



## Planning Services

# COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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#### APPLICATION DETAILS

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APPLICATION NO:	7/2008/0283/DM
FULL APPLICATION DESCRIPTION:	Residential development and associated access (outline application)
NAME OF APPLICANT:	Mainsforth Development Limited
ADDRESS:	Former D.C.M.A. and land at Mainsforth Industrial Estate, Ferryhill, County Durham
ELECTORAL DIVISION:	Ferryhill
CASE OFFICER:	Steve Teasdale, Planning Officer 03000 261055, <a href="mailto:steve.teasdale@durham.gov.uk">steve.teasdale@durham.gov.uk</a>

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#### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises approximately 15 hectares of land that has primarily been used for industrial purposes following the closure of the former Mainsforth Colliery many years ago. There has however been a decline in the industrial occupancy of the land in recent years, although one business was still in operation at the time the application was validated. Several long established businesses still however operate on a remaining part of the estate immediately to the east, falling outside the application site boundary.
  2. The site is roughly rectangular, and is bounded by Mainsforth Road to the north, the main east coast railway line to the west, landscaped reclaimed colliery land to the south and remaining industrial land to the east. Most of the site is relatively flat, but there is a distinct lower 'plateau' along the western boundary, with railway land beyond. A stream runs along the edge of this lower level. This portion of the original application site has however been removed from the proposed development area following objections made by consultees principally on grounds of impact upon landscape character and biodiversity.
  3. The proposal has been submitted in outline and seeks to establish the principle of residential development of the site. Whilst details of access to the site are included for the purposes of the application, details of layout, scale, appearance and landscaping are matters reserved for future consideration if outline planning permission were to be granted.
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4. The application is accompanied by a masterplan which, in its amended form, reduces the proposed number of dwellings from 358 to 258. The indicative mix of housing is principally detached, semi-detached and terraced, ranging from 2 to 5 bedrooms, and 41 apartments with 1 or 2 bedrooms. The site would be accessed by way of a realigned highway and new roundabout constructed midway between Morrison Terrace and the railway overbridge.
5. The application is presented to committee for consideration because it constitutes a major development.

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## **PLANNING HISTORY**

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6. Although the application was originally submitted in 2008, it was not registered as a valid application until February 2010. Following further delays in obtaining information to support the application, the applicant appointed a new agent in order to progress the application more effectively. Meetings and negotiations between officers, the applicant and the agent resulted in the application being amended and further supporting information was submitted in June 2011.
7. The principal amendment is a reduction in the size of the development area to avoid an area of land which is considered unacceptable for development due to important landscape character and significant biodiversity value. The additional supporting information includes a design statement, sustainability appraisal, Habitat Regulations Assessment, Habitat Management and Enhancement Plan, Dingy Skipper Survey, Extended Phase 1 Habitat Survey, and Landscape Appraisal & Landscape Strategy.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. Planning Policy Statement 1: Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning system.
9. Planning Policy Statement 1 Supplement 2007: (Planning and Climate Change) highlights to importance of taking account of climate change in considering new housing proposals.
10. Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
11. Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

12. Planning Policy Statement 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
13. Planning Policy Guidance note 13: Transport seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
14. Planning Policy Guidance note 17: Sport and Recreation, describes the role of the planning system in assessing opportunities and needs for sport and recreation provision and safeguarding open space which has recreational value. It says that local planning authorities should take account of the community's need for recreational space, having regard to current levels of provision and deficiencies and resisting pressures for development of open space which conflict with the wider public interest. It discusses provision in urban areas, urban fringe, Green Belt, and the countryside and particular sports including football stadia, water sports and golf.
15. Planning Policy Statement 22: Renewable Energy, sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.
16. Planning Policy Statement 23: Planning and Pollution Control, contains the policies and the advice that are material to decisions on individual planning applications and where proposals involve development on land likely to be contaminated, applications shall be accompanied by a survey of the site to assess the likely extent, if any, of contamination.
17. Planning Policy Statement 25: Development and Flood Risk, sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

