

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03887/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for up to 71 dwellings with all matters reserved except access
NAME OF APPLICANT:	Hardwick Properties (North East) Limited
ADDRESS:	Turners Garage Site, Salters Lane Industrial Estate, Sedgefield, Stockton on Tees, TS21 3EE
ELECTORAL DIVISION:	Sedgefield Laura Eden Senior Planning Officer
CASE OFFICER:	03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site comprises of 2.4 hectares of previously developed land on the east side of Salters Lane towards the northern end of Sedgefield. The site forms part of the Salters Lane Industrial Estate which is allocated for general industrial uses in the Sedgefield Borough Local Plan.
2. The site is generally flat and is made up mainly of areas of hardstanding. A single storey building is located towards to the south west corner of the site which was used formerly as a car showroom and more recently as a base for the existing Turners' breakdown and recovery, vehicle repair and taxi businesses. The remaining part of site is used for the storage of caravans.
3. The site is set back from Salters Lane by a grass verge with some ornamental trees and is bound on all sides by 3 metre high security fencing. There are also groups of trees to the northern and southern boundaries. Three existing vehicular access points serve the site from Salters Lane.
4. The surrounding area is mixed in character with residential development to the south and west and industrial use to the immediate north and west. There are retail units lying beyond this to the north east and Sedgefield Community Hospital is to the northwest.

Proposal

5. The application seeks outline planning permission of 71 houses with all matters reserved except access. Access would be taken from the existing vehicular access point to the north to form a 5.5m wide access road with 10m junction radii and 1.8m wide footways on each side. The two other existing access points to the south would be removed and replaced with footpaths and continuation of the grass verge.

6. The outline application is accompanied by an indicative layout plan which shows a mixture of terraced, semi-detached and detached housing of 2, 3 and 4 bedrooms. An area of amenity open space is located centrally within the site and water attenuation is proposed in the form of a storage tank which would be positioned beneath the area of open space. The development would also introduce a 5m strip of landscaping adjacent to the eastern boundary.
7. The application is being reported to Planning Committee as it is classed as a major development.

PLANNING HISTORY

8. There have been a number of consents relating to the existing and former uses of the site however there is no planning history of relevance to this particular planning proposal.

PLANNING POLICY

NATIONAL POLICY:

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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’.
10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy 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. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF 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 of a low carbon future.
12. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
13. *NPPF 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.

14. *NPPF 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
16. *NPPF Part 10 – 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.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
18. *NPPF 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.

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

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

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

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (1996) (SBLP)

20. *Policy E15 – Safeguarding of 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.
21. *Policy IB2 – Designations of Types of Industrial Estates* – Outlines the designated industrial estates across the borough.
22. *Policy IB6 – Acceptable Uses in General Industrial Estates* – Sets out that general industrial areas are acceptable for a wide range of industrial activities including business (Use Class B1), general industry (Use Class B2) and warehousing (Use Class B8).
23. *Policy H8 – Residential Frameworks for Larger Villages* – Sets out that providing that there is no conflict with the environmental, open space of design policies, that development will normally be approved in larger villages, including Sedgefield and Fishburn.
24. *Policy H19 – Provision of a Range of House Types and Sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
25. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
26. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
27. *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 equating to 60sqm per dwelling.
28. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
29. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
30. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
31. *Policy D5 – Layout of New 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.

32. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
33. *Policy D9 – Art in the Environment.* Encourages the provision of artistic elements in development.

RELEVANT EMERGING POLICY:

The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The Sedgefield Neighbourhood Plan

35. Sedgefield is an area which is progressing with a neighbourhood plan (SNP) and a draft plan was previously progressed to examination (June 2016). The Examination Report was delivered in July 2016 and suggested that the SNP could proceed to Referendum but that only four policies should remain from the submission draft of the plan. The Town Council decided that these policies would not fully reflect community ambitions and objectives and the NP would be redrafted.
36. Work on a revised Neighbourhood Plan has resulted in a further document which was published in February 2017. This revised plan will require full formal consultation as it introduces new policies as well as an amended settlement boundary. As things stand the SNP cannot be afforded weight in the context of para 216 of the NPPF, although it is acknowledged that this position could be different at the time future planning submissions.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Sedgefield Town Council* – No objections to the development although the Town Council wish to limit the number of dwellings to the total proposed, retain landscaping adjacent to the site along Salters Lane. It is also requested that

pedestrian links are provided to other areas of the Town and that consideration is given to the housing mix.

