

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0269/DM
FULL APPLICATION DESCRIPTION:	Outline application for up to 120 dwellings including details of access.
NAME OF APPLICANT:	K Hartwell and Durham County Council
ADDRESS:	Land at and to west of K Hartwell LTD, Green Lane Industrial Estate, Spennymoor
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 4.7 ha in area and is located to the north east of Spennymoor within the Green Lane Industrial Estate. An industrial building and associated hard surfacing and open areas operated by J Mitchenson Ltd, an aluminium trolley manufacturer, is currently located on site, together with an undeveloped area of poor quality grassland owned by Durham County Council measuring 1.75ha in area.
2. The site is bordered to the north by Butchers Race part of the estate road network which contains industrial premises, vacant plots and the Council's Education Development Centre. To the east of the site across Enterprise Way lies new residential development under construction within Durham Gate. The Watson Court residential development nearing completion is located immediately to the south while the new Thorn Factory and existing residential development of Tudhoe Moor is situated to the west and south west beyond a small area of informal open space with footpath links.
3. Outline planning permission is sought for the erection of up to 120 Dwellings, on the site including the means of access. The existing industrial unit which is now vacant would be demolished to facilitate the development and incorporated with the undeveloped parcel of land to the west. An indicative site layout shows the housing development to be a mix of 2, 3 and 4 bed dwellings arranged off a circular estate road and a number of cul-de-sacs. Pedestrian links would be created through a series of permeable landscaped paths along the western and southern boundary and centrally through the site.

4. The main vehicular access would be taken off Enterprise Way towards the north east corner of the site. The existing access to the industrial unit to the south of this would be retained as a private access driveway serving several housing units together with another secondary access of this type close by. The existing vehicular access to the industrial unit off Butchers Race to the north would be removed as part of the development. It is also proposed that the Butchers Race, Enterprise Way road junction is physically stopped up to separate residential and other traffic and remove the possibility of a north south through route through the industrial estate at this point. This would allow the existing traffic restriction located further south on Enterprise Way to be removed.
5. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

6. There is limited planning history to this site, however extensions to the industrial premises were approved in 2005 while the building itself was constructed in approximately 1975.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
9. *Part 1 – 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.
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

12. *Part 7 – Requiring Good Design.* 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.
13. *Part 8 – Promoting Healthy 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.
14. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
16. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

17. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
18. *Saved 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.

19. *Saved 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.
20. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- this Policy uses the National Playing Fields Association standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
21. *Saved 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.
22. *Saved 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 size including the provision of affordable housing where need is demonstrated.
23. *Saved Policy IB1 – Types of Industry and Business Areas* – Identifies that the council will seek to maintain in appropriate locations and range of land available for Industry and business.
24. *Saved Policy IB2 – Designation of type of Industrial Estate* – Highlights that Green Lane Industrial Estate is designated a Prestige Business Area.
25. *Saved Policy IB5 –Acceptable uses in Prestige Business Areas* – Sets out that in prestige business areas business, general industry and warehousing will generally be considered acceptable.
26. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that 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.
27. *Saved 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.
28. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *Saved 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:

30. The emerging County Durham Plan is at the next stage of consultation in Pre-Submission Draft form, ahead of Examination in Public in Spring/Summer 2014. In accordance with paragraph 216 of the NPPF, 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. To

this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:

31. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
32. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, (of which 2150 are to be provided in Spennymoor)179 Ha of Employment Land allocation is also proposed, (14.5ha of which is to be provided in Spennymoor)
33. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
34. *Policy 15 – Development on Unallocated Sites* – Sets out that development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location to the character of the settlement, does not result in loss of a settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.
35. *Policy 23 – Employment Land* – Sets out the proposed locations of Prestige and General Employment allocations while also setting out that development for non employment uses on employment allocations or existing protected sites will not be permitted unless the land or building is no longer physically suitable for employment uses, there is a documented evident of an unsuccessful marketing for an employment use for 18 months and the non employment use cannot be accommodated on an alternative site within the market area.
36. *Policy 31- Addressing Housing Need* - sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
37. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self build schemes.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psdlp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Highway Authority* offer no objections to the scheme advising that the surrounding highway network is capable of accommodating the traffic associated with the development. It is also advised that the amended plans are acceptable in terms of the detailing of the closure of the junction of Enterprise Way and Butchers Race along with the removal of the traffic restriction on Enterprise Way.
39. *Environment Agency* - Offer no objection, but advise that consultation should be held with the Sewerage Undertaker to ensure that sufficient capacity is available to accommodate the additional flows that would be generated by the development.
40. *Northumbrian Water Limited* – Identify that at present the Tudhoe Mill Pumping station cannot accommodate the additional flows that would be generated by the development. Scheduled investment into increasing the capacity of the station is not expected to be complete until 2017. Nevertheless as the upgrade is likely to be within the 5 year implementation period of any planning approval, it is advised that the development can be supported by the use of a planning condition to restrict the commencement of development until the issues around additional flows can be resolved.
41. *Coal Authority* – Offer no objection to the development subject to a condition requiring an intrusive site investigation setting out any necessary remedial works to stabilise the land.
42. *Spennymoor Town Council* – No objections

INTERNAL CONSULTEE RESPONSES:

43. *Planning Policy Section* – Advise that although the development would conflict with the existing Sedgefield Borough Local Plan, given the development of Durham Gate since the adoption of the local plan, the promotion of additional housing in the NPPF and the sustainable location of the site it is considered in principle that the proposed development for residential purposes is acceptable. In terms of the Emerging Plan the site is also allocated and safeguarded for industrial land, however it is advised that the development of this site for residential purposes would not prejudice the plan in terms of its employment land provision due to an additional allocation at Thinford Roundabout. It is also highlighted that a major modification and full re-consultation of the Plan would be required to re-allocate this site for housing, delaying the delivery of the plan.
44. *Design and Historic Environment Section* – No objections to the development but offer some suggestions on the layout of the scheme.
45. *Landscape Section* – No objections subject to submission of full landscape details and level information.
46. *Archaeology Section* - No objections provided that a scheme of investigation and recording is implemented before development commences.
47. *Ecology Section* – Raise no objections to the proposals, advising that the risk of presence of protected or priority species is low. It is however advised that more multifunctional green space should be provided within or in close proximity to the application site.
48. *Environmental Health (Pollution Control)*- Advises that conditions relating to appropriate measures to mitigate noise and dust from traffic and construction operations.

49. *Contaminated Land Section* -Recommend the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter should be imposed
50. *Arboricultural Officer* -Offers no objection.
51. *Sustainability Officer* – No objection but recommends that the proposed sustainability and carbon reduction initiatives are embedded into the scheme, and controlled by condition
52. *Targeted Recruitment Training / Employability Section* – Welcome the applicant's intention to sign up to a Training and Employment Management Plan to secure a proportion of the employment opportunities on the site for local persons.

PUBLIC RESPONSES:

53. The application has been publicised by way of press and site notices, and individual letters to neighbouring residents.
54. Letters of objection have been raised by five neighbouring residents, the points raised are summarised below:-
 - Concerns are raised regarding the current access arrangements and the failure to comply with the implemented traffic restrictions.
 - Objections are raised regarding the proposed access arrangements into the development site including the loss of an existing turning area used as parking and potential future reconfiguration of the highway.
 - Further concerns have also been raised regarding the direction of construction traffic and the potential loss of highway safety and noise generated from an increase in traffic flow generated from the development which would pass existing residential properties.
 - It is suggested that the site should be retained for employment purposes and that the loss to housing would be against sustainable development objectives
 - Loss of grassland and the potential associated ecological impact and loss of local amenity provision.
 - Over provision of housing within Spennymoor and the lack of targets suggested in the County Durham Plan.
55. A letter of representation has been received from CPRE (Campaign to protect rural England) who raise a number of concerns regarding the scheme, including the loss of the site for industrial uses, access to the site, lack of cycling infrastructure, lack of provision of sustainable drainage techniques and potential ecological impacts. It is however highlighted that the development would reuse Brownfield land and is well connected in terms of the town centre and wider transport routes.
56. An adjacent land developer has also submitted a letter of representation, raising concerns on the existing traffic restriction and access into the site.
57. Cllr Foster – Has indicated his support for the scheme following amendments to the highway layout and provision of affordable housing.