## REGIONAL POLICY:

18. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self-reliant, ambitious and outward-looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. The following policies are considered relevant:
  19. Policy 1 (North East Renaissance) seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.
  20. Policy 2 (Sustainable Development) states that proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
  21. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
  22. Policy 4 (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
  23. Policy 6 (Locational Strategy) seeks to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems, by concentrating new development in main settlements.
  24. Policy 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
  25. Policy 8 (Protecting and Enhancing the Environment) seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.
  26. Policy 10 (Tees Valley City Region) sets out that planning proposal should support the polycentric development and redevelopment of the Tees Valley City-Region by, amongst other things, developing housing to support the economic growth strategies in sustainable locations, mainly on previously developed land in areas where it does not undermine existing housing markets, particularly housing market restructuring areas.
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27. Policy 25 (Urban and Rural Centres) seeks to ensure amongst other things that the design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.
28. Policy 29 (Delivering and Managing Housing Supply) sets out targets for the use of previously developed land, together with appropriate infrastructure improvements, densities and consideration of the re-use of employment sites for housing only where they are not required for long-term employment use.
29. Policy 30 (Improving Inclusivity and Affordability) sets out that proposals should make provision for a range of dwelling type, size and tenure to meet the assessed needs of all sectors of the community, have regard to the level of need for affordable housing, and ensure housing is served by public transport and is accessible to jobs, services and facilities by modes other than the car.
30. Policy 35 (Flood Risk) requires consideration to be given to the flood risk implications of development proposals adopting the sequential risk based approach set out in PPS25.
31. Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:  
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

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#### **LOCAL PLAN POLICY:**

32. Policy E1 (Maintenance of Landscape Character) – describes four distinctive landscape areas and how specific types of development will be resisted or otherwise need to integrate into the landscape setting.
  33. Policy E11 (Safeguarding of Sites of Nature Conservation Interest) – aims to preserve sites of local nature conservation interest in terms of their educational, research, amenity and recreational value.
  34. Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) – specifies how woodlands, trees and hedgerows will be protected through the development process.
  35. Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing) – aims to ensure the provision of a wide range of housing to suit all housing needs.
  36. Policy D1 (General Principles for the Design and Layout of New Developments) – sets out the principles that should normally be applied to the layout and design of all new developments.
  37. Policy D3 (Design for Access) - sets out criteria for inclusion in developments to ensure provision for pedestrians, cyclists, public transport, cars and other vehicles.
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38. Policy D5 (Layout of New Housing Development) – sets out principles for new housing developments in terms of providing a safe and attractive environment, traffic calming, provision of open space, standards of amenity and privacy, and good quality means of enclosure.
39. Policy L1 (Provision of Open Space, including Standards) – seeks to secure the provision of sufficient open space in appropriate locations to meet the community's needs.
40. Policy L2 (Provision of Open Space in New Housing Development) – sets standards for the provision of informal play space and amenity open space within new major housing developments.
41. Policy IB2 (Designation of Type of Industrial Estate) – categorises four types of industrial, commercial, business area.
42. Policy IB6 (Acceptable Uses in General Industrial Areas) – prescribes a range of uses that will normally be considered acceptable in general industrial areas.

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*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://www2.sedgefield.gov.uk/planning/SBCindex.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

43. The Highway Authority has agreed the amended Transport Assessment, and it has now been confirmed that there are no objections from a highway point of view.
44. Ferryhill Town Council fully supports the proposal.
45. The Environment Agency has withdrawn their initial objection to the proposals, subject to the imposition of appropriate conditions.
46. Sport England objects to the proposal because it does not include sports provision. The objection would be withdrawn if an in-lieu payment were to be paid by the applicant to fund such sports provision elsewhere in the locality.
47. Police Architectural Liaison Officer considers the proposal to be generally acceptable but has raised points in relation to vehicular access, parking, rear access to dwellings, landscaping and security of properties.
48. Natural England considered that there was insufficient information in the original submission to assess the impact upon wildlife species, and recommended that the local planning authority should obtain additional information and be satisfied that there would be no adverse impact before determining the application.