38. *Highway Authority* – No objection subject to a condition to secure access arrangements
39. *Environment Agency* – No objections.
40. *Northumbrian Water* – No objections subject to a condition which requires the submission of a detailed scheme for the disposal of foul and surface water
41. *Drainage and Coastal Protection* – No objections to the proposals or the submitted information for an outline application although further information would be required at the detailed design stage.

INTERNAL CONSULTEE RESPONSES:

42. *Spatial Planning* – No policy objections. The development for housing would conflict with the saved SBLP policies although the up-to-date evidence contained in the Employment Land Review suggests that the industrial estate is of average quality which will impact on the prospects of the site being redeveloped for employment purposes. The evidence contained within the 'Employment Land and Premises Report' submitted with the application reinforces this position. The application should be subject to the planning balancing exercise outlined in Paragraph 14 of the NPPF.
43. *Ecology* – No objection
44. *Landscape* – No objections subject to the imposition of conditions
45. *Arboriculture* – No objections as the majority of ornamental trees are retained and appear to have adequate space. The tree protection details within the arboricultural report should be followed in full.
46. *Environmental Health (Air Quality)* – No objections subject to a condition to secure submission of a Dust Action Management Plan to mitigate any impacts during the construction phase.
47. *Environmental Health (Noise)* – No objections subject to a condition to secure submission of noise attenuation measures within the site
48. *Environmental Health (Contaminated Land)* – No objections subject to imposition of a condition
49. *Design and Conservation* - Overall this is a well-considered proposal which if carried through at the reserved matters stage will be a positive addition to the built environment.
50. *School Organisational Manager* – No objections. The development is likely to generate a requirement for 22 primary and 9 secondary pupil places. There is currently no capacity at Sedgefield Community College or the local primary schools. Consequently a contribution of £147,096 and £319,352 would be required to provide additional capacity for primary and secondary school pupils respectively.

EXTERNAL CONSULTEE RESPONSES:

51. *Durham Dales, Easington and Sedgfield Clinical Commissioning Group* – has submitted comments indicating that the Skerne Medical Practice in Sedgfield is already operating below recommended space levels for the population and a contribution is sought to accommodate the requirement generated by the development.
52. *Police Architectural Liaison Officer* – No objections.

PUBLIC RESPONSES:

53. The application has been advertised by press notice, site notice and letters to neighbouring residents. The applicant also undertook a separate and more extensive community consultation exercise in the town prior to the formal submission of the proposals. 4 letters have been received from neighbouring properties in respect to the statutory planning publicity 3 of which object to the proposal. The main concerns are summarised as follows:
 - Sedgfield does not need more homes. Sheltered housing, care accommodation, assisted living units and/or bungalows would be more beneficial
 - Residents agreed that 300 houses is an appropriate level of growth which has already been exceeded
 - Impact on local infrastructure such as the local GP practice and schools
 - No attempt to find alternative industrial uses for the site and its importance for local jobs
 - Concern about for the proposed density on the site, housing mix and lack of bungalows
 - Concern about parking spaces on site. No parking should be allowed directly onto Salters Lane and car parking appears limited on the indicative plan
 - Concerns that the land will be contaminated given the former use
 - Proposal does not include a cycle way along Salters Lane
 - Request for landscaping/tree planting along southern boundary to provide screening
 - The development should be expected to embed sustainability within the built fabric
54. *Sedgfield Civic Trust* – Whilst not objecting to the application, indicate that its total commitment cannot be given to the application until further information is provided in relation to how the frontage along Salters Lane will enhance the entry to Sedgfield, car parking and the appearance of the proposed properties.

