure, as a result WLP Policy W38 is relevant to this proposal. WLP Policy W38 states that proposals for the recovery of waste materials will be permitted provided they can be satisfactorily located at existing waste transfer stations, on land identified for general industrial use, on previously developed land in sustainable locations or as part of an integrated waste management facility. In addition supporting text supporting Policy W38 states that these facilities will normally require industrial style buildings and accommodate a large tipping hall to deposit and load material and accommodate equipment to process the materials.
80. The proposed development would take place within an existing building with ancillary external operations. Paragraph 4 of the NPPW refers to the appropriateness of industrial sites and existing or other proposed waste developments as locations for new waste facilities. It also seeks to give priority to the re-use of previously developed land. These are the same locations as listed in WLP Policy W38. The proposed location and the proposal would also accord with WLP Policy W38. Policy W38 is consistent with the NPPW and can be afforded weight in the decision making process.
81. Although there are aspects of the WLP policies no longer relevant, it is considered that the policies most important for determining the application are not out of date. The proposal should, therefore be judged against the development plan. Accordingly, Paragraph 11d of the NPPF is not engaged.

Landscape

82. WLP Policy W7 states that proposals for waste developments which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted. Paragraph 170 of the NPPF seeks to protect valued landscapes and Appendix B (criterion C) sets out the requirement to consider landscape character. WLP Policy W36 sets out the need to fully contain waste management facilities within buildings or enclosed structures appropriate to the technology or process, appropriate in scale and character to their surroundings.

83. The proposed development is not within or adjacent to a landscape designation. An Area of High Landscape Value and the Durham Heritage Coast lie over 800m to the south of the site and would not be impacted upon by the proposal. As the proposed development is not within either designation WLP Policy W9 is not relevant. The development would be carried out within an existing building with minor modifications made to the building in terms of the addition of a chimney, flue vents and fan housing added to the roof, necessary for the operation of the proposed facility. Although extending above the roof line it is not considered that these additions would have an adverse visual impact. The ancillary development proposed externally to the east and south of the building would only be visible from certain viewpoints and a 2m fence is proposed along the northern boundary of the site which currently allows views into the site and would act as a visual as well as an acoustic barrier. Thus the visual impact of the proposed ancillary development would be limited. It is therefore considered that the proposal would not conflict with WLP Policies W7 and W36, Part 15 of the NPPF or Appendix B of the NPPW. WLP Policies W7 and W36 are considered to be consistent with the NPPF and NPPW.

Residential Amenity

84. The closest residential property to the site is Dawdon Welfare Bungalow. This property is approximately 120m to the north east of the existing building and approximately 85m from the yard area. The properties on Melbury Street and Mount Stewart Street beyond this are approximately 210m from the site boundary. At Parkside, to the west, the properties along Ash Crescent and Fern Crescent are over 230m from the site boundary. Ash Crescent is 260m from the edge of the existing building within which the processing would take place.
85. Paragraph 170 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the effects of pollution on health, general amenity and the potential sensitivity of the area to adverse effects from pollution. WLP Policy W3 requires proposals for waste development to demonstrate that the living conditions of local communities will be protected and where possible enhanced. WLP Policy W33 seeks to ensure that mitigation is provided to ensure that harmful impacts from development are kept to an acceptable level. Paragraph 7 of the NPPW provides advice in respect of determining planning application, including specific reference to amenity. WLP Policies W3, W33 and W36 are all considered to be consistent with the NPPF and NPPW and can be given weight in the planning balance.
86. The application relates to a change of use of a large existing industrial unit from B1/B8 to B2. The building is sited on an existing industrial estate, 120m removed from the closest receptor to the north east and 260m to the north west. The existing building has previously been used for the storage and distribution of fisheries products. The existing building is not subject to any regulatory control associated with hours of use and there are no records of complaint in relation to the previous uses of the building.
87. As stated above the B2 use relates to the reprocessing of used drink bottles into plastic flakes to be re-used in other industries. This necessitates bringing in drink bottles which have been recovered from recycling plants. The bottles would be delivered by HGVs between the hours of 0700-22.00.
88. In relation to environmental impact, although the site is processing a waste product it has been pre-sorted and processed and as such there is no direct odour associated with the product. Therefore the main environmental impact to consider is the potential impact of noise on the existing receptors.