## INTERNAL CONSULTEE RESPONSES:

49. The Planning Policy Section did not support the proposal as originally submitted on the basis that only a mixed use development would be acceptable in this location, to provide employment opportunities and access to key community facilities which are otherwise some distance away. These comments have however been revised in light of amendments to the scheme and they are used as the basis for the planning considerations below.
50. The Environmental Health Section have recommended the imposition of conditions in respect of further intrusive contamination tests, together with necessary remediation measures, and it is recommended that further tests for noise pollution are carried out and appropriate conditions imposed regarding attenuation measures.
51. The Landscape Section did not support the proposal in its original form because of its likely landscape impact and the adverse effect upon the landscape character of the lower terrace adjacent to the railway line. Negotiations have resulted in this sensitive area being removed from the application site, and open space to the south of the application site has been identified as an area that could be utilized as community greenspace.
52. The Ecology Section originally objected on grounds of insufficient wildlife surveys and inadequate mitigation and, in particular, the biodiversity sensitivity of the lower terrace. The removal of the lower terrace from the proposal, together with additional survey work has resulted in withdrawal of that objection. It is considered however that a condition should be imposed requiring recommendations in the submitted biodiversity documents to be adhered to, including, but not restricted to the following: carrying out a detailed survey for water vole (with specific reference to the proposed footbridge as well as any surface water outflows from the development into the stream/ditch); checking surveys for badgers (and adherence to best practice guidance with respect to disturbance to the species); adherence to best practice with respect to breeding birds; provision of bat tubes (Schwegler 2FR tubes) and bat bricks into the proposed new buildings on site; and Schwegler 1FS and/or 2FS into trees on site (as detailed in the Bat Survey Report); and the provision of a detailed Habitat Management and Enhancement Plan (expanding on proposals detailed in draft Habitats Management and Enhancement Plan – June 2011) – including species lists/seed mixes, and detail regarding the proposed enhancement/management of the new community greenspace/wildlife habitat which will provide a SANG (Suitable Alternative Natural Greenspace) with respect to Thrislington SAC.

## **PUBLIC RESPONSES:**

53. In response to the consultation on the application as submitted, a petition of objection containing 48 signatures was received from residents living in the vicinity of the application site. The objection is made largely on the following grounds:

- Scale – the proposal would introduce up to 600 new homes into a community of only 44 dwellings, radically changing this small community which lies to the east of the main east coast railway line.
- New road layout – the introduction of a new roundabout would cause traffic congestion from cars exiting the estate to join Mainsforth Road and increase traffic volume and noise. An area of ‘no man’s land’ would be created at the entrance to the estate which would be likely to attract antisocial behaviour.
- The proposal would destroy a biodiversity habitat including wetlands on the flood plain by the river.

54. Five individual letters of objection and one letter of concern were received from local residents who expressed the following summarised views: the proposed changes to Mainsforth Road, including the formation of a roundabout, would affect vehicular access to individual existing properties in the immediate locality; the access would be dangerous because it is on a gradient; the proposal would change the character of this quiet and peaceful area; traffic volumes would significantly increase; the existing road structure in the wider area is poor, with narrow roads; the proposal is inconsistent, with the number of houses proposed varying from 350 to 600 in the range of documents submitted; there are inadequate amenities in the locality to support such a major housing proposal; the site is not within easy reach of shops and services. Local shops and services are limited, with the town centre almost 1.5 miles away; there would be problems with privacy and overlooking of existing properties; there are protected wildlife species that would be affected by the proposal; and, there is a need to keep the industrial estate to create jobs in the area.

55. One letter of objection was received from an occupier of part of the application site who ran a skip and plant hire business and a recycling centre (the business is no longer operating), and one letter of support was received from a local business who are the majority landowners of the application site.

56. In response to the revised application, five letters of objection have been received in response to the amended application. The grounds for objection are similar to those set out above.

## **APPLICANTS STATEMENT:**

57. The application is commended to the Durham County Council for approval. It falls wholly within the positive planning framework created by the Government’s “Planning for Growth Agenda” and now further developed in the draft National Planning Policy Framework with its presumption in favour of sustainable development.

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58. An extensive, and compelling series of technical and detailed ecological, highway, urban design, landscape, environmental and planning statements have been submitted in support of the application. They confirm that the submission adequately safeguards against environmental and visual impacts, and meets with the wider policy objectives for much needed and sought after regeneration in the area.

59. Benefits of the development include:

- New use for longstanding redundant brownfield site
- Provision of housing in a sustainable location to meet a recognised need in the absence of a 5 year housing land supply
- Conveniently located near to existing sports, open space, leisure, education facilities which are all located within 1.5km of the site:

Mainsforth Sports Complex

Mainsforth Cricket Clubhouse and Bar

Post Office, Chilton Lane

Eldon Arms, Public House

Mainsforth and District Community Association Centre

Commercial Hotel

Mainsforth Newsagents

Ferryhill Station Workingmens club

Ferryhill Station Primary School

Surtess Public House

Surtess Green

Chilton Lane Allotments

Ferryhill Leisure Centre

King George V Playing Fields

- Provision of enhanced pedestrian access from existing footpath under railway, providing improved access to the site, Mainsforth Sports Complex and the surrounding area.
- Remediation and enhanced landscaping along sites western boundary "lower shelf", which will include the retention of the wetland area, Carr landscape and enhanced boundary tree planting
- Improvements to street frontage and enhanced appearance of the site with long term beneficial gain.
- Financial contribution towards enhanced open space provision on Council owned field to the south of the site.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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60. The main planning considerations are the principle of redevelopment of this industrial site for residential use, the landscape impact, ecological impact, layout and design, means of access, open space / recreation, other issues raised by objectors, and issues under s106 of the Town and Country Planning Act 1990.