APPLICANTS STATEMENT:

55. The proposed development represents an effective re-use of previously developed land at an accessible and sustainable location within the urban extent of Sedgfield.
56. Whilst it is acknowledged that the development would result in the loss of some employment land, the applicant and the Council are in agreement that the site has no long term prospects for employment use either in its present condition or as a development opportunity. There is also a plentiful supply of available employment sites both locally and across the County.
57. The redevelopment of the site for housing would also not result in the loss of any existing jobs. The applicant has submitted a separate planning application to create new purpose-built accommodation for the existing Turners' businesses at Fishburn Industrial Estate.

58. The development would provide an important contribution that will help the Council towards its efforts to achieve a 5 year housing land supply and address the supply and demand imbalance in the local area. The applicant has also committed to providing financial contributions to deliver investment to existing open space facilities, primary and secondary schools and the local health care practice.
59. Whilst the application is in outline at this stage, a number of key design principles have been established which will be carried through at the reserved matters stage. Notably, the scheme will include an attractive area of public open space within the heart of the site. The development will also retain and enhance the existing green verge adjacent to Salters Lane and, together with the orientation of a mix of appropriately designed properties which front on to the road, the development will visually enhance both the site and make a positive contribution towards the character and appearance of this approach into the centre of Sedgfield.
60. Following the community consultation undertaken prior to the submission of the planning application, it is also clear that there is strong community support for the development. The site is situated in a demonstrably accessible and desirable location and its re-development to deliver new homes would deliver significant economic, social and environmental benefits.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

61. 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 main planning issues in this instance relate to the principle of development, impact on the character and appearance of the surrounding area, residential amenity, access and highway safety, infrastructure and open space provision and other material considerations.

The Principle of the Development

The Development Plan

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgfield Borough Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
63. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

64. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
65. Paragraph 47 of the NPPF requires LPAs to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
66. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
67. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the SBLP are out-of-date where outlined below.

Five Year Housing Land Supply

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date.
69. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
70. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
71. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

72. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. This is still a consultation document and final figures may yet change but on this basis, the Council would be able to establish a supply of housing land in excess of 5 years.
73. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
74. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

Assessment having regards to Development Plan Policies

75. The application site lies forms part of the Salters Lane Industrial Estate which is identified under SBLP Policy IB2 as a general industrial estate. Policy IB6 outlines that such areas are suitable for business (Use Class B1), general industry (Use Class B2) and warehousing (Use Class B8) uses. The application, which proposes the development of 71 residential units, is not therefore in conformity with policy IB6. However, it is important to recognise the SBLP was adopted in 1996 and is dated in some respects, taking account of more recent evidence.
76. In accordance with Government advice, the appropriateness of retaining the site for employment use has been tested through an Employment Land Review (ELR) (2012) which concluded that Salters Lane Industrial Estate was of average quality. A parcel of land in the north east of the estate which was previously vacant has now been developed and is in operation as a Sainsbury's food store and the continued attractiveness of the estate to many business uses can be queried.
77. At the time of the ELR, the application site was in active use, and this remains the case at the present time. However it is intended to relocate the existing business and the applicant has submitted a separate planning application (DM/17/03989/FPA) to provide a new industrial building for Turners on the at Fishburn Industrial Estate located nearby therefore safeguarding the existing jobs. This application is still under consideration but is likely to have been determined by the time this application is presented at Committee. The caravan storage element of the existing business on the site would also be displaced, but does not generate a significant number of jobs. However the applicant has identified additional spare capacity at an existing facility in the local area which would provide a realistic alternative option for people who currently store their caravans on the site.
78. It is reasonable to assume that the relocation of the existing occupants to Fishburn would not happen without a proposal in place to redevelop the existing site for residential use and, consistent with the findings of the Council's ELR, the site is not considered to have an economic future as an employment location due to it being of average quality and the fact that other sites are available elsewhere in the market area.

