



County Planning Committee

Date Tuesday 8 October 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 3 September 2019 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/19/01479/FPA - Former Electrolux Site, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY (Pages 13 - 32)
Provision of site infrastructure (highways, drainage, utilities) pursuant to 8/CMA/7/91 (outline consent for mixed use development comprising up to 425 dwellings and commercial uses including associated access and landscaping works with all matters reserved).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. 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)

8. 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
30 September 2019

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

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

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley,
I Jewell, C Kay, A Laing, G Richardson, A Shield,
J Shuttleworth, 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 3 September 2019 at 1.00 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, J Clare, A Hopgood, I Jewell, C Kay, A Laing, G Richardson, A Shield, J Shuttleworth, A Simpson, F Tinsley (Vice-Chair) and S Wilson

The Chairman informed the Committee that he proposed to change the Agenda Item order so that Item No. 5(c) would be considered before Agenda Item 5(b), because there were no speakers registered for Item 5(b).

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, K Corrigan, K Hawley and M Wilkes.

2 Substitute Members

Councillor A Hopgood as substitute Member for Councillor M Wilkes.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 30 July 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/19/01413/OUT - Land to the south of 2 Beamish View, Hill Top, East Stanley

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for the erection of up to 260 dwellings with

public open space, landscaping and sustainable drainage system (SuDS) and vehicular access, all matters reserved except for means of access on land to the south of 2 Beamish View, Hill Top, East Stanley (for copy see file of Minutes).

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, development framework plan, photographs showing current and proposed access and photographs across the proposed development site. Members of the Committee had visited the site and were familiar with its location and setting.

Councillor L Timbey of Stanley Town Council addressed the Committee to object to the application. The proposed development between Beamish Rise, East Stanley and No Place fell within the area of Stanley Town Council.

When details of the proposed development came in to the public domain the Town Council received enquiries from concerned local residents. To hear these concerns the Town Council arranged a public meeting. A large number of residents attended the public meeting and raised the same concerns that Members of the Town Council had about the development.

The development would add more pressure to the A693 which was already a very congested road with traffic travelling at high speeds. This would make the A693 more dangerous for residents to cross to access local woods and amenities. The development would create a significant incursion into the countryside, would not be in keeping with existing pattern of development across the area and would have a significant adverse effect on the character of the local landscape. It would result in No Place ceasing to be a separate settlement from Stanley. The development would lead to increased car usage in Stanley because of the poor walking routes to the town centre and long distances to bus stops from the development.

Stanley Town Council had unanimously resolved that it strongly opposed the development and urged the Committee to refuse the application.

Councillor C Marshall, local Member, submitted the following representation:

Housing development is important to the future economic growth of the County and to Stanley. However it is important that we make sure the development is of the right type in the right place so we retain our communities and so that any proposals are safe and retain our communities.

Since this application was made I have spoken to and received correspondence from a raft of anxious members of the public. The developer has made no attempt to properly engage our community, leaving members of

the public with little opportunity, other than through the formal planning process to discuss their concerns.

The application before committee today is wrong on so many counts, the development is in the wrong place, places undue strain on our busy highway network, where unfortunately there has been a number of incidents on the main road adjacent to the proposed site and this development places further risks associated with this road.

The development also joins the town of Stanley with the rural village of No Place, sprawling out across the countryside.

I have also noted several other planning issues through the public meetings, petitions and communication.

This application has caused a lot of unrest. The approach taken by Gladman has been very amateur and in my opinion has not considered either the Councils existing or emerging planning policy.

On the grounds above I would urge the committee to reject this application.

Councillor Wilson expressed concern that the development would join Stanley and No Place and also expressed concern at the impact of the development on highways. The A693 was a fast moving and busy road and nothing had been provided to indicate how safe it would be for the additional traffic generated by the development to use the road. In the officer's opinion there had been an insufficient assessment. Councillor Wilson informed the Committee that he was fully supportive of the reasons for refusal and **moved** that the application be refused for the reasons set out in the report.

Councillor Jewell informed the Committee that while development was important, it was most important to have correct development type in the correct location. This was quite a large development for this to be the right location and the highways issues raised were of concern. The A693 was a very busy road and Councillor Jewell expressed concern at traffic turning in to the 'B' road even though there was a relief lane. Councillor Jewell agreed with all that had been said and **seconded** refusal of the application.

Councillor Tinsley fully agreed with the officer's recommendations and comments made by local Members and members of the community. This was clearly an application which did not pass the Paragraph 11 test, there were adverse impacts associated with it which were significant and demonstrable, and Councillor Tinsley supported the officer's recommendation.

Councillor Clare requested that the Ordnance Survey map of the area be displayed in the Chamber. Councillor Clare agreed with all comments that had already been made. The development was on a site with a spur which had a raised portion of land. The site was raised ground and because it was a spur the development would be visible from three sides and would be a very visible incursion into the countryside.

Councillor Shield concurred with all that had been said. The A693 was one of the busiest routes between Chester le Street and Stanley with a lot of backlog of traffic getting in to and out of Stanley. Councillor Shield was not happy with the incursion into the countryside. There had been both statutory and internal objections and Councillor Shield supported the officer's recommendation.

Upon a vote being taken it was

Resolved:

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

b DM/19/01838/FPA - Bowburn Junior School, Surtees Avenue, Bowburn, Durham, DH6 5DZ

The Committee considered a report of the Senior Planning Officer regarding an application for a new primary school on the site of the existing Bowburn Junior School with new access road and landscaping and demolition of existing school building at Bowburn Junior School, Surtees Avenue, Bowburn (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, photographs showing the school playing field and location of the new access, proposed site layout and artists impression of the new school building. Members of the Committee had visited the site and were familiar with its location and setting.

The Senior Planning Officer referred to a letter of objection recently received from solicitors acting on behalf of Sports England, a copy of which had been circulated to all Committee Members. The first point raised was in respect of planning history for the site and stated that the report did not comment on the disposal of playing fields for housing at the north eastern end of the site. The Senior Planning Officer displayed an aerial photograph of the site and indicated an area of playing field which was sold off several years ago for housing development and at that time was deemed to be surplus land. This residential development was not considered to be relevant to determine this application, was not within the boundary of the proposed development and therefore not considered to be a relevant part of the planning history.