### Principle

#### The development plan (Sedgefield Borough Local Plan and the RSS)

61. The application site is land that is allocated under Policy IB2 of the Sedgefield Borough Council Local Plan as a general industrial area (Mainsforth Industrial Estate). Policy IB6 seeks to ensure that new development within the estate is within use classes B1, B2 and B8. Proposals for other uses should be decided taking account of the purpose of general industrial areas as set out under Policy IB1. Other activities are only permitted where they are clearly complementary to the main uses in terms of their size and functional relationship in providing a service to existing businesses and employees already on the estate.

62. The proposal would result in the loss of employment land through the redevelopment of the site for residential development. It must therefore be considered whether allowing residential development would harm the function of the industrial estate and the Council's employment strategy. In essence, it should be established whether there is a reasonable prospect of the site being reused for industrial and commercial purposes during the plan period, and whether the site could make a contribution towards the employment targets set in the RSS.

#### Employment Land Review (ELR)

63. In accordance with Government advice the appropriateness of retaining sites in employment use was tested through an ELR which was carried out by consultants in June 2008 for the former districts of Sedgefield, Derwentside and Chester-le-Street. The ELR identifies a surplus of employment land within the former Sedgefield Borough area, based on the requirement of Policy 18 of the RSS to have enough land to meet a 25-year level of supply and take up. The ELR concluded that there was 37-years supply.

64. The ELR found that there is also an issue regarding the quality and availability of much of the land portfolio. The stock of premises includes several large, old sites often in relatively remote locations. These do not meet the needs of modern businesses and it is difficult to attract tenants to these sites. Whilst the ELR does not specifically mention the Mainsforth Industrial Estate in detail, other than to confirm that the southern end of the site should be retained for employment purposes, it can be inferred that the current site and premises do not have much of an economic future.

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65. The surplus of employment land suggests that there is limited prospect of the whole of the site being re-cycled for employment use, and its redevelopment (in part) for housing would not undermine regional and local strategies for economic development and regeneration, as it would assist the Council in managing down the supply of employment land towards the RSS level of 25-years. Consequently, it is considered that this proposal is consistent with the ELR and has the potential to be consistent with the economic and employment policies of the RSS.
66. An ELR for the whole of County Durham is currently being undertaken, and the findings are expected shortly. It is very unlikely that the updated ELR will arrive at significantly different conclusions.

#### Development of Site for Housing

67. One of the objectives of PPS3 is to help create mixed and sustainable communities, by ensuring that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The RSS identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
68. The locational strategy set out in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
69. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that their function and vitality are protected and enhanced. Whilst Ferryhill is not identified as a regeneration town, the town constitutes a secondary settlement. The town possesses a range of amenities, and is reasonably served by services such as health, primary and secondary schools, and shopping and leisure facilities.
70. Under policies 4, 6, 10 and 29 of the RSS the focus should be on increasing housing development within urban areas, with a target of 65% on previously-developed land. This proposal would contribute towards this target. Historically, the former Sedgefield area failed to meet this target between 2004 and 2009.
71. This location on the edge of Ferryhill/Ferryhill Station is accessible by public transport and this should help to promote sustainable patterns of development in accordance with PPG13. It is therefore considered that developing housing in this location is broadly acceptable. Whilst Ferryhill town centre is some distance away, the applicant has provided good evidence to demonstrate that the proposed development would be sustainable by virtue of good access to services such as education, health, leisure and community facilities, sport, open space and recreation, and shops.
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## Relationship to the Strategic Housing Land Availability Assessment (SHLAA)

72. The Council's SHLAA was endorsed by Cabinet in March 2010 and its primary role is to identify sites with potential for housing and assess when they are likely to be developed. It does not however allocate development sites; that is the role of the development plan.
73. Accordingly, the SHLAA has little weight in isolation in the consideration of this proposal. It is worthy of note however, that the application site was classified as unsuitable for housing development, primarily due to its proximity to the site to Thrislington Special Area of Conservation (SAC). A 2007 Habitats Regulations Assessment recommended that there should be no residential development within 1.6km walking distance along footpaths to the SAC, and that there should be adequate open space built into all housing schemes situated within the nearby settlements to reduce visitor pressure. Whilst this assessment was effectively a screening report, the proposal as amended provides for a significant area of community greenspace which would reduce visitor pressure on the Thrislington SAC.