APPLICANTS STATEMENT:

58. The site is located in a sustainable location for the development of new housing with ready access to services, amenities and employment sites. Although the site has an

existing employment use and has been safeguarded for employment uses, it is considered that there is an over supply of employment land within County Durham and the safeguarded land has not come forward for development within the period of the Sedgefield Borough Local Plan.

59. The proposed development will provide up to 120 family homes in a sustainable urban location on a Brownfield site which will help the Authority achieve the housing targets set within the County Durham Plan. The development will also compliment the adjacent development helping to regenerate the area while also providing 12 affordable homes.

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:

http://www2.sedgefield.gov.uk/planning_search/alldetails.php?ID=34361

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, highway safety, flooding and drainage, visual amenity of surrounding area, amenity of adjacent land uses, ecological interests and ground stability.

The Principle of Development

61. The application site is located within a Prestige Business Area as defined by saved policy IB2 of the Sedgefield Borough Local Plan. Within these business areas saved policy IB5 seeks to restrict uses to business, general industry and warehousing. The loss of the industrial unit and the development of the site for housing would therefore conflict with these saved policies of the Sedgefield Borough Local Plan.
62. However since the adoption of the Local Plan the principle of developing 'non conforming uses' on the estate such as housing has been established in planning permissions that have been implemented. These include the adjacent residential development of Watson Court and the redevelopment of the former Black and Decker site which has introduced a mixture of employment, housing and ancillary retail, known as Durham Gate. In view of this and the particular location of this site relative to neighbouring uses it is considered that the conflict with Policy IB5 should not be given decisive weight particularly as it is now 17 years old and does not fully reflect the wider strategy for Green Lane as a focus for regeneration that has evolved more recently.
63. In terms of the Pre-Submission Draft version of the emerging plan, there is a requirement of some 179ha of employment land to be provided across the county to meet the demands across the plan period. Of this total 14.35ha is to be provided in Spennymoor this includes the application site which is recognised as both an employment land allocation (the undeveloped land) and a protected employment site (the developed site formerly occupied by the Hartwell/Mitchenson Factory).
64. Policy 23 (Employment Land) of the Plan states that the development of employment sites for other uses will not be permitted unless, the land or building is no longer physically suitable for employment uses and there is no realistic prospect of re-use or redevelopment for such uses. The policy also requires that there is a documented evidence of unsuccessful active marketing for employment use over a continuous

period of at least 18 months and the non-employment use cannot be accommodated on an alternative site within the market area.