Noise

89. The site would operate 24 hours a day, although with reduced operation during the night. The main noise sources would be noise arising from HGV/forklift movements, general activities within and without the building, from external plant and from staff vehicles arriving and leaving.
90. A noise assessment report has been submitted in support of the application. The assessment includes a baseline assessment of background noise conditions for the nearest sensitive receptors (NSRs) at Dawdon Welfare Bungalow and at Ash Crescent and concludes that there should be a minimal risk of adverse impact during the daytime at nearby receptors. Despite the noise from the site being relatively low, there is a slightly higher risk of impact during the night-time period when considering the noise from the proposed development against the existing background levels which are exceptionally low. To reduce noise levels a close boarded fence is proposed around the external yard along with acoustic enclosures around several areas of processing machinery within the building. External plant would be placed on the south side of the building where it is shielded from residents by the building itself, with partial enclosures around the condensers and transformers. The Noise Impact Assessment concludes that during the night-time period, noise from the site is unlikely to be perceptible inside a residential property (even with open windows), even during the quietest night time periods, and therefore should have a very minimal risk of adverse impact. Overall, the assessment concludes that noise should not pose a constraint against granting planning permission for the proposed development. It is proposed that if the Council deem it necessary, post-completion monitoring could be conducted at nearby NSRs to validate that noise levels are meeting / not exceeding the predicted noise levels for the development.
91. Environmental Health and Consumer Protection officers have assessed the noise impact assessment and overall, the assessment is considered to be suitably robust and provides a very competent assessment of the existing background noise level and the potential noise associated with the development. It is noted that the noise rating level during the night-time exceeds acceptable threshold levels at Ash Crescent at a level unlikely to be detectable. However, this considered to be worse case scenario and are less than the levels described in guidance as likely to have an impact on residential uses. Given the previous use of the site and limited conditions officers do not consider that the proposed change of use is likely to increase the potential impact of noise and the ability to impose controls via condition would provide the ability to regulate activities to safeguard residents.
92. Subject to appropriate conditions, Environmental Health and Consumer Protection officers consider that the development would not be likely to lead to a statutory nuisance. The recommended conditions specify maximum noise levels for noise emitted from operations, plant and vehicles and also that no heavy goods vehicles, forklift or other vehicles associated directly with the plant operations shall operate outside the approved building other than between the hours of 07.00 and 23.00.
93. Conditions would seek to ensure that the likely effects of the development would be mitigated and reduce to a minimum potential adverse impacts resulting from noise from the development and avoid noise giving rise to significant adverse impacts on health and the quality of life. It is therefore considered that, subject to the imposition of the recommended conditions the proposal would not conflict with WLP Policies W3 and W33, Part 15 of the NPPF and Appendix B (criterion J) of the NPPW in respect of noise impact.

Ecology

94. Although not within an ecological designation to the north of the site is the Hazel Dene Local Wildlife Site and Ancient Woodland Site. The Durham Coast Special Area of Conservation lies approximately 900m to the south east. No vegetation apart from a small area of grass under the proposed tanker loading area to the east of the building would be lost as a result of the proposed development.
95. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible. Specifically, Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, that planning permission should be refused. WLP Policy W17 requires all waste development to incorporate appropriate measures to ensure that any adverse impact on nature conservation is minimised. The locational criteria in NPPW Appendix B includes criterion D concerning nature conservation and requiring appropriate measures to be incorporated into proposal to ensure any adverse impact on nature conservation interest is minimised. WLP Policy W17 is considered to be consistent with the NPPF and NPPW and can be afforded weight in the decision making process.
96. Paragraph 175 of the NPPF also states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. WLP Policy W16 states that waste development which would have a significant adverse impact on areas of ancient woodland will not be permitted. WLP Policy W13 seeks to protect sites of local interest advising that development will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site. Policy W16 is considered to be partially consistent with the NPPF and NPPW going further than the policy in advising that planning permission should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The Policy can therefore be afforded limited weight. WLP Policy W13 is considered to be consistent with the NPPF and the NPPW and can be afforded weight in the decision making process.
97. Although there are ecological designations in the vicinity of the site it is not considered that these would be affected by the proposal. DELP Policy 15 seeks to protect SSSIs and National Nature Reserves from development which is likely to adversely affect the designation. The Durham Coast Special Area of Conservation and Durham Coast Site of Special Scientific Interest lie sufficient distance from the application site not to have an impact. DELP Policy 15 is considered to be consistent with the NPPF and can be given weight in the planning balance.
98. Given the nature of the proposal with no additional land take the proposal would not result in the loss of valuable habitat or harm to protected species. It is therefore considered there would not be any impact upon the ecology of the area. The proposal would therefore not conflict with WLP Policies W13, W16, W17 and DELP Policy 15, Part 15 of the NPPF or Appendix B of the NPPW.