## Affordable Housing

74. The provision of affordable housing where a need has been identified is encouraged through PPS3, and Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community.
75. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for 20% affordable housing across the (former district) Sedgefield area. The applicant initially expressed willingness to provide 20% affordable housing provision, but a more recent viability assessment indicates that at the present time it would not be viable and such a scheme could not be delivered.
76. It is recognised, however, that the construction of 258 houses could take several years to complete, particularly if economic recovery remains slow. It is therefore considered entirely appropriate in these circumstances to periodically reassess the development viability to secure an element of affordable housing within the scheme if at all feasible. This matter can be dealt with through a s106 legal agreement.

## Conclusions on the matter of principle

77. It would appear that the conflict with the Sedgefield Borough Local Plan is superseded by broad compliance with the RSS and material considerations such as PPS3, PPS4 and the ELR which demonstrates that the loss of Mainsforth Industrial Estate will be unlikely to undermine the Council's employment strategy.
78. Whilst the submitted proposal does not accord fully with the objectives to create mixed-use schemes which offer a good range of community facilities and with good access to jobs, key services and infrastructure, the Planning Policy Section is satisfied that the applicant has demonstrated that the proposal is sustainable in terms of its relationship with a range of existing facilities within Ferryhill.
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79. Accordingly, the proposal is considered to accord with the aims and objectives of the RSS, which for so long as it remains a component of the development plan, takes precedence over the local plan.

### **Landscape Impact**

80. The most significant landscaping concerns revolved around the lower 'plateau' or 'shelf' which was part of the original application site, and which was included within a nature conservation designation under saved Policy E11 of the Sedgfield Borough Local Plan.

81. The lower shelf is regarded as an area of Carr farmland, part of the historic setting to the Ferryhill Carrs Site of Special Scientific Interest (SSSI). This is an important area of vegetation including grassland, fenland and woodland. The County Durham Landscape Strategy 2008 adopts a position of conserving and restoring Carr farmland, and the subject area is identified as a 'landscape conservation priority area'. The Council's landscape specialists considered that development of the lower shelf would *"be clearly in conflict with the adopted Landscape Strategy for the area and would have a very substantial adverse impact on the character of the local landscape."*

82. Following lengthy negotiations on this issue, this sensitive area has been excluded from the development area, with a consequent reduction in the number of proposed houses.

83. More generally, lengthy dialogue has taken place between the Council's Landscape Architects and the applicants' consultants about landscape and visual impacts. There is now broad consensus that the development would be acceptable subject to a detailed landscaping scheme at reserved matters stage.

### **Ecological Impact**

84. The Council's Ecology Section has made detailed comments on the ecological impact of the proposal. The ecological importance of the lower shelf is recognised in terms of the part it plays in maintaining a semi-natural habitat corridor running between Ferryhill Carrs and Lower Thrislington to the north, and the A1 Flashes Local Wildlife site to the south and east. For reasons already explained, this is no longer an issue following amendment of the proposal.

85. The additional wildlife surveys and assessments for the development site are considered acceptable, and it is recommended that in the event of planning permission being granted, a condition be imposed requiring further checking surveys to be carried out prior to commencement of development and for best practice to be followed in respect of wildlife species. It is also recommended that bat mitigation measures are incorporated into future development, and that a further Habitat Management and Enhancement Plan is prepared covering the proposed community greenspace and wildlife habitat.

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## Layout and design

86. Whilst this application is for outline planning permission, a proposed site layout plan (indicative) and a landscape masterplan have been submitted. These illustrate some welcome features, such as outward facing development either side of the roundabout and access road, and a crescent development which would be a prominent landmark feature at the end of the first avenue, while peripheral open spaces would supplement smaller areas within the layout. An impression is conveyed that the development has the potential to create a sense of place, and to perform well when measured against CABI's Building for Life standards.
87. It is considered that acceptable standards of privacy and amenity would be achieved not only within the development site, but also at its northern interface with existing housing, where the layout and design of future residential development is likely to improve the visual amenities of the area. The indicative layout is considered to meet the requirements of Policies D1, D3 and D5 of the local plan.

