

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/18/00341/FPA |
| FULL APPLICATION DESCRIPTION: | 19 additional dwellings and substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings) |
| NAME OF APPLICANT: | Barratt David Wilson North East |
| ADDRESS: | Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor |
| ELECTORAL DIVISION: | Tudhoe |
| CASE OFFICER: | Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the south of Merrington Lane and was formerly the site of Thorn Lighting Ltd before their relocation to a new facility on the nearby Green Lane Industrial Estate. The site extends to approximately 11.5 hectares and the industrial buildings which once occupied the site have now been demolished. The site is accessed directly off Merrington Lane and has a deep highway verge with mature hedgerow planting along the frontage.
2. The site is located within the defined Merrington Lane Industrial Estate as identified on the proposals map of the Sedgfield Borough Local Plan although planning permission has been granted for housing on part of this allocation. Around 180 dwellings have now been constructed and these lie to the north west of the area to be reconfigured. The surrounding area is mixed in character with allotments lying to the north, industrial development to the south west and open countryside to the south and east. Public footpath numbers 17 and 55 pass through the application site on its eastern extremity.

The Proposal

3. Planning permission is sought for the substitution of house types relating to 136 plots within a reconfigured phase 6 of the development that includes the addition of a further 19 dwellings (a total of 155). A submitted site layout plan indicates that the development would be laid round a principal circulation road with private shared drives and cul-de-sacs.. The proposed two to two and a half storey height dwellings would be a mix of 2, 3 and 4 bed terrace, semi-detached and detached properties. Access to the site would be taken off the existing access.

4. This application is being reported to the County Planning Committee as it relates to a housing development and the site area exceeds 4 hectares.

PLANNING HISTORY

5. The wider site has a complex planning history. In December 2006 outline planning permission (2006/0476) was granted for the demolition of the existing factory premises and subsequent redevelopment of the site for approximately 400 residential units with associated landscaping and infrastructure improvements. A related planning application (2006/0477) provided for the erection of a new factory building on land at the Green Lane Industrial Estate in Spennymoor. Both permissions were the subject of a section 106 legal agreement to secure the delivery of the replacement factory premises, provision of affordable housing, CCTV and lighting improvements to the footpath linking Merrington Lane to Spennymoor beneath the Spennymoor bypass, together with the management of on-site open space. A subsequent reserved matters application (7/2009/0274/DM) for the erection of 416 dwellings, including 30 apartments, was approved on December 2010. Whilst the replacement factory was constructed, the approved residential development outlined was only implemented in so far as the factory buildings were demolished and decontaminated works were underway.
6. Barratt later submitted an application (7/2012/0030/DM) in 2012 for the erection of 365 dwellings with associated highway infrastructure, parking, landscaping and open space. The development comprised of two storey, two and a half storey and three storey buildings in a mix of 2, 3 and 4 bedroom dwellings in detached, semi-detached and terraces formats together with 22 maisonettes over garage parking. The development utilised the existing access and would continue to serve the adjacent industrial development to the west of the site. Open space was to be provided in the form of a village green in the centre of the site together with large area of open space on the northern edge of the site and through which existing public rights of way are located. Due to changes in the economic climate it was no longer considered viable to provide affordable housing however a Section 106 Agreement was signed to secure the payment of a commuted sum towards the underpass improvements and cycle parking provision. These payments have been received in full.
7. A number of standalone and S.73 variation applications and approvals have also seen changes to the layout, house types and increase in the number of dwellings from 365 to 395.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The following elements are considered relevant to this proposal;
9. *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 a low carbon future.

10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *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.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
15. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

16. *Policy IB1 (Type of Industry and Business Areas)* states that the Council will normally approved development that maintain in appropriate locations a range of land available for industry and business.