65. The application has not been accompanied by details of any marketing exercise, however, it is recognised that the existing employment use has ceased operating with this element of the business no longer located in the North East. The 1970's buildings are also in poor condition and are likely to require significant investment to be brought back into a viable industrial use. The continued use of the site of industrial purposes, particularly at a more intensive use than at present, would also potentially conflict with new surrounding residential development, due to the evolution of the estate through the Durham Gate concept.
66. Within the Green Lane Industrial Estate there are areas of undeveloped land, including where the former Black and Decker factory stood, together with other commercial developments which have stalled due to the current economic conditions. During the drafting of the County Durham Plan, it was recognised that this site has a reasonable likelihood of being built out for housing, commensurate with existing land uses. However, as this would involve a major modification and require a full extensive re-consultation, delaying its delivery of the Plan it has not been amended to take into account the potential housing site. Nevertheless an additional 5.32ha of employment land is proposed to be safeguarded south of the A688 adjacent the Thinford Roundabout to ensure that sufficient land is provided for development in the unlikely event that Green Lane Industrial Estate/Durham Gate is built out within the Plan Period. This additional allocation is similar in size to the application site.
67. In terms of the distribution of housing within the County Durham Plan 2,150 houses in Spennymoor are to be provided by 2030. However as this figure is accounted for by existing sites with planning permission no new housing allocations are proposed. Concerns have been raised on this issue by local residents and the CPRE highlighting a lack of need for additional housing in a saturated local housing market in the Spennymoor Area. Whilst it is acknowledged that there is no overriding need to release this site in terms of housing numbers it also needs to be recognised that the settlement figure reflects a minimum rather than upper limit. Moreover, some of the other existing commitments in the area such as the Greyhound stadium (120 units) at Merrington Lane are showing little sign of development taking place despite benefitting from outline planning consent for a number of years. By contrast, the Durham Gate area is showing good delivery with Persimmon Homes, Dunelm Homes and Taylor Wimpey currently active on-the site. A viability appraisal submitted with the application indicates that it would be viable to develop this site and it is likely to be an attractive to developers.
68. The NPPF places great emphasis on delivery and boosting significantly the supply of housing. Schemes with a realistic prospect of implementation contribute to these objectives the proposal provides the opportunity to complement the adjacent schemes on the estate and assist in the delivery of housing within Spennymoor. The NPPF also seeks to direct housing development to suitable locations which offer good access to jobs, key services community facilities and infrastructure. Spennymoor is recognised as a Main Town within the County Durham Settlement Study in this respect and it therefore considered that permitting a further housing development of an appropriate scale within Spennymoor would be sustainable and consistent with the role the settlement plays within the County Durham hierarchy and would be compliant with key aspects of the NPPF.
69. In line with the requirement of policy 31 of the Emerging Plan, a development of this nature would be expected to provide a 10% affordable housing provision, equating to

12 units. The applicant has confirmed a commitment to provide this, which is recommended to be secured through a section 106 agreement.

70. Overall the development is considered viable and deliverable and the economic benefits it will bring in terms of regeneration to this part of Spennymoor are considered to outweigh the presumption in so far of employment related development at the site, which is more uncertain of successful delivery in a similar timescale. It is also considered that the development would not prejudice the emerging plan as sufficient employment land is considered to be safeguarded to meet future demand. Subject to a detailed analysis of the impacts of the development the site is considered acceptable in principle for residential purposes.

Accessibility and Highway Safety

71. Saved Local Plan 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. Objections have been received regarding the proposed access, the level of traffic that would be generated from the site and the existing access and traffic regulations around the site.
72. A vehicle entry restriction is currently in place on Enterprise Way to limiting access between Green Lane and Butchers Race. The intention of this, is to separate residential, commercial and industrial vehicular traffic around the estate in accordance with the original Durham Gate concept. This arrangement was designed to allow 'blue light' emergency vehicles to pass through although its effectiveness in this respect was limited and the route was used as a short cut by some through to the commercial area of Green Lane and Durham Gate.
73. The vehicular access to serve the development would be taken from Enterprise Way, utilising the existing access and two additional access points to the north and south. To accommodate this adjustment and the ongoing segregation of traffic it is proposed that the existing restriction is relocated further north from its current location to the junction with Enterprise Way and Butchers Race where a physical restriction would be put in place, effectively terminating vehicular access between the two roads.
74. The Highways Authority raises no objections to the scheme or the principle of keeping residential and commercial traffic segregated. After reviewing the submitted Transport Assessment, it advises that the highway network has sufficient capacity to accommodate the development. However it is stated that the existing turning head adjacent to the access restriction would need to be removed (although a number of parking spaces may be able to be retained to serve the adjacent development). Full details of the method of stopping up the highway will also be required. It is also advised that the Fire Authority has no objection to this junction being stopped up in terms of its call out requirements from the nearby Fire station on York Hill Road.
75. In terms of accessibility, the site is reasonably connected to the centre of Spennymoor health, school, shopping and leisure facilities. Concerns have been raised regarding the lack of cycling infrastructure, but there are some formal cycling routes within the vicinity of the site, while the site would be permeable by bicycle.
76. Concerns have been raised regarding the submitted transport assessment and the subsequent amendments to the road layout on Durham Gate. However the Highway Authority considers that the base flows of the assessment are acceptable. Further concerns have also been raised regarding the route of construction traffic, and