Access and Traffic

99. Vehicular access to the site is provided from the A182 Seaham Link Road. No change to the access arrangements are proposed. The site has good access to the strategic road network via the A182 with the A19 being some 1.5 miles to the west and the and A1(M) being approximately 6 miles to the west. The site is accessible

via walking, cycling and bus, although the only access to the site is via Admiralty Way.

100. Paragraph 108 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
101. Paragraph 111 of the NPPF requires that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
102. A Framework Travel Plan has been submitted with the application. The Travel Plan includes an audit of the sustainable transport infrastructure available to the proposed development in terms of pedestrian, cycle and public transport accessibility and infrastructure. The Plan considers that the level of parking associated with the proposal is considered to be acceptable and able to accommodate staff parking demands associated with the shift pattern of working where approximately 36 staff would be working at any one time. The site is accessible by means other than the car and the Travel Plan would be updated to include the results of a Travel Survey once undertaken.
103. Although the Sustainable Travel Team consider this is not an accessible site with no feasible walking route between the site and the nearest bus stop referred to in the application, no objections are raised subject to a condition requiring a final travel plan and encouraging staff to use other sustainable modes of transport to travel to work where feasible.
104. The locational criteria in NPPW Appendix B include traffic and access considerations: 'Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports'. WLP Policy W29 seeks to ensure that measures are incorporated into developments to minimise the transportation of waste and Policy W31 requires proposals to demonstrate that traffic generated by the development can be safely and conveniently accommodated on the highway network without causing detrimental impact to local amenity. WLP Policy W32 sets out means of mitigation that should be secured to ensure that development does not result in harm to the highway network.
105. The application considers that the additional B2 Use would be expected to generate a total of 44 HGV movements per day, (22 in and 22 out), in comparison to a Warehouse B8 Use which could generate approximately 100-110 HGV movements and as such the proposed B2 Use would generate far fewer HGV and overall vehicle movements than a typical Warehouse B8 Use of the same size. The existing use has no restriction on operation hours and can operate on a 24/7 basis with HGV movements throughout the night, whereas the goods vehicle movements associated with the proposed B2 Use would all take place during the day. Although the waste bottles would be transported to the site on a nationwide basis it will have already been sorted in at other facilities to minimise the transportation of waste to the site.

106. The existing car park has 44 parking spaces (comprising 27 spaces, 11 overflow and 6 disabled spaces) with additional parking available to the east if required. In addition there is an additional car park to the east for parking if required. Cycle storage facilities would be provided and details secured through condition.
107. The Highway Authority raises no objections subject to a condition requiring the submission of covered cycle storage facility details. It is considered that the proposal would accord with WLP Policies W29, W31 and W32 and Part 9 of the NPPF or Appendix B of the NPPW. WLP Policies W29 and W31 are considered to be consistent with the NPPF and NPPW and although W32 is only partially consistent, as it does not fully reflect Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. However, the CIL Regulations only apply in relation to legal agreements and in this case no mitigation is considered necessary to address potential impacts and the policy can be afforded weight in this circumstance.

Access and Rights of Way

108. The closest public rights of way lie some 160m to the south east of the site these being Footpath No. 15 (Seaham) and 16 (Seaham) which run along the recreation ground then south between the industrial estate and the sewage treatment works. Footpath No. 15 (Seaham) links into Bridleways No. 14 (Seaham) and 15 (Seaham).
109. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. WLP Policy W24 requires proposals to demonstrate that there would not be a significant impact upon the recreational value of the countryside, including the local path network. WLP Policy W24 is considered to be consistent with the NPPF and Paragraphs 5 and 7 of the NPPW requiring the consideration of likely impacts on the local environment and on amenity and can be given weight in the decision making process. The public rights of way would not be affected by the proposed development and the proposal would not conflict with WLP Policy W24 and Part 8 of the NPPF or Appendix B of the NPPW.

Flooding and drainage and coal mining risk

110. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment as does the locational criteria in Appendix B (criterion A) of the NPPW relating to protection of water quality and flood risk management.
111. The plastics recycling and processing equipment would incorporate a water treatment plant to clean and remove any contamination from the effluent water before discharge to the foul sewer. The proposal is therefore considered to accord with WLP Policy W26 and Part 15 of the NPPF and the NPPW. WLP Policy W26 is considered to be consistent with the NPPF and NPPW and can be given weight in the decision making process.

112. The site is also located within Coal Mining Low Risk Development Area and as such standing advice would be provided to the applicant should planning permission be granted.