79. Paragraph 22 of the NPPF cautions against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
80. The findings of the ELR would suggest that there is limited prospect of the site being re-used for business purposes. In support of the planning application the applicant has also submitted an 'Employment Land and Premises Report' (by Connect Property North East) which also concludes that the redevelopment of the site for speculative industrial and distribution development is unlikely due to viability. That redevelopment for offices, retail and leisure is also considered unlikely due to the lack of market demand. The Spatial Policy Section have reviewed this report and conclude that these findings are broadly acceptable. Consistent with the NPPF paragraph 22, it is therefore appropriate to consider applications for alternative uses on their merits.
81. Policy H8 is permissive of housing development on sites located within the residential framework of villages like Sedgefield provided that there is no conflict with the provisions of the plan's environmental, open space or design policies. The site lies outside of the residential framework therefore draws no support from the policy and the principle of developing the site is not considered to be consistent with the development plan as a consequence.
82. It is acknowledged that Policy H8 is based on historic housing supply figures. As a result it is therefore considered to be out-of-date for the purposes of Paragraph 14 of the NPPF. As paragraph 14 of the NPPF is engaged the acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

83. Within the Durham County Council Settlement Study (2012) Sedgefield is classified as a Tier 2 Settlement – Smaller Town and Larger Villages. These settlements are considered to be localised centres which are generally self-sustaining with key facilities. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.
84. In assessing the sustainability of the site, it is considered that it performs well and future residents would have the opportunity to access a range of facilities and services without the need to utilise the private motor car. Sustainable transport links are considered to be good with bus stops located outside the development on Salters Lane. Walking and cycling to local amenities is also a viable option.
85. The site is therefore suitably located and a development of this nature could be acceptable in principle, subject to the acceptability of detailed matters. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

Impact on the character and appearance of the surrounding area

86. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. SBLP Policy D9 seeks to encourage the incorporation of public art within developments wherever possible. Policy E15 seeks to avoid the loss of trees and hedgerows on site. This is reflected in Parts 7 of the NPPF which also seek to promote good design. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are partially consistent with the NPPF and can be attributed weight in the decision making process.
87. The site is located in an area of mixed character and occupied by the former car showroom and at present its visual appearance from Salters Lane is largely dominated by the presence of caravans. There is existing hedgerows and tree which line the boundary along Salters Lane as well as groups of trees to the north and south of the site.
88. The layout and appearance of the proposed development is not under consideration, at this stage but the submitted design and access statement provides a number of key design principles to inform the approach to re-developing this site. This recognises the need to create an attractive street scene along a key approach into Sedgefield by retaining and enhancing the existing green verge and providing properties which front onto Salters Lane. The indicative plan demonstrates that this can be achieved and the additional development would be arranged in cul-de-sacs to the rear of this together with the creation of central area of open space off the estate approach. Overall it is considered that the approach into the settlement has the potential to be considerably improved and the indicative layout demonstrates the potential for the creation of a pleasing residential environment which creates a good sense of place. The layout has also been reviewed through the Council's internal Design Review process which assesses proposals against the Building for Life's 12 design criteria. This process has helped inform the scheme and received a position design response.
89. There are various trees and hedgerows on the site, which contribute positively to the character of the local area. The indicative plans demonstrate that a layout is possible which would be capable of retaining a number of these. A condition would be required to protect the existing trees on site while matters relating to landscaping detail would be addressed at a reserved matters stage.
90. SBLP Policy D9 states that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of promoting development that improves places for people. This mirrors the aims of Policy D9 which is considered partially consistent with the NPPF, and can be afforded weight. A condition will be imposed to secure artistic elements within the design and layout of the development in accordance with Policy D9 of the SBLP.
91. Overall, it is considered that development of the site would not result in harm to the character and appearance of the surrounding area and subject to the detailed scheme taking forward the principles of the outline application, the development should enhance this approach along Salters Lane into Sedgefield. There is no conflict with policy E1 of the SBLP and NPPF objectives in Part 7 and 8.