although the Highways Authority consider that the highway network could accommodate construction traffic coming from the south vehicular access to the site is achievable from Butchers Race. It is envisaged that this route would be utilised during construction, similar to other developments in the vicinity of the site.

Flooding and Drainage

77. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment. In this instance the development is located within Flood Zone 1 and the Environment Agency offer no objections in relation to flooding risk.
78. In terms of the disposal of surface and foul water, Northumbrian Water has identified that at present there is insufficient capacity at Tudhoe Mill Sewerage Treatment works to treat additional foul water. It has been identified that the improvement works necessary to upgrade the capacity of this treatment works are unlikely to happen before 2017 and until this point no additional flows will be accepted. However as the upgrade is likely to be within the 5 year implementation period of any planning approval, Northumbrian Water advise that the development can be supported by the use of a planning condition which will also ensure that Northumbrian Water can still carry out their statutory duties. Alternatively an on site treatment solution could be developed by the developer to adequately treat foul water in the interim period. A 'negative' Grampian condition to this effect is therefore recommended to ensure that no development commences until drainage details have been agreed by the planning authority in consultation with NWL
79. In relation to surface water, given the nature of the site and ground conditions, including past coal mining activity infiltration drainage and SUDS techniques are likely to be of limited effect. However storm water attenuation measures could be incorporated into the scheme to limit discharge rate into the drainage system, it is therefore recommend that this matter be controlled in more detail by condition.

Visual amenity

80. Local Plan policy D5 requires that developments should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. This is reflected within section 7 of the NPPF which sets out that good design is a key aspect of sustainable development, and is indivisible from good planning.
81. The application site is located within a mixed use area, and at present offers little visually to its character and appearance. It contains an old poorly maintained industrial building of functional design and surrounded by hardstandings and an over grown grassed area. The open land to the west, is relatively poor in quality with level differences and scrub planting
82. Although the scheme layout is indicative it is considered to provide a practical and workable solution to the onsite characteristics and features, and makes appropriate reference to the amenity land to the west. The layout would provide an active frontage to Enterprise Way, with proposed areas of open space around other boundaries and centrally through the site. The intended scale and mix of the housing would be commensurate with that within adjacent developments nearby providing a range of detached semi detached and terraced properties. Further consideration would be given to these details in any reserved matters submission to ensure that

the proposed housing contributes to the quality and built environment and achieves the necessary integration and linkages within the surrounding area.

Impact on amenity of adjacent residents and future occupants

83. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring occupiers. The indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan. The noise and disturbance generated by the residential development would be expected to be significantly less than that of the existing industrial use. While subject to suppressing dust through the construction phase no objections are offered by the Councils Environmental Health Unit.
84. The internal layout would ensure that future occupants would have adequate areas of private amenity space, without experiencing unacceptable levels of overlooking. Due to the proximity of commercial and industrial uses to the west and north a noise assessment has been submitted in support of the application assessing the potential impact of these noises from these sources on future residents. The survey concludes that appropriate mitigation measures could be incorporated to mitigate the impact of noise from these industrial activities while also ensuring that the residential development does not prejudice their continued use. The Councils Environmental Health Officer considers this assessment sound and advises that the developer could mitigate the impact of noise generated to an acceptable level. It is therefore recommended that appropriate mitigation is secured by condition.
85. Part of the development site includes an undeveloped area owned by the Council. However this area is not designated as open space and has no public access over it. An amenity strip to the west also within council ownership does not form part of the development site. In terms of open space provision, saved policy L2 of the Local Plan requires that for every 10 dwellings 600sqm of informal play space and amenity space should be provided. This would equate to 7200sqm which should be provided across the scheme. In this instance the indicative site layout suggests that this minimum figure would be exceeded (10080sqm). However in order to ensure this minimum provision is replicated in any Reserved Matters approval a condition is recommended.