The second point raised was in relation to the policy framework. The letter reiterated the policy framework which was set out in Sport England's original objection. It stated that Paragraph 97 of the NPPF was not being complied with as a loss of playing field resulting from the proposal would not be replaced by equivalent or better provision in terms of quantity and quality. The Senior Planning Officer informed the Committee that there was no disagreement with this and at no point in the Committee report was it stated that the proposal would accord with Paragraph 97. Paragraph 140 of the Committee report stated that the overall provision of playing fields and play spaces was an improvement over the existing facilities in accordance with Part 8 of the NPPF, not specifically Paragraph 97. In this respect the proposal would accord with Paragraphs 91 and 92 of the NPPF in respect of providing healthy, inclusive and safe places and also social, recreational or cultural facilities and services.

The third point raised advised that local authorities must take into account any representations received from any consultee. The Committee report clearly identified Sport England as a statutory consultee and afforded weight to their objection. However, the basis of the objection had been analysed and balanced against the benefits of the proposal in consideration of the application. It was for the Committee to consider the objection and decide what weight to attribute to it.

The original letter from Sport England stated that the Football Association had concerns about the impact of the development on football teams in the area. In the absence of a separate objection from the Football Association or any contact at all this information was not considered of sufficient value to include in the Committee report. However the full objection from Sport England had been available to view at all times on the planning portal, including their comments about the Football Association.

The impact on football provision was commented on within the Committee report. At paragraph 138 it was stated that a new access road would be created across the adjacent recreation ground which would have the effect of reducing the available playing field space, although both the 11-a side and 9-a side pitches would be retained. The space affected did not impede on the football pitches, which would not be changed.

C Cuskin, Planning and Development Solicitor advised the Committee that if it was to approve the application, it could only be minded to approve because there was an outstanding and unresolved objection from Sport England in respect of the application and therefore the application would need to be referred to the Secretary of State.

The Chair of the Committee informed the Committee that Councillors Blakey and Dunn were Governors of Bowburn School.

Councillor J Blakey, local Member addressed the Committee in support of the application. The application for a new school was welcomed, which was a new phase in the life of Bowburn and the education it provided to its young people. Councillor Blakey thanked those Members who had attended the site visit the previous day. Councillor Blakey referred to the objection by Sport England and informed the Committee that the field being referred to was too wet to play on even in the summer. The development of the school was looked forward to because of the increase in the number of children in the area because of recent developments, with more development to take place. To have a primary school on one site would be a benefit to parents who would not need to drop children off at two sites. There were concerns regarding drainage in the area, which was already very wet, although it was understood this was being addressed. There were also concerns from local residents about the old school buildings which were in a conservation area and Councillor Blakey asked that the Council carry out consultation with local residents when considering the disposal of the old school buildings.

Councillor Blakey while welcoming the school, expressed that a complete educational provision, including secondary and college education would have been more welcome in the area, which did not currently have secondary education provision and required pupils to travel for this. Councillor Blakey asked the Committee to approve the application.

Councillor Dunn, local Member, addressed the Committee to support the application. Councillor Dunn informed the Committee that the proposed new school was needed and thanked the County Council for providing the funds to enable this. In recent years there had been nearly 1,000 new houses built in Bowburn, so this school was necessary. Councillor Dunn also thanked Councillors C Marshall and O Gunn for their support with the proposed new access road and the parking proposed. This would be the third largest primary school in County Durham and as such there would be a need for the proposed parking and drop off provision. The new access road and number of drop off bays were both proportionate and necessary.

Councillor Dunn referred to the representations from residents. Two consultation events on the new school had been held and the proposal had been widely welcomed and that was why there had been so few local objections to the proposal. The quality of the school, the size of the school, the nursery provision and the new road and the visitor parking would not lead to increased traffic through the village and this was a massive improvement to what was currently in place.

Councillor Dunn referred to the objection from Sport England and the loss of 1.8 hectares. As previously described, this was a boggy marsh, and did not have a football field marked out on it, did not have Bowburn Junior School teams playing on it, did not have visiting teams playing on it and did not have any teams able to or playing on it. It was a huge area of very poor land which was very rarely used. What was proposed would provide excellent external facilities appropriate for the needs of the pupils in the primary school. The new access road and parking would not impose on the existing 9 a-side and 11 a-side playing fields. Sport England had not visited the site or spoken to the head teacher of the school.

Flooding was an issue in Bowburn, everything drained towards around the community centre, including the school.. The proposed SuDS scheme was welcomed and assurances had been made that this would prevent any run-off at least from the school and Councillor Dunn was pleased that this was supported by Northumbrian Water. Councillor Dunn endorsed the views of Councillor Blakey regarding secondary school provision in the area. Between Bowburn, Coxhoe and the surrounding villages there were 647 children fanning out to eight different comprehensive schools and, given the level of development in the area, in the future this would need to be addressed. Councillor Dunn asked the Committee to approve the application.

Councillor McKeon, local Member, addressed the Committee in support of the application. While not wishing to repeat what had already been said, Councillor McKeon wished to talk about the highways and access issues. Currently, Bowburn had massive issues with school parking at both the infants and junior school sites, particularly around Surtees Avenue where congestion could become quite dangerous at peak times. This was on an estate of old estate roads which were not built to deal with the levels of traffic they experienced. Councillor McKeon had addressed this issue some two years ago and through working with the head teachers of both schools a walking bus through the village had been set up. Despite the full backing of the schools the traffic problem on the estate persisted. Part of the reason for the problem persisting was the way that Bowburn had expanded. New development at Bowburn had taken place in areas which were too far for young children to walk to school. The roundabout around junction 61 of the A1(M) was currently being signalised and once this was completed it would be more difficult for pedestrians to use this area.