92. SBLP Policy D1 requires new development to take into account the relationship to adjacent land uses and activities and Policy D5 requires housing layouts to make provision for adequate amenity and privacy. The related supplementary planning practice guidance note provides recommended separation distance guidance to ensure this. Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings, Parts 7 and 8 encourage the development of safe and accessible environments whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
93. The application site lies adjacent to industrial development on its northern and eastern boundaries and a noise assessment has been submitted in support of the application. This amended document outlines that mitigation is proposed along the eastern site boundary in the form of noise attenuation measures comprising of 5m wall (2.5m high retaining wall and 2.5m high wall/fence on top of this). The calculations provided in support of this demonstrate that this would reduce noise arising from the industrial premises to a level that would be unlikely to lead to a statutory nuisance for the future occupiers of the development and as such would not significantly impact on the adjacent business operations.
94. It is noted that most of the noise events arise from United Parcel Service (UPS) operations located centrally along the eastern boundary of the site and are of high intensity low duration nature associated with door slamming, loading and reversing sounders etc. It is therefore acknowledged that even with the proposed barrier mitigation measures in place it is likely that future occupants along the eastern edge of the development will hear some noise from UPS at times especially with windows open at night. In order to help mitigate this the applicant has also proposed an increased glazing and ventilation scheme for these properties in addition to the properties that will lie to the north and west of the site which will provide future occupants with a greater level of acoustic protection.
95. As the application is currently in outline and the final layout is to be agreed a condition will need to be imposed which secures the above. Based on the indicative layout and a housing density that would be under 30 houses per hectare it is considered that a scheme could be devised which could achieve minimum separation distances both internally and externally between dwellings and an acceptable arrangement between the proposed houses and adjacent industrial uses.
96. The Contaminated Land Section has assessed the submitted Phase 1 and 2 Geo-Environmental Site Assessment and notes that some areas of the site are inaccessible and as such further intrusive works and gas monitoring are considered necessary. They raise no objection to the development subject to a condition to secure this work. Furthermore, the Environment Agency has raised no objection in this regard offering standard advice which can be relayed to the applicant as an informative.
97. It is acknowledged that some level of disturbance will be experienced by local residents during the construction period however this would be temporary and can be controlled through the imposition of a Construction Management Plan, which will seek to minimise any such impacts and control matters such as hours of operation and dust management etc.

98. The NPPF advises at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D1 requires satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles in accordance with policy D3. Policy D5 deals with the layout of new housing development including internal roadways. These policies are partially consistent/consistent with the content of the NPPF and can be attributed weight in the decision making process.
99. The means of access to the development is a matter for consideration in this application and it is noted that this would be provided via an upgraded existing vehicular access from Salters Lane. This would be in the form of a 5.5m wide access road with 10m junction radii and 1.8m wide footways on each side. The other two existing access points on the site to the south would be removed and replaced with public footways and grass verge. The Highway Authority confirm that these arrangements are acceptable and should be secured by condition.
100. A transport assessment has been submitted in support of the proposal and takes into account the existing traffic distribution associated with the existing business and the predicted traffic distribution associated with the proposed residential development. This concludes that the increase of less than 30 vehicles per hours is so small that the proposed development would not result in a severe cumulative impact on the surrounding road network. The Highway Authority agree that the additional traffic that would be generated by this development would not result in any severe residual cumulative impacts on the surrounding road network.
101. The onsite layout and parking provisions outlined within the transport statement are noted however these would be the subject of any future reserved matters application. The development proposals would also be expected to improve pedestrian links to the surrounding area. Again this would be explored further at the detailed design stage.
102. The Highway Authority raise no objections to the development and there is no conflict with SBLP policies D1, D3, D5 and T1, or Part 4 of the NPPF.