Ecology

86. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on biodiversity interests. In this instance the applicant has submitted an ecology survey report and assessed the potential impacts of the development on protected species.
87. The Ecology Section has reviewed the report and considers that due to the location of the site the risk of protected or priority species being present is low. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

Ground Conditions and Stability

88. Given that the site is changing to a more sensitive end use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination. An initial survey has not identified significant contaminants.

89. Part of the application site lies within the High Risk Coal Mining Referral Area due to the presence of a coal seam. The applicant has submitted a Coal Mining Risk Assessment which concludes that it is likely that the site has been subject to previous coal mining activity. The report recommends a programme of investigation and mitigation to confirm the absence or otherwise of historic workings and appropriate mitigation measures. It is therefore recommended that this be secured by condition, requiring validation of these investigation works before construction of the dwellings commence as suggested by the Coal Authority.

Other Issues

90. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. Accordingly the applicant has submitted a geophysical survey. In reviewing this assessment the Councils Archaeology Officer advises that there is the potential for the presence of limited archaeological remains in certain parts of the site and therefore a condition requiring further investigation and recording is recommended before the submission of the Reserved Matters application.
91. Planning plays a key role in helping to reduce greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure. A development of this nature would be expected to achieve at least 10% of its energy supply from renewable resources. A Sustainability and Energy Statement has been submitted highlighting that this would not be achievable on this, however the applicant has committed to a 6% improvement over and above 2010 building regulations. This still represents a significant improvement and therefore the Councils Sustainability Officer offers no objections to the scheme.
92. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include Apprenticeships, Job Opportunities and Work Placements. In this instance the developer has been in discussions with the Council's Targeted Recruitment Training Officer and has indicated a willingness to enter into such a scheme. It is therefore recommended to secure this as part of any section 106 agreement.

CONCLUSION

93. The scheme would represent a residential development within a designated industrial site, contrary to saved Local Plan Policies. However in accordance with paragraph 215 of the NPPF, less weight should be given to relevant saved Local Plan policies where there is limited consistency with the NPPF and the direction of the emerging plan. In this instance the precedent set for developing alternative uses on the Industrial Estate, along with the economic, social and environmental benefits associated with the regeneration of this part of Spennymoor and the consistent and early delivery of quality housing in a sustainable location are considered to out weigh the policy presumption for continued business use on this specific site.
94. The proposed site access and works to the neighbouring highway are considered acceptable, while the surrounding road network is considered adequate to accommodate traffic from the proposed development safeguarding highway safety.

Although indicative at this stage it is considered that the layout could be designed so that adequate separation distances would be achieved to avoid an unacceptable loss of amenity to surrounding properties. The scale and layout of the development could also provide for an attractive form of development complimenting the surrounding area.

95. It is considered that there is a reasonable likelihood that the required improvement works to increase the capacity of the Tudhoe Sewerage Treatment Plant to accommodate additional flows generated by the development would be undertaken during the life of the planning permission. Alternatively an on site treatment solution could be developed to adequately treat foul water.
96. A section 106 legal agreement would secure the provision of 10% affordable housing across the development, equating to twelve units in line with policy requirements and TRT provisions would be incorporated.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a satisfactory Section 106 Obligation to secure the provision of 12 affordable housing units on site and the entering into a Targeted Recruitment and Training Programme.