Referring to the objection from Sport England Councillor McKeon informed the Committee that the playing fields to be lost were not playable and it was annoying that the much needed primary school which was being built by a local authority now needed to be decided by the Secretary of State because an organisation which did not understand the village was objecting over the loss of a boggy field. This primary school was needed by the village of

Bowburn and Councillor McKeon asked the Committee to approve the application.

Councillor Wilson informed the Committee that he sympathised with traffic conditions in the area, which he believed would be mitigated by the level of parking proposed. With reference to the Sport England objection, while understanding their approach, Councillor Wilson did not consider it in any way comparable to what was being proposed for the site. There would be improvements in play areas and this would be a new school with improved facilities to allow a through education of infants and juniors. Councillor Wilson hoped that local Members would be involved in a robust construction management plan. Councillor Wilson **moved** approval of the recommendation, that the Committee be minded to approve the application.

Councillor Hopgood informed the Committee that a new school for Bowburn had been a long time in coming. She considered the Sport England objection to be strange and was of the opinion they were unaware of the state of the land they were referring to, in terms that it was not fit for purpose to be played on. The local Members, who had best knowledge of the land, had highlighted that this land was not playable.

Councillor Hopgood referred to paragraph 8 of the report and informed the Committee that she was pleased a translucent cladding system was being proposed to allow maximum solar gain, which was a positive advantage. She was also pleased that school parking was being addressed in a positive way to remove congestion from estate roads. Councillor Hopgood could see no reason not to agree with the recommendation in the report and **seconded** that the Committee be minded to approve the application.

Councillor Clare referred to the NPPF. Sometimes a paragraph later in the NPPF replaced Paragraph 11 and when that Paragraph applied then the balance on Paragraph 11 was not applied. Other times Paragraphs later in the NPPF set out what was desirable but did not obviate Paragraph 11. Councillor Clare asked which of these two Paragraph 97 was, did Paragraph 97 replace Paragraph 11 or was it just part of the balance to be struck under Paragraph 11. The Senior Planning Officer replied that Paragraph 11 (d) part i contained a section relating to restrictive policies where if the NPPF advised on particular policies which provided clear reasoning to refuse an application. Paragraph 97 was not a restrictive policy to which 11(d) i applied and therefore the standard planning balance at 11(d) ii did indeed apply

Councillor Clare, while acknowledging that the application would need to be referred to the Secretary of State, considered the Secretary of State should be aware that under the balance, while the Committee acknowledged the issues raised by Sports England, it could not possibly consider that this would stop the building of a new school and all it offered to the area.

Councillor Jewell informed the Committee that he had a passion for education, which he considered as an important part of life. The application was for a new school with better and up to date facilities to provide a better learning environment and opportunities for young people. Nearly all schools experienced parking problems and this application addressed these problems.

Councillor Jewell was very disappointed with the quality of the Sport England objection, with a lack of validity in many instances. Councillor Jewell agrees that the Committee should be minded to approve the application.

Councillor Richardson informed the Committee that he was aware of the school because his granddaughter had just left the school where she had spent four very happy years. The proposed school would be a great benefit to the area and he was supportive of it.

Councillor Tinsley considered that Sport England had taken an aerial view of the site and had lodged its objection. He considered the application to be about perspective, the proposal was for a new school with community support. If the Committee was minded to approve the application and it was referred to the Secretary of State Councillor Tinsley considered that officers should prepare a letter to go with the application to rebut both the points of objection raised by Sports England. The Committee had considered the objections clearly. The quality of the existing position was poor and what was being proposed was more than adequate and of sufficient quality for the pupils to be accommodated at the school.

Councillor Kay informed the Committee that a strong reason would be needed to refuse the application and that the loss of boggy land was not a strong reason.

Upon a vote being taken it was unanimously

Resolved:

That the recommendation contained in the report be approved.

c DM/18/02982/OUT - Land to the south of Cockhouse Lane, Ushaw Moor, DH7 7PN

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for the erection of up to 210 dwellings including public open space, landscaping and SuDS, all matters reserved except for means of access on land to the south of Cockhouse Lane, Ushaw Moor (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site layout and photographs of the site. Members of the Committee had visited the site and were familiar with its location and setting.

Councillor Tinsley considered that the applicant had not engaged significantly on the application, particularly with the local community. Councillor Tinsley agreed with the reasons for refusal, in particular the level of traffic generated which would impact on Neville's Cross which was already congested and beyond capacity.

Councillor Tinsley referred to issues around landscaping and agreed with the officers conclusion in this regard. Councillor Tinsley **moved** that the application be refused.

Councillor Richardson objected to the application which would lead to the loss of agricultural land. While there was a demand for more housing within the county, this needed to be balanced with losing fields which grew crops. This site was a large parcel of land which was growing a good crop and the development of it would be a tremendous loss for very little gain. Councillor Richardson agreed with the recommendation in the report.

Councillor Hopgood agreed with the recommendation in the report. The application was an encroachment into the countryside and too far from the facilities in Ushaw Moor to make it viable for people to access other than by vehicle. Neville's Cross was currently at saturation point, particularly the Toll House Road area, and additional traffic to this area was unacceptable. Councillor Hopgood **seconded** refusal of the application.

Councillor Wilson referred to the encroachment and considered that the application was essentially putting a new small village into the countryside away from Ushaw Moor. Councillor Wilson supported the recommendation in the report.

Upon a vote being taken it was

Resolved:

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

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/01479/FPA
FULL APPLICATION DESCRIPTION:	Provision of site infrastructure (highways, drainage, utilities) pursuant to 8/CMA/7/91 (outline consent for mixed use development comprising up to 425 dwellings and commercial uses including associated access and landscaping works with all matters reserved)
NAME OF APPLICANT:	Homes England
ADDRESS:	Former Electrolux Site, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site extends to approximately 3.2ha and is located off the B6288 Vyners Close to the south of Spennymoor town centre. The site relates to the former Electrolux site and lies within Merrington Lane Industrial Estate. The land comprises of large areas of hardstanding associated with former industrial buildings which have now been demolished.
2. Vehicular access into the site is taken off the B6288 Vyners Close in two locations with an existing private access road running through the estate connecting the two.
3. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. A structural planting belt lines the site's north western boundary with the B6288. There are also a number of trees internal to the development site primarily located along the existing access roads.