## Access

88. Notwithstanding the highway safety concerns expressed by some local residents, the access arrangements proposed are considered acceptable by the Highway Authority. A new roundabout would be formed on Mainsforth Road, close to Lough House Bank, and this would reduce traffic speeds at the approach to the railway overbridge. The highway at this point presently has poor horizontal and vertical alignment, and has a narrow footway along the southern side. The proposal would result in only a partial improvement of this situation, due to the constraints of the railway overbridge.
89. Whilst it is acknowledged that a decline in activity on the industrial area has significantly reduced associated vehicle movements in recent times, residential development would bring to an end its historic use for industry and commerce, including heavy goods vehicles and plant and machinery. It is therefore considered that the typical vehicle movements associated with the residential development would cause less local disruption in terms of residential amenity and highway safety. Parking provision within the indicative layout is proposed at a rate of 200% for houses and 100% for apartments.
90. During negotiations it was identified that Public Footpath No.30 runs some distance to the south east of the site, linking through to Chilton Lane by way of a tunnel under the main east coast railway line. It was agreed that there would be clear benefits to linking the development to this footpath to improve pedestrian circulation in the area and provide greater integration of the development with Ferryhill. The proposal is considered to meet the requirements of Policy D3 of the local plan in this regard.
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## **Open Space / Recreation**

91. The indicative layout drawing submitted with the application shows that open space would be provided within the scheme at a rate exceeding the minimum amount required by Policy L2 of the Sedgefield Borough Local Plan. Looking more widely at the land around the application site, it has been agreed that the applicant will contribute to the creation of a community greenspace and wildlife area on land at the southern end of the site. This land extends to approximately 3.3 hectares and is reclaimed former colliery land and would benefit significantly from further investment to allow it to be used by the community and to increase the amount of wildlife habitat. This would be the subject for inclusion in the S106 agreement.
92. The continued objection by Sport England to the amended proposal has been considered by officers and by the applicant. It is noted that the threshold for consultation with Sport England is for schemes of 300 houses or more. Whilst the original proposal exceeded that threshold, the amended scheme does not, and Sport England need not therefore have been consulted on the amendment. Consequently, their objection and suggestion of an in-lieu payment of almost £200,000 to be spent on sports facilities in the locality can be given limited weight.
93. Viability is a key issue that will determine the rate of development of this site, and may well determine whether development takes place at all. Previously developed sites like this incur significant costs in terms of remediation of contamination and developing infrastructure around constraints such as capped mine shafts. It is considered that it would be inappropriate to give undue weight to this objection when the consultation trigger point has not been reached in the amended proposal, and where this suggested in-lieu payment would impact upon the other benefits that the scheme would bring to the community and the environment.

## **Section 106 Issues**

94. It is considered that the following heads of terms would need to form the basis of a legal agreement if the Council is minded to grant outline planning permission;
- A formula for the periodic reassessment of viability in terms of the provision of affordable housing during construction of the approved scheme (for example, at the completion of 75<sup>th</sup>, 150<sup>th</sup>, & 225<sup>th</sup> dwelling)
  - A financial contribution towards the development of the community greenspace and wildlife habitat, and its future maintenance if it is not to be maintained by a management company
  - The provision and maintenance of open space within the development site and a footpath linking to the railway underpass at Chilton Lane.
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## Other matters raised