17. *Policy IB2 (Designation of Type of Industrial Estate)* designates existing industrial estates as prestige business parks, general industrial areas or local industrial areas.
18. *Policy IB6 (Acceptable Uses in General Industrial Areas)* sets out that business, general industry and warehousing uses will normally be permitted in designated industrial areas, and that large food retail units will normally be refused, having regard to the purpose of the industrial area as set out under Policy IB1.
19. *Policy T1 (Footpaths and Cycleways in Towns and Villages)* states that the Council will seek to ensure safe, attractive and convenient footpath and cycleway links and networks are provided between residential areas and local shopping centres.
20. *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.
21. *Policy E11 – Safeguarding of sites of Nature Conservation Interest* – Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects
22. *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.
23. *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.
24. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside*. Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
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 D1 - General Principles for the layout and design of new developments* - Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
27. *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.
28. *Policy D3 -Designed with pedestrians, cyclists, public transport* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
29. *Policy D5 - Layout of housing development* - Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space

either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

30. *Policy D8 - Planning for Community Benefit* - 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

RELEVANT EMERGING POLICY

The County Durham Plan

31. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Spennymoor Town Council* – Objects to the development citing that it conflicts with paragraphs 7 (economic and social role), 17 (core planning principles), 21 (infrastructure provision), 23 (town centre) and 38 (school places) of the NPPF.
33. *Highways Authority* – No objection to the scheme following the latest revisions
34. *Northumbrian Water* – No comments to make at this stage

INTERNAL CONSULTEE RESPONSES:

35. *Planning Policy* – The principle of developing this site for residential purposes has been long established under previous planning permissions therefore a key consideration of this application is whether the site is capable of accommodating a further 19 dwellings.
36. *Design and Conservation* – Note that the re plan would result in more car dominated frontages and a reduction in open space.
37. *Drainage and Coastal Protection Section* – No objection subject to a condition to secure the drainage scheme
38. *Ecology* – No objection
39. *Environmental Health (Contaminated Land)* – No objection subject to the imposition of a condition.
40. *Environmental Health (noise)* – No objection subject to the imposition of conditions

41. Environmental Health (air quality) – The proposal will not have a significant effect on air quality and no further comments are considered necessary
42. *Landscape Section* – Both the detailed landscape proposals and management plan is considered to be acceptable however specialist advice should be sought regarding matters such as play areas.
43. *Clean and Green* – The impact safety surface is bark which would be high maintenance. The external management group responsible for the play area would be advised to inspect and maintain the equipment and surfaces in accordance with the manufacturers recommendations
44. *Public Rights of Way* – No objection to the scheme
45. *Housing Delivery* - Confirm affordable housing requirement of 10% would be expected equating to 2 units
46. *School Organisational Manager* – Raises no objections. It is considered that the development of 19 additional houses is likely to produce 6 primary pupils and 3 secondary pupils. There are sufficient secondary places available, but insufficient places at the nearest primary schools. Consequently a contribution of £87,096 would be required for the provision of additional teaching accommodation.

INTERNAL CONSULTEE RESPONSES:

47. *Ramblers Association* – No objections
48. *Police Architectural Liaison Officer* – No further comment

PUBLIC RESPONSES:

49. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. No public representations have been received.

APPLICANT'S STATEMENT:

50. Phase 6 is being replanned for smaller houses to further the opportunity for Spennymoor by providing houses for first time buyers, young families and older people looking to downsize which responds to local market demand. The substitution of 155 houses on the site for smaller house types has created additional space allowing for the addition of 19 houses on phase 6. This fully accords with the Government's recent, Housing White Paper which encourages residential development at higher density in suitable location, especially of brownfield sites.
51. The scheme has been carefully designed with all the houses having an active frontage onto the highways or areas of public open space. The houses benefit from off-street parking, with minimum separation distances achieved and adequate private amenity space. The change in house types would complement those recently built and approved in the northern part of the site. Similarly the proposed materials have been selected to match and are in-keeping with houses in the surrounding areas. The scheme has been designed to connect to the public right of way from the internal footpath network, thus enabling residents to easily access the wider footpath network. Natural surveillance is provided onto the areas of public open space, where play area equipment, both formal and informal, is to be implemented imminently.