The Proposal

4. The proposal seeks full planning permission for the provision of site infrastructure in association with an earlier grant of permission for a mixed-use development on the wider site comprising of up to 425 dwellings and commercial uses including associated access and landscaping works (8/CMA/7/91 as amended by DM/18/00652/NMA). The proposed site infrastructure relates to various drainage, highway and utilities works.

5. A detailed drainage strategy has been submitted which outlines new foul and surface water drainage infrastructure and proposed sewer diversion. The two existing accesses into the site from the B6288 will also be improved and a toucan crossing provided to improve linkages back to Spennymoor town centre. A new spine road is proposed through the development site which includes two new roundabouts. Along the central boulevard there will be pedestrian footpaths and landscape verges to both sides. Utilities are also proposed to be included within the package of works.
6. The application is being reported to County Planning Committee as it constitutes a major non-residential development proposal on a site in excess of 2 ha.

PLANNING HISTORY

7. Outline planning permission was granted in 2013 for a mixed-use development comprising of up to 425 dwellings and commercial uses including associated access and landscaping works (8/CMA/7/91). A s.96a (non-material amendment) application was later approved in April 2018 pursuant to this original application which introduced a new condition to allow a phased approach to development and the amendment of other conditions to facilitate this (DM/18/00652/NMA). The newly introduced condition relating to phasing plan has since been discharged (DRC/18/00157).
8. An application is currently pending determination which seeks to discharge several conditions (toucan crossing, trees, coal mining and land contamination) associated with the mixed-use development (DRC/19/00057).
9. A reserved matters application DM/18/03075/RM relating to Phase 1 of the development comprising of 100 dwellings is also pending consideration
10. A new electricity substation has been recently been approved on land which would fall within Phase 3 of the development (the commercial phase) (DM/19/01186/FPA).

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
12. 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.
13. *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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *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>

24. 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; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; 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 Sedgfield Borough Local Plan (SBLP) 1996

25. *Policy E1 – Landscape Protection and Enhancement.* Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
26. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
27. *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.
28. *Policy IB2 – Designations of Types of Industrial Estates – Outlines the designated industrial estates across the borough.*
29. *Policy IB6 – Acceptable Uses in General Industrial Estates – Sets out that general industrial areas are acceptable for a wide range of industrial activities including business (Use Class B1), general industry (Use Class B2) and warehousing (Use Class B8).*

30. *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.
31. *Policy L9 - Footpaths, Cycleways and Bridleways in the Countryside*. The council will seek to promote the provision of a safe, attractive and convenient network of footpath, cycleway and bridleway routes.
32. *Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
33. *Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
34. *Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
35. *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.

EMERGING PLAN:

The County Durham Plan

36. 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Spennymoor Town Council* – No comments received
38. *Highway Authority* – The proposed highway infrastructure works will be undertaken under a Section 38 Agreement Highways Act 1980 in relation to the on-site Spine Road works and a Section 278 Agreement Highways Act 1980 in relation to the off-site protected right turn lane, roundabout tie-in and also the proposed toucan pedestrian crossing installation. The S.278 works have been designed by DCC therefore the submitted engineering layout plan is considered to be acceptable. All of the S.38 works

appear acceptable in principle and will be subject to a detailed assessment by DCC Highways Adoption. In preparation for this a Road Safety Audit has been undertaken and vehicle swept path analysis on both internal roundabouts. No objection is raised.

39. *Drainage and Coastal Protection* – The works proposed mainly relate to Section 104 Northumbrian Water Agreement works within the highway. The discharge rates of the drains/sewers connecting to these proposed public sewers have been agreed. On this basis no objection is raised. To divert the culvert the applicant will need to apply for Land Drainage Consent.
40. *Coal Authority* – Raise no objection however recommend the imposition of an informative relating to intrusive activities and unexpected encounters during development.

INTERNAL CONSULTEE RESPONSES:

41. *Landscape* – The landscape proposals show a strong avenue of trees along the spine road. Whilst the submitted details are broadly acceptable some further information and clarification is required.
42. *Landscape (Arboriculture)* – There are two main areas of concern. At the entrance to the estate there will be some extensive tree removal therefore a tree survey is required to clarify what will be removed, how the retained trees will be protected and what planting is proposed to mitigate the loss. There is a significant amount of tree removal proposed therefore replacements should be incorporated within the redevelopment.
43. *Ecology* – Raise no objection subject to an informative relating to breeding birds.
44. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised subject to a condition relating to a dust action plan.
45. *Environment, Health and Consumer Protection (Pollution Control)* – No objections, subject to conditions to secure the submitted construction environmental management plan and a hours of operation condition.
46. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
47. *Monitoring and Enforcement* – The submitted construction environmental management plan (CEMP) cannot be supported at this time as further clarification is required in relation to hours of operation, construction deliveries, measures to avoid and address mud and debris on the highway and the commitment to regularly review the CEMP if required.

EXTERNAL CONSULTEE RESPONSES:

48. *Northumbrian Water Limited* – Whilst the surface water flows from the development site will ultimately discharge to the same network, they will be significantly reduced from those associated with the former use of the site. No objection is raised, noting that final discharge rates and connection points can be agreed and approved through their Section 106 process for an indirect connection to the public sewer.