Cultural Heritage

113. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
114. WLP Policy W18 seeks to protect listed buildings from waste developments which would result in the demolition, alteration with adverse impact, damage or other adverse change to the special character or setting of a listed building. Paragraph 194 of the NPPF requires any harm to, or the loss of, the significance of a designated heritage asset to be supported by clear and convincing justification. This is supported by Appendix B (criterion E) of the NPPW.
115. The Grade II Church of St Hild and St Helen lies approximately 260m to the north east of the site. Due to the intervening topography, screening and other buildings it is considered that the proposed development would have no impact on the designated heritage asset. The proposal would therefore not conflict with WLP Policy W18, Part 16 of the NPPF or Appendix B of the NPPW. WLP Policy W18 is considered to be consistent with the NPPF and can be afforded weight in the decision making process

CONCLUSION

116. The proposed development would make use of an existing building and hardstanding area with no planning restrictions that was purpose built for B1/B8 (offices and warehousing). This change of use would facilitate the reprocessing of used drink bottles into plastic flakes to be re-used in other industries. No additional land or resources would be required to facilitate the development.
117. Planning policy is generally supportive towards sustainable waste management initiatives and seeks to locate waste management facilities within fully contained well designed buildings. The proposal would be located within an existing building with ancillary development adjacent with good access to the strategic road network. The proposal would not conflict with the locational criteria set out in Appendix B of the NPPW and relevant WLP policies. The proposal would provide an opportunity to recycle plastic bottles rather than disposing of them contributing towards diverting waste materials up the waste hierarchy, away from landfill in accordance with Government guidance and initiatives. Thus seeking to ensure that a hard to manage waste stream is effectively managed and at the same time generating up to 70 full time jobs.
118. The environmental effects of the proposal have been considered and found to be acceptable with appropriate conditions which would provide the requisite environmental protection and control. In particular, it is considered that the proposed development would not have any adverse impacts on residents or neighbouring uses subject to appropriate conditions.

119. The proposal has generated no public interest and is considered to broadly accord with the relevant policies of the County Durham Waste Local Plan and District of Easington Local Plan and meet the aims of national planning guidance contained within the NPPW and relevant sections of the NPPF.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

- Drawing 01- Site Location Plan
- Drawing 02 - Site Plan
- Drawing 05 - Proposed Facility Layout
- Drawing 06 - Proposed Roof Layout
- Drawing 07 - Elevations as Proposed
- Drawing 08 - Proposed Skip Storage Shed Plan and Elevations
- EDMONDS EcoPower Technical Data Sheet (roof fan details)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with County Durham Waste Local Plan Policies W2, W3, W4, W7, W13, W16, W17, W18, W24, W26, W29, W31, W32, W33, W36 and W38, Policy 15 of the Easington District Local Plan, Parts 2, 4, 6, 9, 14, 15 and 16 of the National Planning Policy Framework and Appendix B of the National Planning Policy for Waste.

3. Prior to their erection on site precise details of the dimensions, design, colours and finishes of the 2m high close boarded fence, the open fronted skip storage shed, smoking shelter, quarantine and external pallet storage area, gatehouse, LPG Bulk Storage Area, tanker loading area, 2.4m high fenced compound, any replacement substation building, details shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: In the interests of visual amenity in accordance with County Durham Waste Local Plan Policies W7 and W36, Part 15 of the National Planning Policy Framework and Appendix B of the National Planning Policy for Waste.

4. Prior to the B2 Use being brought into operation details of the enclosed/covered cycle storage facility for a minimum of 14 no. cycles shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with agreed details. The approved cycle storage facility must be completed prior to the B2 Use being brought into operation.

Reason: In the interests of encouraging sustainable transport in accordance with Part 9 of the National Planning Policy Framework.

5. The rating level of noise emitted from operations, plant and vehicles on the site shall not exceed the following noise rating level at the locations stated:
- 41 dB LAeq (1 hour) between 07.00-23.00 and 36dB LAeq (15 mins) between 23.00-07.00 outside of the Dawdon Welfare Bungalow, (lat: 54.493495°, long: 1.203019°);
 - 43 dB LAeq (1 hour) between 07.00-23.00 and 29dB LAeq (15 mins) between 23.00-07.00 in the garden of 51 Ash Crescent (lat: 55.493641°, long: 1.202973°);
- The measurement and assessment shall be made according to BS 4142: 2014.

The operator shall, within 28 days of operation of the recycling plant following completion of commissioning, provide a report in writing to the Local Planning Authority to demonstrate adherence with the above rating levels.

Reason: In the interests of residential amenity in accordance with County Durham Waste Local Plan Policies W3 and W33, Part 15 of the National Planning Policy Framework and Appendix B of the National Planning Policy for Waste.

6. No heavy goods vehicles, forklift or other vehicles associated directly with the plant operations shall operate outside the approved building other than between the hours of 07.00 and 23.00.