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 demolition and remediation 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 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 of the access hereby approved shall be carried out in strict accordance with the Indicative Site Layout Plan, Drwg no. 3559/02B, Received November 2013

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

4. Notwithstanding the submitted information, no development other than demolition and remediation works shall commence until full details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. No dwelling shall be occupied until the approved sewerage details have been fully implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory means of foul drainage is provided on site due to the restriction in capacity of the Tudhoe Mill Sewerage Treatment works in accordance Part 11 of the National Planning Policy Framework.

5. No development approved by this permission other than preliminary site excavation and demolition work shall commence until details of the means of access, including the layout, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policies D1, D3 and D5 of the Sedgfield Borough Local Plan

6. In accordance with the Indicative Site Layout Plan, Drwg no. 3559/02B, received November 2013, a scheme fully detailing the relocation and construction of the existing prohibition of driving on Enterprise Way and removal of the existing turning head and creation of a priority T Junction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling.

Reason in the interests of highway safety and safe flow of traffic, in accordance with policies D1 and D3 and D5 of the Sedgfeild Local Plan.

7. Prior to the occupation of the first dwelling, a final residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. Once approved the Travel Plan shall be implemented and extend for the lifetime of the development.

Reason: To encourage sustainable modes of travel to comply with policies D1 and D5 of the Sedgfeild Borough Local Plan and the NPPF.

8. A minimum of 7200 sqm of informal play and amenity space shall be provided within the development allowing free and unrestricted access by residents of the development.

Reason in accordance with saved policy L2 of the Sedgfeild Borough Local Plan

9. Prior to the submission of any Reserved Matters a written scheme of archaeological investigation and a timetable for any investigation shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy shall provide for:
 - i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application site
 - ii) An assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
 - iii) Proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, with a presumption in favour of their preservation in situ wherever feasible;
 - iv) Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
 - v) Notification in writing to the Local Planning Authority commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in accordance with the approved details. Prior to first occupation of any dwelling, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.

10. All planting, seeding or turfing comprised in the approved 'Reserved Matters' of landscaping shall be carried out no later than the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgfield Borough Local Plan.

11. No dwelling hereby approved shall be occupied until details of a scheme for the management and maintenance of all areas of open space within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgfield Borough Local Plan.

12. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the ecological report (Extended Phase 1 Habitat Survey by WSP, received 28th June 2013)

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.

13. No development approved by this permission other than preliminary site excavation and demolition work shall commence until details of the disposal of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The submitted information shall make provision for the attenuation of storm water within the site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of the adequate disposal of surface water in accordance with Parts 10 and 11 of the National Planning Policy Framework

14. The dwellings hereby approved shall be constructed in accordance the submitted Sustainability and Energy Statement, Ref 13396 v2 received 20th August 2013.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of policy D1 of the Sedgfield Borough Local Plan.

15. Notwithstanding the submitted information, the erection of the dwellings shall not commence until a detailed acoustic mitigation scheme addressing noise generated from surrounding industrial uses, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures shall be fully implemented before the dwellings are brought into use and shall thereafter be retained in perpetuity.

Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy D1 and D5 of the Sedgefield Borough Local Plan.

16. Notwithstanding the submitted information, the erection of the dwellings shall not commence until a detailed site investigation report has been submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

Reason: In order to ensure the future stability of the site in accordance aims of the National Planning Policy Framework

17. Prior to the commencement of the development a scheme for dust minimisation and dust control shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of preserving the amenity of residents in accordance with Policy D1 Sedgefield Borough Local Plan

18. Development other than demolition of buildings or that is required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and to establish whether remedial works are required to treat areas of shallow mine workings. . The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all

works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 risks to workers, neighbours and other offsite receptors in accordance with Paragraph 120 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