Affordable Housing

103. SBLP Policy H19 outlines that where a local need has been established the Council will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on allocated sites. This site is not allocated, however it is considered that the principle could be applied to windfall sites as well. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in Southern delivery area, amounting to 7 dwellings in this case, which would be delivered as a mix of affordable rent and discounted sale. The Housing Delivery Team has advised that the affordable units should have a tenure mix of 70% for affordable rent and 30% for affordable home ownership. The applicant has indicated that they are willing to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure this requirement.
104. It is noted that concerns have been raised by some local residents regarding the housing mix. This matter would be explored further at a detailed design stage.

Infrastructure and Open Space Provision

105. Paragraph 72 of NPPF confirms that the Government places great importance on the availability of sufficient choice of school places to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 22 primary age school pupils and 9 secondary age school pupils and there is insufficient capacity at Sedgefield Community College and the local primary schools (Sedgefield Primary School and Hardwick Primary School) to accommodate this need.
106. A total contribution of £466,448 towards education provision is therefore required, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
107. Paragraph 70 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that the Skerne Medical Service practice in Sedgefield recently submitted proposals for the reconfiguration and small expansion of their existing premises to increase clinical consulting space given current capacity issues. These were initially costed at £350,000 and whilst grants may have been available to help fund these works the practice were unable to proceed as it was not affordable. The proposed development would have an impact on this surgery which is located off Front Street directly north of St Edmund's Church. Therefore a financial contribution would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. Based on the additional population likely to be generated by the development there is a requirement for 13 sqm of additional clinical space to be provided. To mitigate the impacts of the development a contribution of £38,740 is sought to improve access to healthcare provision in Sedgefield which would be secured through via Section 106 Agreement.
108. In respect of open space/recreation facilities, SBLP Policies L1 and L2 set out that for every 10 dwellings developed 100sqm of informal play space and 500sqm of amenity space should be provided, along with new equipped play areas where appropriate. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which provides the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
109. Having regard to the scale of the development it is considered that amenity open space and semi-natural greenspace should be provided on-site. Whilst the development includes provision for 1,007 sqm of relevant on site open space, this falls short of the OSNA requirement therefore an off-site contribution would be necessary to make up the shortfall. A planning condition can secure the on-site open space provision. However as the Council would not be prepared to adopt any further play areas within Sedgefield a financial contribution to upgrade existing facilities is being sought. The development would generate a required contribution of £151,397.50 for those typologies not provided on site or where a shortfall in onsite provision has been identified, secured through a the proposed Section 106 Agreement This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.

Other Issues

110. The site lies within flood zone 1 (areas of lowest probability of flooding) and is not in an area which is identified as being at risk from surface water flooding. Northumbrian Water has no objection to the proposal subject of the imposition of a condition which requires the submission of a detailed scheme for the disposal of foul and surface water. The Council's Drainage Section consider that the submitted drainage strategy is satisfactory for outline consent but would need to agree the detailed drainage strategy as part of any future reserved matters application. .
111. The submitted Extended Phase 1 Habitat Survey confirms that the site offers limited ecological value. Ecology Officers are satisfied with the assessment and do not object to the development.
112. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter would be secured through the Building Control process.
113. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed contributions towards education provision, offsite open space and play provision and improved access to healthcare provision are all considered to be in accordance with these tests as they are considered to be necessary, directly related to the development and fair and reasonably related in scale and kind to the development, as is securing 10% on-site affordable housing.

CONCLUSION

114. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.
115. The direct benefits of the proposal would be the contribution to housing supply including affordable homes, which would assist in improving the range and choice within the local housing market.
116. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded significant weight.
117. Whilst the proposal would result in the loss of some land designated for economic purposes, the findings of the applicant's 'Employment Land and Premises Report' are not disputed which outlines there is limited prospect of the site being re-used for business purposes. A decision on an application for the relocation of the existing business operating from the site to Fishburn Industrial Estate is imminent which would see existing jobs retained.
118. Whilst the existing businesses adjacent to the site are unlikely to cause a statutory nuisance to future residential occupiers they may experience some noise and disturbance especially during the night at times hours if windows were open. As the

layout has not been finalised a condition can be imposed to secure appropriate noise mitigation measures. Notwithstanding this it is considered that the site is capable of accommodating the level of development proposed and based on the indicative plans is considered to be a well-designed, providing an opportunity at the reserved matters point to make positive addition to the built environment. An acceptable means of access has also been agreed.