Reason: In the interests of residential amenity in accordance with County Durham Waste Local Plan Policies W3 and W33, Part 15 of the National Planning Policy Framework and Appendix B of the National Planning Policy for Waste.

7. Details of the external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The detail provided must be sufficient to demonstrate adherence to the Institute of Lighting Professionals (ILP) guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interests of residential amenity in accordance with County Durham Waste Local Plan Policies W3 and W33, Part 15 of the National Planning Policy Framework and Appendix B of the National Planning Policy for Waste.

8. Within 6 months of occupation a Final Travel Plan, conforming to the ethos and direction of the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be implemented for the lifetime of the development.

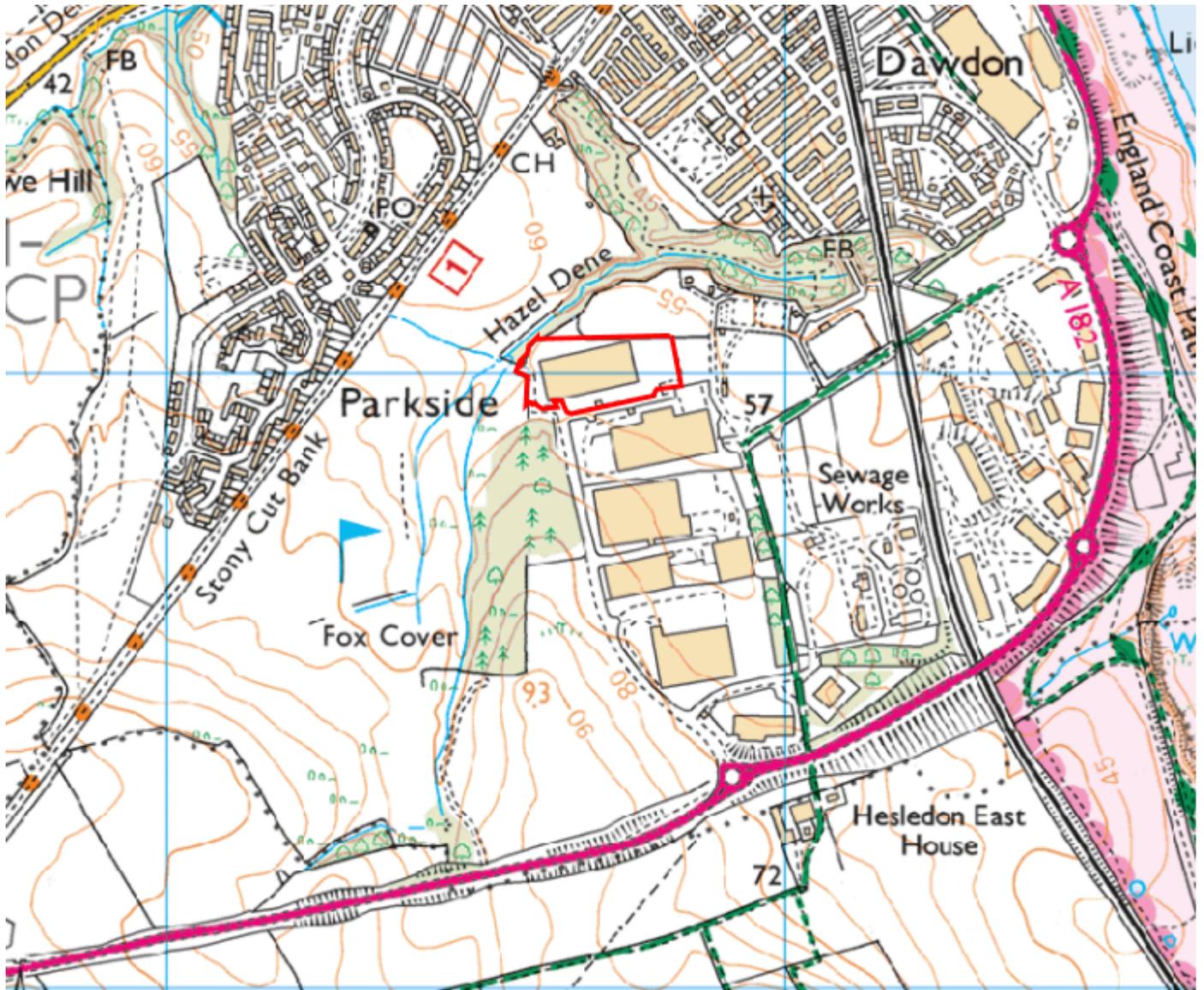
Reason: In the interests of encouraging sustainable transport in accordance with Part 9 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents provided by the applicant.
- County Durham Waste Local Plan (2005)
- District of Easington Local Plan (DELP) (2001)
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- National Planning Policy for Waste
- Statutory, internal and public consultation responses.