PUBLIC RESPONSES:

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

50. *Cllr Alan Gardner, (Tudhoe Electoral Division)*, notes the site has been a mess for a number of years and, therefore, supports Homes England's positive approach to the site and this current application. He has spoken to neighbouring residents in the Barratt Homes estate (former Thorn site) who have given a positive response to the plans. Overall, the proposals will see the environmental issues addressed and a safe crossing point for pedestrians. Moving forward he hopes the future developers of the site will take note of the climate emergency we are in and develop/have a sustainable and ethical building ethos.
51. One letter of objection has been received on behalf of J Mitchinson Ltd, an existing business adjacent to the site. The letter raises a number of objections which can be summarised as follows;

Highway safety

- The application lacks detailed modelling, tracking or evidence (including a Stage 2 Road Safety Audit) to demonstrate the acceptability of the proposed highway layout particularly in relation to whether the vehicles associated with their client's business can manoeuvre throughout the new layout
- The re-opening of the access onto the B6288/C152 roundabout particularly in relation to queuing back (both internally and externally to the site) and the limited junction visibility
- The lack of separation from their client's site access and the proposed internal roundabout
- Question whether the new internal highway arrangements can be considered for adoption in light of the aforementioned concerns.
- How the development would impact on their Right of Access through the site.
- Question why an updated Transport Assessment has not been provided in support of this development which takes account of their client's business
- Consider the development would result in an unacceptable impact on highway safety in conflict with Policy T7 of the SBLP and Paragraphs 109 and 110 of the NPPF.

Other considerations

- Question whether the drainage works would require their client's consent
- The Construction and Environmental Management Plan lacks detail of how the issue of access and egress for their client will be managed throughout the development process. Consider this has the potential to impact on how their client's business operates.
- Consider that the proposals are in conflict with Paragraph 170 of the NPPF as there would be a net loss to biodiversity.

52. *Cllr Sproat (Spennymoor Town Council)* is concerned that the consultant's report (Campbell Reith) refers to the incorrect site address (Vyners Close rather than Merrington Lane) and that the neighbours consulted on the application list is out of date.

The above is not intended to repeat every point made and 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/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

53. A key aspect of Homes England's stated mission is to unlock land for the delivery of housing where the market will not. The former Electrolux site represents such an example and despite having secured outline planning consent in October 2013, the extent of upfront site preparation and remediation costs and uncertainties over

abnormal development costs and services liabilities served to deter interest from housebuilders - leaving the development stalled for a number of years.

54. In response, Homes England acquired the site in 2017 and has since worked to develop a strategy to overcome these issues and undertake the works required to make the site more attractive to the market. Many of these issues are addressed by this application; therefore, it represents a key milestone in Homes England's efforts to unlock the site for development.
55. The works proposed in this application, which represent a significant investment in the site and in Spennymoor, have been designed in consultation with DCC officers to ensure that they are well aligned with the parameters established in outline planning consent CMA/7/91. In addition, the works also seek to maximise efficiencies in Homes England's investment and minimise disruption to nearby residents and occupiers by carefully co-ordinating enabling works.
56. The proposed works allow rationalised utilities networks and surface water drainage infrastructure to be delivered in a logical sequence with the delivery of a key piece of highways infrastructure which will open up vehicular access to all subsequent residential development parcels.
57. This approach has allowed Homes England to procure a comprehensive package of civil engineering works incorporating the site wide remediation required by condition of CMA/7/91 and the utilities and drainage rationalisation and highways works proposed in this application. Delivery of this package of works will produce fully serviced and remediated development parcels, thus providing housebuilders with far greater certainty in relation to development viability.
58. Since acquiring the site Homes England have worked closely with nearby landowners, both to allow the Homes England site to be put to effective temporary uses in advance of the commencement of development and to ensure that appropriate relationships between residential and non-residential uses are achieved going forward. It is noted that an objection to this application has been submitted on behalf of J Mitchinson Ltd citing impacts of the proposal upon their ability to maintain historic methods and intensities of operation with specific reference to highways impacts.
59. As J Mitchinson Ltd have operated in recent years with the benefit of a short term lease over a large area of Homes England land immediately adjacent to their site, it is considered that the reduction in the area over which J Mitchinson Ltd has control by around 2/3 and the removal of a convenient but temporary secondary access to their site will inevitably result in the requirement for some changes to historic patterns and intensities of operation. However, Homes England have provided additional vehicle tracking analysis for all types of HGV demonstrating that access to the Mitchinson premises can be maintained both during the construction phase and upon completion of the scheme. Homes England will continue to work with DCC Highways to ensure that the proposals meet all relevant requirements for the proposed roads to be put forward for adoption.
60. Homes England will also continue to work with J Mitchinson Ltd to ensure that a right of access over Homes England land is maintained and that operational requirements are considered in the programming and undertaking of works on site to ensure construction phase disruption is minimised.
61. A contractor has recently been appointed for this works package with onsite works scheduled to commence in mid-October 2019. As such, any delay in approving this application would have significant implications in terms of both the timing of delivery and

costs associated with any delay. As such, Homes England respectfully request that the application be approved in line with the recommendation of officers.

PLANNING CONSIDERATIONS AND ASSESSMENT

62. 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, highway safety and access, impact on the character of the surrounding area, layout and design, amenity, ecology and other matters.

The Principle of the Development

Site History

63. The former Electrolux site benefits from an extant outline consent for a mixed-use development comprising up to 425 dwellings and commercial uses (8/CMA/7/91) approved in October 2013. The scale of the site, the nature of its former uses, uncertainties around the extent of required remediation work and complexities relating to services and utilities associated with neighbouring commercial operations combined to deter private sector investment. Homes England acquired the site in 2017 and have sought to devise a strategy to make the site more attractive to developers through a range of measures including site investigation works and the submission of various planning applications.
64. A S.96a (non-material amendment) application introduced a new condition to allow a phased approach to development and the amendment of other conditions to facilitate this (DM/18/00652/NMA). The newly introduced condition 5, relating to the phasing plan as introduced by DM/18/00652/NMA, has since been discharged (DRC/18/00157). This will see four phases of development; Phase 1 - 101 residential units), Phase 2 - 159 residential units), Phase 3 - commercial and community developments and Phase 4 - 165 residential units. A reserved matters application (all matters) relating to Phase 1 of the development is currently pending consideration.
65. An application which seeks to discharge several conditions (toucan crossing, trees, coal mining and land contamination) associated with the approved mixed-use development is also currently pending consideration. Approval of this discharge of condition application would allow site remediation works to be undertaken and would improve pedestrian connections to the town centre. It is intended that the works would be contracted to commence later this month once the relevant conditions have been discharged. An application for a new electricity substation has also recently been approved.
66. The works proposed as part of this application have been agreed in principle through the original consent (parameter plans within 8/CMA/7/91) albeit, they are now fully detailed as part of this submission. The current application is, therefore, intended to sit alongside the aforementioned permissions and pending applications. The reason it has been submitted as a standalone application is in order to allow Homes England to deliver essential infrastructure to the site at an early stage in the development process rather than being bound by the Phasing Plan and timescales. Homes England consider that this package of works alongside the remediation contract should serve to remove

risks and uncertainties surrounding the site thereby making it a more attractive prospect to developers.