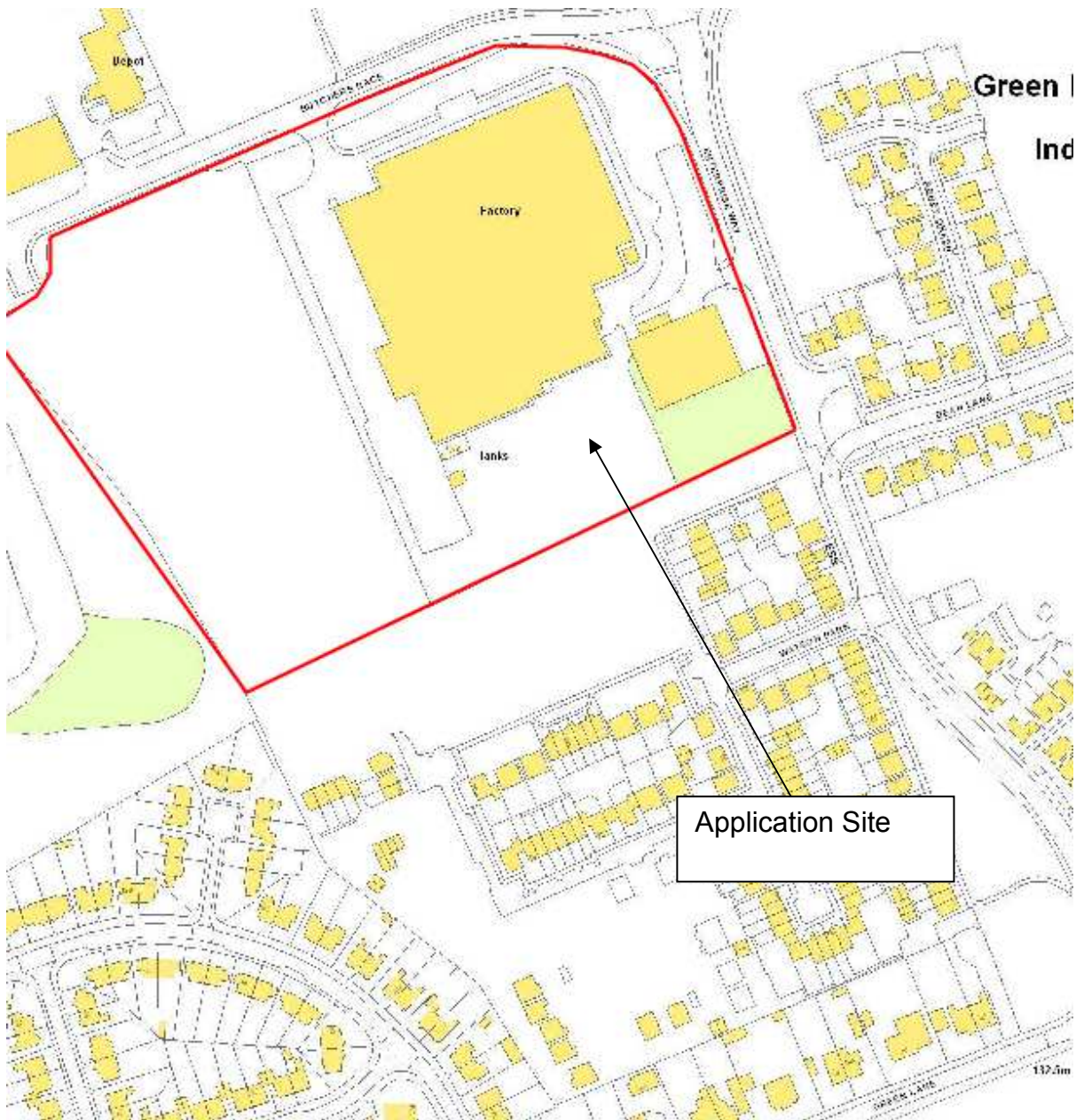

County Durham Plan (pre submission version) and

Affordable Housing & CIL Development Viability Study

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited, Coal Authority, Spennymoor Town Council

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies

Durham
County Council

Planning Services

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Erection of up to 120 dwellings including means of access (Outline)

Comments

Date 3rd April 2014

Scale 1:2500