Planning Services

DM/18/03642/WAS

Change of use of Unit 9, Foxcover Distribution Park from B1/B8 to B2, to enable the installation and operation of a plastics recycling and processing facility and ancillary infrastructure, Unit 9, Admiralty Way, Seaham, SR7 7DN

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Comments

Date January 2019

Not to scale

County Planning Committee

5 February 2019

Proposed amendment to the Code of Practice for Members and Officers dealing with Planning Matters



Report of Corporate Management Team

Helen Lynch, Head of Legal and Democratic Services

Councillor Simon Henig, Leader of the Council

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To present proposals for the revision of the Council's Code of Practice for Members and Officers dealing with Planning Matters.

Executive summary

- 2 The Council's Constitution is reviewed annually. This provides an opportunity to make amendments to address any areas where it is considered greater clarity would be beneficial. An amendment is proposed to add a new Paragraph 9.6 to make it clear that members of Planning Committees cannot participate in voting on an application if they have missed any part of the presentations submissions or debate.

Recommendation

- 4 The Committee are asked to consider the changes proposed prior to consideration by the Constitution Working Group, Cabinet and then Council.

Background

5. It represents good governance to keep Codes of Practice under review. Accordingly, Officers have reviewed the Code of Practice for Members and Officers dealing with planning matters. It is proposed to amend the code to cover members seeking to vote when they have not been present for the full presentation/debate at Planning Committees. Any proposed amendments put forward by the Planning Committee will be included in the report to Constitution Working Group on 14 February 2019. The proposed changes are set out in Appendix 2 to the report

6. Next Steps

The report will be presented to the Constitution Working Group on 14 February 2019, prior to consideration by Cabinet on 13 March 2019 and then annual council in May 2019. Cabinet will be required to approve the scheme of delegation to officers.

Background papers

None

Contact: David Taylor

Tel: 03000 269727

Appendix 1: Implications

Legal Implications

The Council is subject to control by Judicial review if its decision making process fails to comply with the principles of natural justice. The amendment is intended to reinforce good practice.

Finance

The review of the constitution has no financial implications.

Consultation

Relevant Council Officers have been consulted regarding any amendments to the Constitution, which are relevant to them.

Equality and Diversity / Public Sector Equality Duty

The revision of the Constitution is not considered to have an adverse impact upon the public sector equality duty. The constitution is as accessible as possible and is regularly reviewed to ensure that equality concerns are addressed. An equality impact assessment was undertaken at the time of review of the constitution working groups sub group on gender terminology. The screening suggested that the use of gender neutral terminology in the Constitution would have a positive impact on individuals with a relevant protected characteristic and would promote equality of opportunity and inclusivity.

Human Rights

None specific within this report.

Crime and Disorder

None specific within this report.

Staffing

None specific within this report.

Accommodation

None specific within this report.

Risk

None specific within this report.

Procurement

None specific within this report.

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Appendix 2

Code of Practice for Members and Officers Dealing with Planning Matters

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code.

1. INTRODUCTION

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between members and officers and between the public and the council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
 - (a) Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - (b) Members should not place themselves in situations where their honesty or integrity may be questioned.
 - (c) Members should make decisions on merit.
 - (d) Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - (e) Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
 - (f) Members should respect the impartiality and integrity of officers.

- 1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgment and for justifiable reasons.
- 1.5 This Code of Practice sets out practices and procedures that members and officers of the County Council shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.6 This code is largely based upon the Local Government Association's Guidance entitled Probity in Planning for councillors and officers published in April 2013, which takes account of the ethical framework for local government. It takes account of the Royal Town Planning Institute's Code of Professional Conduct and advice issued by the Audit Commission, the Commissioners for Local Administration in England and the National Planning Forum. It complements the Council's Code of Conduct for Members. This code is consistent with meeting the requirements of Article 6 of the European Convention on Human Rights which confers a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations. In respect to the advice contained at paragraph 7 regarding Member engagement in pre-application advice, account has been taken of advice issued by the Planning Advisory Service, the Standards Board for England and the LGA advice leaflet 'Positive Engagement' issued in 2009.
- 1.7 Failure to follow this code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.

2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- 2.1 Members and officers have different, but complementary roles. Both serve the public but members are responsible to the electorate, while officers are responsible to the Council as a whole.
- 2.2 Whilst members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 2.3 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan

policies, Government advice and their own individual judgment and make a decision in the interests of the County as a whole.