The Development Plan

67. 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 in the Planning Act and reinforced at Paragraph 12 of the NPPF.
68. 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. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
69. The application site lies forms part of the Merrington Lane Industrial Estate which is identified under SBLP Policy IB2 as a general industrial estate. Policy IB6 outlines that such areas are suitable for business (Use Class B1), general industry (Use Class B2) and warehousing (Use Class B8) uses. The application, which proposes site infrastructure (highways, drainage, utilities) in association with a mixed-use development comprising up to 425 dwellings and commercial uses, is not therefore in conformity with policy IB6. However, it is important to recognise the SBLP was adopted in 1996 and is dated in some respects, taking account of more recent evidence. It is also of note that the 2013 planning permission has established the principle of non-industrial use of the site.
70. In accordance with Government advice, the appropriateness of retaining the site for employment use has been tested through an Employment Land Review (ELR). The Council's ELR (2012) concluded that Merrington Lane Industrial Estate should be considered as a site with potential for alternative uses given the loss of larger employers and due to the redevelopment of the former Thorn site for housing. Application 8/CMA/7/91 was considered and approved in this context. The most up to date ELR (2018) continues to support this decision by recommending the retention of areas currently in employment use however the removal of areas where housing has permission (which includes this site) and is in the process of being developed (former Thorn site).
71. 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.

The NPPF

72. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
 - 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.

73. Important policies within the Local Plan which inform on the principle of development are considered to be out of date. However, in line with the previous applications on this site, the principle of redeveloping this site for a mixed-use development comprising of commercial and residential has been established. Nevertheless, it is considered that the policies which are most important for determining the application are out of date. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as set out above. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Highway Safety and Access

74. SBLP Policy D3 requires that development proposals should achieve a satisfactory means of access onto the wider highway network while protecting highway safety in terms of vehicle movements and traffic generation. This policy is considered compliant with Paragraph 108 of the NPPF which also seeks to promote accessibility by a range of methods and ensure that safe and suitable accesses can be achieved. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
75. The proposed highway infrastructure works would be undertaken under a Section 38 Agreement pursuant to the Highways Act 1980 in relation to the on-site Spine Road works and a Section 278 Agreement pursuant to the Highways Act 1980 in relation to the off-site protected right turn lane, roundabout tie-in and also the proposed Toucan pedestrian crossing installation. The S.278 works have been designed by DCC, and are, therefore, deemed to be acceptable from a highway safety perspective.
76. The main 6.75 metres wide local distributor road route through the site, including the two roundabouts, would be considered for adoption under a Section 38 Agreement. All of the S.38 works would be subject to a detailed assessment by DCC Highways Adoption officers. A Road Safety Audit and vehicle tracking assessments have been undertaken. The vehicle tracking assessment considers both internal roundabouts in addition to the access/egress point associated with the J Mitchinson Ltd site for a 12m rigid lorry, 16.5 articulated lorry and 18m drawbar truck. The submitted vehicle tracking analysis demonstrates that the proposed arrangements can accommodate the three types of commercial vehicles referred to.
77. Multiple concerns relating to highway safety and access have been raised by J Mitchinson Ltd, an existing business adjacent to the site. There is no requirement for this application to be supported by a Transport Assessment (TA) or indeed for the original TA to be revisited as the capacity of the wider highway network was considered as part of the 8/CMA/7/91. The works proposed as part of this application are in accordance with the parameter plans approved as part of this application and would come forward in any event as part of the reserved matters applications associated with the relevant phases. The reason it has been submitted as a standalone application is in order to allow Homes England to deliver essential infrastructure to the site at an early stage in the development process rather than being bound by the Phasing Plan and timescales. Homes England consider that this package of works alongside the

remediation contract should serve to remove risks and uncertainties surrounding the site thereby making it a more attractive prospect to developers. Furthermore, the newly re-opened access onto the B6288 roundabout would be in exactly the same position as it was when it closed and, as such, junction visibility would not have altered. J Mitchinson Ltd Right of Access through the site is a private legal matter between themselves and Homes England. It is recognised that the access arrangements and immediate highway surrounds would change for J Mitchinson Ltd. Currently their access/egress leads directly onto a relatively quiet private road whereas in the future it would be onto an adopted highway and one which ultimately would serve future phases of development. However, this would always be the case having regards to the extant outline planning permission and the highway improvement works detailed within this application can come forwarded in any event as part of the reserved matters submissions.

78. The Highway Authority are satisfied that the site access and internal arrangements are acceptable and offer no objection to the scheme or highways impacts more widely. The proposed development is considered to be acceptable and therefore in accordance with SBLP Policy D3 and Part 9 of the NPPF.

Impact on the Character and Appearance of the Surrounding Area, Layout and Design

79. SBLP Policies D1, D2, 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. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. Part 12 of the NPPF also seeks 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, D5 and E15 in this respect.
80. Externally the development site is well screened given the structural planting along the site's boundary with the B6288 Vyners Close although the site can clearly be viewed from its two existing vehicular access points. The land comprises of large areas of hardstanding associated with former industrial buildings which have now been demolished. It looks run down and untidy in appearance. Paragraph 118 of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The proposal supports and is associated with an extant mixed-use development including up to 425 residential home and entails the re-development of previously developed land. The development of even this smaller portion of the site would result in environmental improvement in terms of its overall appearance. These benefits should be afforded substantial weight in the planning balance.
81. There are a number of trees within the structural planting belt in addition to some internal to the development site primarily located along the existing access roads. Some of these trees will need to be removed to facilitate the improved access arrangements and new spine road. A tree protection plan is required to ensure the protection of the trees to be retained. A landscaping scheme has been submitted which shows a strong avenue of trees which would compensate for any trees lost in accordance with Policy E15. Landscape Officers consider the submitted scheme is broadly acceptable but some further information is required under condition.
82. The principle of developing this site is, therefore, considered acceptable in landscape terms. No objection has been received from either the landscape or tree officer subject to conditions being imposed to secure a detailed landscape scheme including

replacement tree planting, future management and maintenance arrangements and tree protection measures. Subject to the imposition of conditions the development is therefore considered to comply with SBLP Policies D1, D2, D5 and E15, as well as Parts 12 and 14 of the NPPF.