95. The objections of the local residents have been considered. The main issues addressed in the petition relate to the scale of the development, the new road layout, and damage to biodiversity habitat. As explained in this report, the number of dwellings has been reduced from 358 to 258. It is true that Mainsforth has a relatively small number of homes, but it is associated with the greater area of Ferryhill and Ferryhill Station and the scale of development is not therefore disproportionate. The proposed road layout is considered acceptable and capable of accommodating the resulting increase in traffic. An attractive frontage would be created at the roundabout. There would be no damage to biodiversity habitat; in fact the creation of a community greenspace with wildlife habitat would be a very welcome feature of the scheme.
  96. Some objectors feel that the existing community facilities in the area are inadequate to support the development. As previously stated however, the proposal would potentially help to support the nearest shops, post office and school, and other facilities are within reach of pedestrians and cyclists, or by public transport.
  97. Reference is also made to a change in the character of this quiet and peaceful area. It must be borne in mind that historically, the application site was a working colliery until the 1960's, and subsequently became a significant industrial area with uses that generated vehicle movements not only by cars and vans, but also heavy goods vehicles and plant and machinery. Until a few years ago, a car auction business operated on the site, generating some complaints about noise on auction days. There is little doubt that with the recent decline in activity on the site the area will have become much more tranquil, but it is not considered that redevelopment for residential purposes would give rise to activities that would impact significantly upon this.
  98. Other issues raised by individual objectors include sustainability, flood risk and residential amenity.
  99. Whilst it is acknowledged that the application site lies some distance from the town centre of Ferryhill, the applicant has invested significant time and effort in analyzing the range of community facilities available across the whole of Ferryhill, Ferryhill Station and Mainsforth, and how accessible these facilities are. It is considered that the proposal is sustainable with a good range of facilities accessible by pedestrians, cyclists and by public transport.
  100. Flood risk was a concern in the originally submitted application because the lower plateau encroached into an area of known flood risk. Following amendment however, the Environment Agency have withdrawn their objections subject to a range of conditions.
  101. It is not considered that the development would have an adverse effect upon the amenity of existing residents. The proposal would result in realignment of Mainsforth Road and construction of a roundabout that would slow traffic speeds. The nearest new housing development would be approximately 25 metres away from Glenmore and Chesed, the only two properties that would overlook the site.
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## CONCLUSION

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102. This development proposal would provide up to 258 houses on previously developed land. Whilst the land is allocated in the Sedgefield Borough Local Plan for industrial purposes, it has been in a state of decline in recent years, as businesses have closed or relocated. Given the poor accessibility of the site from the major road and rail network, and the demonstrable surplus of employment land across the whole of the former Sedgefield Borough Council area, redevelopment for employment uses is very unlikely.
103. Whilst the proposal would not accord with applicable local plan policies, it is considered that redevelopment of the land for alternative uses would not undermine regional and local strategies for economic development and regeneration. The RSS is still a component of the development plan, and its focus on developing sustainably in urban areas, particularly on previously developed sites, carries significant weight in the circumstances despite the Secretary of State's intention to abolish it.
104. The removal of development from the lower plateau has taken away the most contentious element of the proposal, and sufficient confidence has been provided about the potential impact upon wildlife species that planning conditions could be used to ensure that appropriate steps are taken to prevent harm before commencement of development. The formation of a community greenspace and wildlife habitat would also be of significant community and environmental benefit, bringing back approximately 3.3 hectares of reclaimed land into use. Access to the site is considered acceptable, with an added benefit of slowing traffic at the approach to the narrow railway over-bridge.
105. For all the reasons above, the proposal is considered acceptable. If this opportunity to redevelop the site is not taken, it is very unlikely to be attractive to other users and would in all probability continue to decline to the detriment of the visual and residential amenities of the area. The applicant has requested that, in view of the present difficult economic situation, outline planning permission is granted for an extended period of 5 years, rather than the usual 3 years. In the circumstances, this is considered appropriate and would be reflected in a relevant planning condition.
106. Finally, the proposal's conflict with policies of the Sedgefield Borough Local Plan means that it represents a departure from the development plan. The application was validated at a time after the Town and Country Planning (Consultation) (England) Direction 2009 came into force. Under those regulations, the Local Planning Authority can grant planning permission without having to refer this application to the Secretary of State.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act, and subject to the following planning conditions:

1. No works shall commence in connection with any part of the development hereby permitted until a plan showing the phases of the development have been submitted to and approved by the Council.  
Reason: To enable the site to be developed in a phased and properly controlled manner, in the interest of the proper planning of the area.
2. Prior to the commencement of development of each phase, approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") within that phase shall be obtained from the local planning authority before the development is commenced. 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. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of five years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters 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.
4. The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the (amended) Master plan (Drawing No. B4576(PL)02 Rev.H) dated 19<sup>th</sup> May 2011, the Revised Design and Access Statement (Rev.A) dated June 2011, the Proposed Landscape Masterplan (Drawing No. D129253-6001) dated 21<sup>st</sup> June 2011, the Proposed Street Elevations (Drawing No. B4576(PL)03) dated 20<sup>th</sup> June 2011 and the Proposed New Footpath Connection (Drawing No. D129253-6002) dated 4<sup>th</sup> July 2011.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy D1 (General Principles for the Design and Layout of New Developments) of the Sedgefield Borough Local Plan.
5. Notwithstanding any description of the number of dwellings in the application hereby approved, this planning permission relates to a maximum number of 258 dwellings.  
Reason: To ensure an appropriate density of residential development that does not result in a cramped layout and which can achieve adequate standards of privacy, amenity and open space provision, in compliance with Policy D5 (Layout of New Housing Development) of the Sedgefield Borough Local Plan.