- 2.4 Whilst members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.5 Members should treat with extreme caution any offer of a gift or hospitality which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, officers shall ensure it is of a minimal level and declare it in the hospitality book as soon as possible.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its members or other officers, have prevailed upon the officer to put forward his or her professional view as something other than it really is.
- 2.8 The County Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 2.9 The County Council shall have a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters. A superior officer shall not have the power to overrule the professional advice of the head of the planning service.
- 2.10 Officers shall follow the guidance on their standards of conduct as set out in the County Council's Staff Guidance, the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000 (as amended).

3. DECLARATION OF OTHER REGISTERABLE INTERESTS

- 3.1 The Council's Code of Conduct advises members on the disclosure of interests and must be followed by Members at all times.
- 3.2 If an interest is such that it would prohibit participation in council business under the Code of Conduct for Members, the member shall declare it at the

earliest opportunity, must not participate in any discussion or vote taken on the matter at the meeting, must leave the room where the matter is being considered and must not try to influence those making the decision or take any part in the consideration or determination of the matter.

- 3.3 Any other interest, not prohibiting participation in council business under the Code of Conduct for Members must be declared at the commencement of the meeting and the member may participate in the discussion and vote on the matter under consideration.
- 3.4 New rules in relation to bias and predetermination were introduced by section 25 of the Localism Act 2011. The rules apply if there is an issue about the validity of a decision and it is relevant to that issue whether a member had or appeared to have a closed mind when making the decision. Under the rules a member is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because she or he had previously done anything that directly or indirectly indicated the view the member took, or would or might take, in relation to a matter relevant to the decision.
- 3.5 The principle that members must not participate in decisions where they are perceived to be biased remains. An example would be a member who was a governor of a school which was putting forward a planning application.
- 3.6 Members should not act as agents for persons pursuing planning matters within their authority. If they submit their own proposal to the authority on which they serve, they should play no part in its consideration. When submitting proposals on behalf of themselves, the Member shall inform the Monitoring Officer of the submission.
- 3.7 Officers must always act impartially. An officer, who believes he or she may be seen to have an interest in a planning matter shall declare it at the earliest opportunity to the Head of Planning and the Monitoring Officer and have no further involvement in the processing or consideration of that matter.
- 3.8 Planning officers shall never act as agents for persons pursuing a planning matter within the county or one outside significantly affecting the county.

4. 'DUAL-HATTED MEMBERS'

- 4.1 The Council's Code of Conduct does not automatically prevent members from considering the same issue at more than one tier of local government, including speaking and voting at both tiers.
- 4.2 For example, if a member is also a member of a parish council, and the parish council is consulted on a planning application to be determined by the Planning Committee, the member may participate in the discussion and vote at the parish council meeting; but it would be prudent to inform the parish council that the member will reconsider the matter taking into account all the information that is put before the Planning Committee. At the subsequent

meeting of the Planning Committee the member should declare a personal (but not prejudicial) interest as a member of the parish council which has already expressed a view on the matter, but make it clear that this view does not bind the member who will consider the matter afresh. The member will be free to participate in the debate and vote on the matter.

- 4.3 However, if the Planning Committee considers a planning application by an authority or body on which a member serves, then the member should declare an other relevant interest and withdraw from the meeting.

5. DEVELOPMENT PROPOSED BY THE COUNCIL OR A COUNCIL OWNED COMPANY

- 5.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.

- 5.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.

- 5.3 Members of the planning committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare an other relevant interest and take no part in the discussion and determination of that proposal.

- 5.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

6. LOBBYING OF AND BY MEMBERS

- 6.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local member or members of a planning committee. However, reacting to lobbying can lead to the impartiality of a member being called into question and require that member to declare an interest.

- 6.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees and neighbours and the assessment of the case by the planning officer all need to be considered before a member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.

- 6.3 The time for individual members of the planning committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.
- 6.4 A planning committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, planning committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members should make clear that they reserve their final decision on a proposal until the committee meeting.
- 6.5 Members of the planning committee shall not, in general, organise support or opposition for a proposal, or lobby other members (other than when addressing the planning committee). Members of the Council shall not put improper pressure on officers for a particular recommendation.
- 6.6 The local member who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting but not vote. The member of an adjacent division substantially affected by the proposal shall, at the discretion of the chair of the planning committee, be allowed to attend and speak but not vote. A local member who has a personal or prejudicial interest in an application, within the meaning of the Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.
- 6.7 If a member of the Planning Committee identifies himself or herself with a group or individual campaigning for or against an application, he or she shall declare an other relevant interest and not vote or decide on the matter. However, that member shall be given the opportunity to address the Committee.
- 6.8 Members of a planning committee must be free to vote as they consider appropriate on planning matters. Political group meetings prior to the committee meeting shall not be used to decide how members should vote at the planning committee.