119. The proposal has been widely consulted upon in the local community and as part of the planning publicity has generated some public comment. However, the objections and concerns raised by local residents have been taken into account and there have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no conflict with the relevant policies of the SBLP and NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- Provision of 10% affordable housing on site equating to 7 units;
- £466,448 towards education accommodation
- £151,397.50 for improving offsite open space and recreational provision in Sedgefield Electoral Division;
- £38,740 for improving access to healthcare provision in Sedgefield Parish

And subject to the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") for the development 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 92 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 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.

3. The development hereby approved shall comprise a maximum of 71 dwellings.

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

4. A minimum of 1,007sqm of open amenity/recreation and green space shall be provided in the development. No dwellings shall be occupied until a scheme for the

ongoing maintenance of the areas of public open space within the development have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In order that future residents are served by an appropriate amount of open space and in the interests of appearance of the area in accordance with Part 8 of the NPPF.

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

Drg. no. 1703-A-P-0100 Rev A Location Plan received 01/12/2017

Drg. no. JN1452-Dwg-0006B Proposed Site Access Arrangement received 01/12/2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained having regard to Sedgefield Borough Local Plan Policies T1, D1, D2, D3, D5 and D8.

6. The development shall be implemented in general conformity with the approved Design and Access Statement and Landscape Strategy Plan (1063/200 Rev B) submitted with the application.

Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings, and landscaping to be submitted are in general accordance with the approved Design and Access Statement and Landscape Strategy Plan and to enable the Local Planning Authority to satisfactorily control the development, having regards to Part 7 of the NPPF and Sedgefield Borough Local Plan Policies E1, D1, D2, D3 and D5.

7. No development shall commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A further Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation

should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them.

No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

8. No development shall commence until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works unless the local planning authority agrees in writing to any variation.

Reason: To protect trees from construction damage. In the interests of visual amenity of the area having regards to Sedgfield Borough Local Plan Policies E1, E15, D1 and D5 and Parts 7 and 11 of the NPPF.

9. No dwelling shall be occupied before the redundant vehicular accesses have been removed and reinstated to footway in accordance with details which have first 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 highway safety having regards to Sedgfield Borough Local Plan Policy D3 and Part 4 of the NPPF.

10. No development, other than site remediation works, shall commence until a scheme for the management and disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of managing surface water disposal and reducing flood risk having regards to Part 10 of the NPPF.

11. No development, other than site remediation works, shall commence until details of noise attenuation measures to be incorporated in the site and construction of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The noise mitigation measures should be based upon the principles contained within the "Noise Impact Assessment" by E3P dated March 2018. The approved noise mitigation scheme shall be implemented in accordance with the approved details and retained permanently thereafter.

Reason: In the interests of residential amenity having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.

12. No development or any works of demolition, shall be carried out until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: In the interests of residential amenity having regards to Policy D5 of the Sedgefield Borough Local Plan and Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

13. The development shall be carried out in accordance with the recommendations outlined within Section 5.0 of the Extended Phase 1 Habitat Survey & Daytime Bat Survey by Rachel Hacking Ecology dated October 2017.

Reason: In the interests of ensuring no protected species are affected by the development in accordance with Paragraph 109 of the National Planning Policy Framework.

14. Within six months of the commencement of the development, a scheme for the provision of public art on site, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be completed in accordance with the approved details.