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6. Prior to the commencement of development within each phase a surface water drainage scheme for development within that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development within that phase is completed. The scheme shall also include:

- confirmation of the existing drainage regime and the proposed discharge rate
- confirmation the drainage network operates without flooding up to the 30 year peak storm event and up to the peak 100 year storm, all runoff is retained onsite with no flooding to property
- confirmation climate change has been considered in the design
- details of how the scheme shall be maintained upon completion

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

7. Prior to the commencement of development within each phase (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination within that phase shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and, potentially unacceptable risks arising from contamination within that phase.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The submitted report "Phase 1 Environmental Survey - Ferryhill Station (ref NAT/APB/CMH/060658/R001) has identified several previous contaminative uses (colliery, spoil heaps, railway tracks, historic land fills, fuel storage) and recommends a full intrusive ground investigation. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a major aquifer and it is located within Zone 3 of a Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

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8. Prior to the commencement of development within each phase, a verification report demonstrating completion of the works set out in the approved remediation strategy within that phase and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses including colliery, spoil heaps, railway tracks, land fills, & fuel storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a major aquifer and it is located within Zone III of a Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

10. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourses shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

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11. Finished floor levels shall be set no lower than 79.6mAOD.  
Reason: To reduce the risk of flooding to the proposed development and future occupants.
12. Prior to the commencement of development within each phase a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
Reason: In the interests of the visual amenity of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.
13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) 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 Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.
14. Notwithstanding any details of materials submitted with the application no development shall commence within a phase until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.  
Reason: In the interests of the appearance of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.
15. No development shall take place unless in accordance with the mitigation and recommendations detailed within the protected species reports *Updated Extended Phase 1 Habitat Survey* (June 2011); *Reptile Survey* (August 2010); *Dingy Skipper Survey* (June 2011); *Draft Habitats Management and Enhancement Plan* (June 2011); *Masterplan* (June 2011); *Bat Activity Survey* (September 2010); and *Habitats Regulations Assessment – Likely Significant Effects* (May 2011) including, but not restricted to:
- carrying out a detailed survey for water vole (with specific reference to the proposed footbridge as well as any surface water outflows from the development into the stream/ditch);
  - checking surveys for badgers (and adherence to best practice guidance with respect to disturbance to the species);
  - adherence to best practice with respect to breeding birds;
  - provision of bat tubes (Schwegler 2FR tubes) and bat bricks into the proposed new buildings on site; and Schwegler 1FS and/or 2FS into trees on site (as detailed in the Bat Survey Report);

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- and the provision of a detailed Habitat Management and Enhancement Plan (expanding on proposals detailed in draft Habitats Management and Enhancement Plan – June 2011) – including species lists/seed mixes, and detail regarding the proposed enhancement/management of the new community greenspace/wildlife habitat which will provide a SANG (Suitable Alternative Natural Greenspace) with respect to Thrislington SAC.

All mitigation and recommendations shall be agreed by the Local Planning Authority, prior to any works commencing on site.

Reason: To conserve protected species and their habitat in accordance with PPS9 (Biodiversity and Geological Conservation).

16. Notwithstanding any information submitted, development shall not commence within a phase until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter. Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development is considered acceptable having regard to Policies 4, 6, 10, 29 and 30 of the RSS and Policies D1, D3, D5, and E11 of the Sedgefield Borough Local Plan.

2. In particular, the development is considered acceptable in terms of the principle of redevelopment of a previously developed industrial site for residential use, its impact upon landscape and ecology, its indicative layout and design, the means of access, and the impact upon existing residential amenity.

3. The grounds of objection set out in the report are not considered to outweigh the other material planning considerations to an extent that would justify refusal of planning permission.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans, and amended plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS4, PPS9, PPG13, PPG17, PPS22, PPS23 and PPS25
- Responses from Highway Authority, Ferryhill Town Council, Environment Agency, Sport England, Police Architectural Liaison Officer and Natural England
- Internal responses from Planning Policy Section, Environmental Health Section, Landscape Section and Ecology Section
- Public Consultation Responses