7. PRE-AND POST-APPLICATION DISCUSSIONS AND NEGOTIATIONS

- 7.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is actively encouraged in accordance with the Council's protocol on pre-application advice. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.

- 7.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the officer only, and are provisional.
- 7.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 7.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 7.5 Members need to preserve their role as impartial decision makers and should not ordinarily take part in pre-or post-submission discussions and negotiations with applicants regarding development proposals. The exception to this is for those major schemes which are considered to be of importance to the County or schemes that are likely to be highly contentious and are therefore subject to the Council's Pre-Application Member Engagement protocol which provides for structured arrangements with officers and a prospective developer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 7.6 Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by members should be provided to the officers dealing with the application.

8. OFFICER REPORTS TO COMMITTEE

- 8.1 The Head of Planning will submit written reports to the Planning Committee on planning applications to be determined by the County Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application including those made by the applicant. The Head of Planning in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 8.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.

- 8.3 The Head of Planning will have available for inspection by members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

9. THE DECISION MAKING PROCESS

- 9.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 9.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 9.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 9.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 9.5 Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning, agreement shall be reached at the meeting on the reasons for that decision. They shall be fully minuted by the Head of Legal and Democratic Services.
- 9.6 Members who are not present at the meeting for the duration of the planning officer's presentation, any subsequent representations and the entire Member debate shall not (save at the discretion of the Chair) be entitled to vote on the matter under consideration.

10. SITE VISITS BY THE COMMITTEE

- 10.1 A site visit is only likely to be necessary if:
- (a) the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers;
 - (b) the comments of the applicant and objectors cannot be expressed adequately in writing; or
 - (c) the proposal is particularly contentious.
- 10.2 Site visits will be organised in accordance with the following procedures:
- (a) The Head of Legal and Democratic Services will invite the local County

Councillor to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chairman of the Planning Committee, the local County Councillor for the adjacent division will also be invited.

- (b) The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
- (c) Objectors will not normally be invited to attend a site visit or participate in any discussions on site.
- (d) On assembling at the site, at the time specified, the Chairman will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning, or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning, the Chairman will bring the site visit to a close.
- (e) When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application.
- (f) In all cases the safety of those engaged in the site visit is of paramount importance. In cases where Officers consider a proposal is likely to generate hostility as part of a site visit the Head of Planning or his / her representative will liaise with the Health and Safety Manager to undertake a risk assessment ahead of the planned visit. Appropriate control measures will be identified as part of the risk assessment and discussed with the Chairman in advance of the visit

11. REPRESENTATIONS ON PLANNING APPLICATIONS

- 11.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Members of the Committee will be given the opportunity to inspect all letters received before the decision on the application is made.
- 11.2 There will be occasions when applicants, supporters, objectors, Ward Members and Parish/Town Council representatives or some of these, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will normally apply:

- (a) The applicant and any supporters will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. The applicant/supporters, objectors, Ward Members and Parish/Town Council Representative will also be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do so and, if so, will be invited to the meeting at which the decision is to be made. However, except for Ward Members, any person wishing to exercise their right to make representations in person will be required to confirm by registering their intention to speak by noon on the last working day before the Committee Meeting in the absence of which they will only be permitted to speak at the discretion of the Chairman.
- (b) Ward Members and the Parish/Town Council representative will be afforded an appropriate amount of time (at the discretion of the Chairman) within which to address the Committee.
- (c) Each other group of speakers (objectors and applicants/supporters) will be allowed a maximum of five minutes (except at the discretion of the Chairman) to address the committee. In the event that more than one person wishes to speak for or against a proposal the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson.
- (c) At the meeting the Officer will present his / her report first.
- (e) The Parish/Town Council representative will then address the Committee.
- (f) The Ward Member will then address the Committee.
- (g) The objectors will then make their representations, and may be asked questions by the Committee but will not be permitted to make representations more than once.
- (h) The applicant/supporter will then make his or her representations and may be asked questions by the Committee but will not be permitted to make representations more than once.
- (i) Officers may comment on the representations and the merits of the application.
- (j) The Committee will proceed to debate the application and make a decision. The minute will include the reasons for the decision.
- (k) New documents should not be circulated to the committee; councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising.

12. REVIEW OF DECISIONS

- 12.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 12.2 Visits to application sites previously considered by the County Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 12.3 Attendance at the review site visits shall be restricted to members of the committee and the local County Council members.