Impact on Amenity

83. SBLP Policy D5 requires that development layouts provide a safe and attractive environment. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
84. This application only relates to the initial site infrastructure works detailed within the submission. Due to the nature of the works proposed it is considered that they would not cause any adverse impact upon the amenity of those living and working in the vicinity of the development site. Matters relating to the detailed design and layout of each of the commercial and residential phases approved as part of the outline planning permission would still need to be agreed through separate reserved matters applications. These applications would fully consider the issue of amenity for new occupiers and existing land users.
85. Environment, Health and Consumer Protection officers note the potential for disturbance during the construction period. It is considered that conditions relating to a Construction Management Plan (CMP) and hours of working would provide sufficient mitigation in this case. Whilst a CMP was submitted in support of the application it is considered to require refinement under condition. Concerns raised by the objector in relation to maintaining the access and egress of existing businesses within the vicinity of the development during the works would need to be managed by the applicant rather than controlled through the CMP. Homes England's applicant's statement outlines their commitment to working with adjacent business to minimise any disruption in this regard.
86. Similarly, Environment, Health and Consumer Protection officers consider that the development would not have a significant effect on air quality and there is no requirement to undertake further assessment. Subject to a dust action plan being secured, a requirement within the CMP, there would not be an adverse impact on the environment having regard to paragraph 181 of the NPPF.
87. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living and working in the vicinity of the development site, and adequate levels of amenity can be secured through the imposition of conditions. The development is, therefore, considered compliant with SBLP Policies D1 and D5 in this respect and Parts 8 and 15 of the NPPF.

Ecology

88. The site is located approximately 340m to the north east of North Close Marsh Local Wildlife Site. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. SBLP Policy E11 seeks to ensure that developments protect and mitigate harm to biodiversity interests. Paragraph 170 of the NPPF advises decisions should contribute and enhance the natural and local environment by minimising impacts on and providing net gains for

biodiversity. Policy E11 is considered consistent in this regard and can be afforded full weight.

89. Whilst it is acknowledged that there will be some loss of vegetation when undertaking the proposed infrastructure works, it is recognised that this is a brownfield site and overall the proposed landscaping works (including those within the wider scheme) would provide sufficient mitigation in this case. The Council's Ecologist offers no objection to the scheme on this basis and subject to a bird breeding informative being added. The scheme is considered to comply with SBLP Policy E11 and Part 15 of the NPPF in this respect.

Other Issues

90. Environmental Health Officers advise it is necessary to take a conditional approach towards land contamination given the requirement to undertake on-site remediation works and that the development proposal includes areas of landscaping. A condition to secure a Phase 4 Verification Report would ensure that the site is suitable for its intended use, taking account of any risks arising from contamination, meaning the proposal would accord with Part 15 of the NPPF.
91. Parts of the site lie within the coal mining high risk area. The Phase 2 Additional Site Investigation Coal Workings Report (rev.2 dated 21st May 2019), submitted in support of application DRC/19/00057, is considered sufficient to assess the risks posed by the former coal mining legacy. Site investigation works, undertaken within the development limits of this application site, indicate that where coal seams were encountered, they were intact. The Coal Authority, therefore, raises no objection to this application however recommends an informative is added. The proposals are, therefore, considered to meet the requirements of Part 15 of the NPPF in demonstrating that the application site can be made safe and stable.
92. The site lies within flood zone 1, defined as areas with the lowest probability of river or sea flooding. The works proposed as part of this application mainly relate to Section 104 Northumbrian Water Agreement works within the highway. The discharge rates of the drains/sewers connecting to these proposed public sewers have been agreed with Northumbrian Water. The applicant would be required to apply for Land Drainage Consent. This would be brought to the applicant's attention through an informative. Drainage and Coastal Protection Officers raise no objections to the development on the grounds of flood risk or drainage having regards to Part 14 of the NPPF.
93. The proposal has generated limited public interest with only three letters of representation received, one in support, one in objection and the other raising queries relating to the site address. The objections and concerns raised have been taken account and addressed within the report.

Planning Balance

94. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as policies most important to the determination of the application are considered out of date. Furthermore, there are no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and, therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
95. The development would result in the positive re-use of previously developed land resulting in environmental improvements to the area. It would also support the delivery of a toucan crossing facility improving pedestrian linkages to the town centre.

96. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield including the creation of construction jobs.
97. No significant adverse impacts have been identified. Whilst it is acknowledged that the proposed highway works would result in a change in circumstances for J Mitchinson Ltd these impacts could occur regardless due to the wider site benefitting from an extant mixed-use planning permission. Furthermore, the concerns raised by the objector have been fully considered and no highways objection is raised.

CONCLUSION

98. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
99. Whilst the site benefits from mixed use development consent dating back to 2013 it has remained underdeveloped due to market uncertainties. Homes England are trying to address these through a range of measures including this current application submission which will help to deliver essential infrastructure to the site at an early stage in the development process. The works proposed would result in environmental improvements to the area through the positive re-use of previously developed land and the delivery of a toucan crossing facility. No significant adverse impacts have been identified. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
100. The proposal has generated some limited public interest, with only three letters of representation received comprising of one letter of objection, one in support and a further letter which raised specific queries. The objections and concerns raised have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.

RECOMMENDATION

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

Time Full

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.