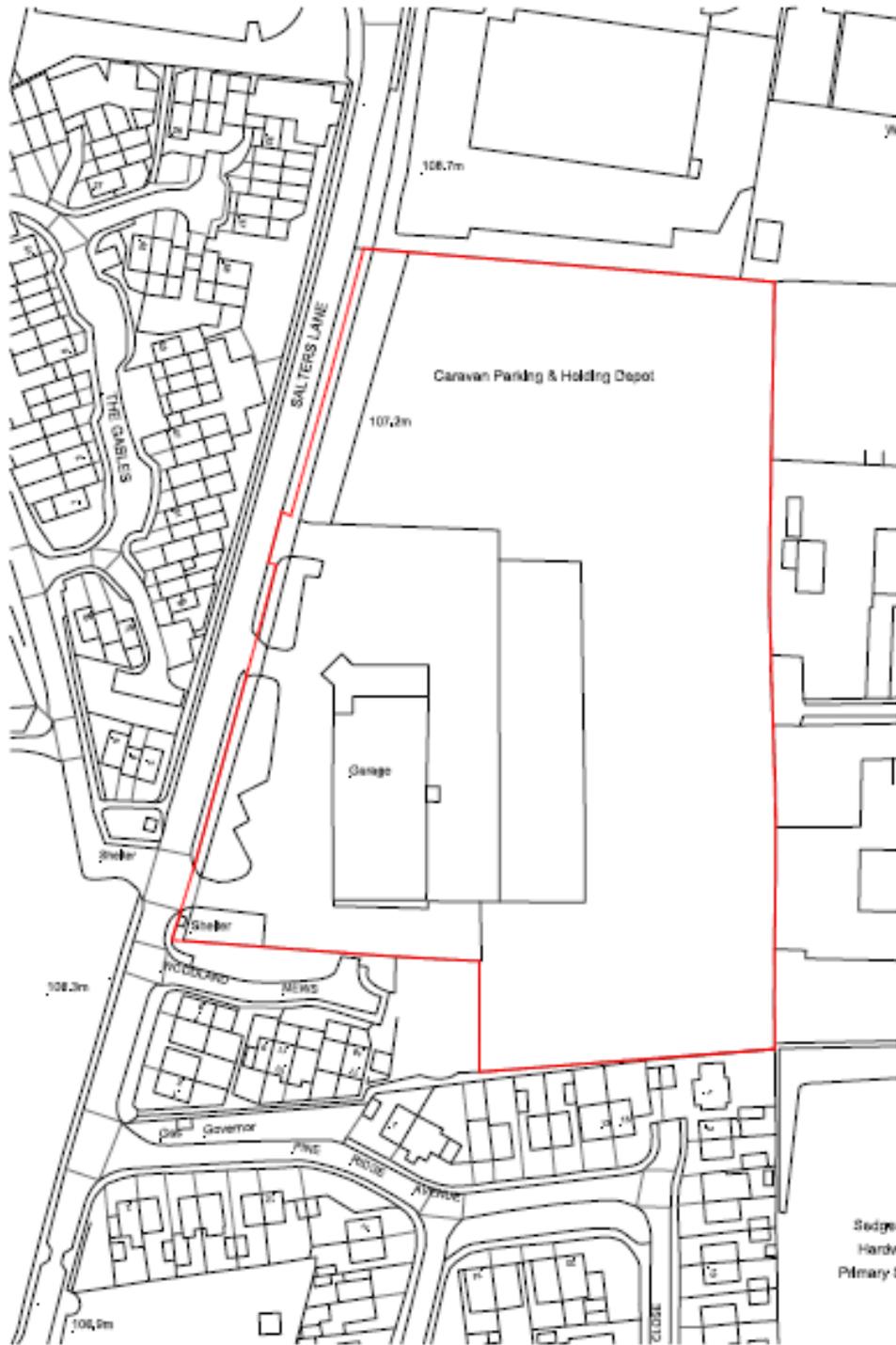
Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgefield Borough Local Plan and Part 7 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Pre-commencement conditions have only been used where details are required at the start of the development process. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

**Outline planning application for up to 71 dwellings with all matters reserved except access
Hardwick Properties (North East) Limited
Turners Garage Site, Salters Lane
Industrial Estate, Sedgefield
Ref: DM/17/03887/OUT**

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Date
22nd March 2018

Scale
Not to scale