Plans

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

Drg. No. 6000 Rev. P1 Pavements, Kerbs and Footways received 08/05/2019

Drg. No. 5172 Rev. P5 Combined Sewer Diversion Plan and Manhole Schedule received 08/05/2019

Drg. No. 5301 Rev. P1 Highway Swale Details received 08/05/2019
Drg. No. 6350 Rev.P1 Typical Cross Section Details received 08/05/2019
Drg. No. 4002 Rev. P1 Land Ownership Plan received 10/06/2019
Drg. No. 1390228-DCC-HE-03-01 Rev.0/- Engineering Layout received 12/09/2019

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies D1, D2, D3, and D5 of the Sedgefield Borough Local Plan and the NPPF.

Construction Management

3. No development or any works of demolition, shall be carried out until a Construction Management Plan has been 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:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. 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 shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of residential amenity having regards to Policy D5 of the Sedgefield Borough Local Plan and Part 15 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

Tree Protection Plan

4. Prior to the commencement of the development and any works to trees, details of the trees and hedgerows proposed for retention shall be submitted to and approved by the Local Planning Authority. Once agreed, retained trees shall be protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: To protect trees from construction damage. In the interests of visual amenity of the area having regards to Sedgefield Borough Local Plan Policies E1, E15, D1 and D5 and Parts 7 and 11 of the NPPF. Required to be pre-commencement as the trees must be protected ahead of the construction activities occurring which pose potential risk to their health.

Landscape Scheme

5. Within two months of the date of this planning consent a scheme a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.
 - Details soft landscaping including planting species, sizes, layout, densities, numbers;
 - Details of planting procedures and/or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - The timeframe for implementation of the landscaping scheme.
 - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
 - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Contaminated Land

6. The Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Working Hours

7. 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 0800 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 0800 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.

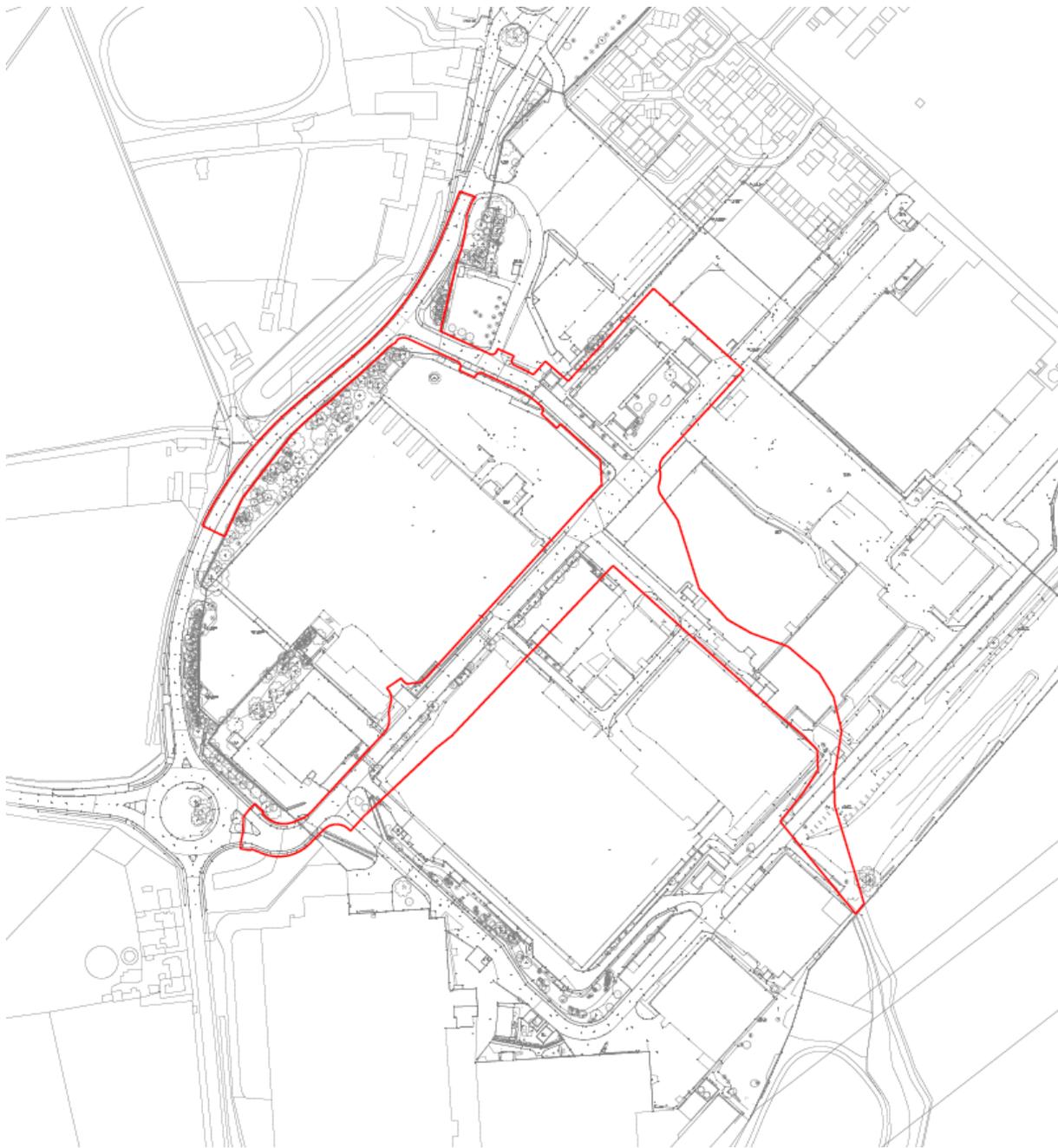
Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to support 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 (2019)
- National Planning Practice Guidance notes.
- Sedgefield Borough Local Plan
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

Ref: DM/19/01479/FPA
 Provision of site infrastructure (highways, drainage, utilities) pursuant to 8/CMA/7/91 (outline consent for mixed use development comprising up to 425 dwellings and commercial uses including associated access and landscaping works with all matters reserved)
 Homes England
 Former Electrolux Site, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY

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Comments

Date 8th October 2019

Scale Not to Scale

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