52. The principle of development on the site for residential purposes has been accepted previous. The significant changes from the approved scheme are:

- Previous approval for 416 houses, including 30 apartments, was not pursued at the time due to the exceptional economic circumstances
- The introduction of new house types with better open-plan living and glazed rear pods
- The introduction of smaller house types for first time buyers

53. Since the original planning consent was granted, the Government has encouraged the use of SUDs in new developments. The Drainage Strategy proposes swales along the south eastern boundary. The local highway network is considered able to accommodate the additional traffic which would result. The significant highway improvements were designed to accommodate both the traffic from DurhamGate and from the 416 houses on this site. The proposed scheme with two less house would therefore have a similar impact on the capacity of the local highway network.

54. The proposed application will bring many benefits including:

- Adding to the County's housing supply in a location that has been identified as sustainable
- The incorporation of smaller family homes will deliver a wider choice of high quality houses in Spennymoor and Durham, responds to the local market and increases opportunities for home ownership
- Short term benefits to the local economy brought by the construction phase
- S106 contributions - £87,096 for education and £68,510 for public open space

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

55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the surrounding area, access and highways, amenity of adjacent occupiers, ecology, other issues and planning obligations.

Principle of development

56. The principle of developing the site for housing was established under planning permission 2006/0476 (and reserved matters 7/2009/0274/DM) for 416 dwellings and subsequently under application 7/2012/0030/DM which granted consent for 365 dwellings. A number of standalone and S.73 applications have also sought changes to the layout, house types and also have increased the number of dwellings from 365 to 395. This application simply seeks to re-plan parts of phase 6 of the site and to introduce 19 additional dwellings. This would result in the ultimate delivery of 414 units on site which is 2 fewer units than the earlier outline approval.

57. Notwithstanding this, there are relevant Development Plan policies which relate to the principle of development. The application site is designated, by way of policy IB2 of the SBLP, as forming part of the Merrington Lane Industrial Estate. It is acknowledged that the redevelopment of the site for residential purposes and the loss of an employment site would conflict with the Development Plan. However the wider benefits of the scheme, including securing a major employer in the area and providing new housing outweighed the policy presumption against a housing development in this location.
58. 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. In accordance with Government advice, the appropriateness of retaining the site for employment use has been tested through an Employment Land Review (ELR) (2012). It is recognised that there are a number of areas within the estate which are not necessary to protect. A number of large companies have left the industrial estate in recent years, including Electrolux and Thorn Lighting, following their partial relocation, and the wider area benefits from consent for a mixed-use development, of which the current application would form a part. Notwithstanding any conflict with the aims of the development plan and Local Plan Policy IB6 in particular, the loss of the site for employment purposes is not considered to be contrary to emerging policy for employment land provision.
59. The application site is located within Spennymoor and the policy that was relevant to this area, policy H1, has not been saved. With regards to the principle of the new housing development in Spennymoor the local plan is considered to be silent.
60. In light of the above paragraph 14 of the NPPF is engaged. This requires a balance of 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.

Five Year Housing Land Supply

61. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
62. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
63. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.

64. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
65. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
66. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

Local Sustainability of the Site

67. Notwithstanding the extant consent it is appropriate to address whether the site remains a suitable location for new housing. In the original planning applications the bypass was noted as being a major barrier separating the industrial estate from the rest of the town, which has an adverse effect on its suitability. The 2012 consent secured a financial contribution to upgrade the existing underpass into the town to include the installation of CCTV and improved lighting as well as cycling parking provision. These contributions were not calculated on a per dwelling basis and therefore approval of this application would not have any impact on the contributions previously secured which have now been paid in full.
68. In relation to this amended scheme it is considered that the erection of an additional 19 units would not alter the conclusions reached within the original and subsequent approvals. Recognising that Spennymoor is classified as a Tier 1 Settlement – Main Towns within the Durham County Council Settlement Study (2012) on account of the wide array of facilities and services that it possesses it is still considered that the sustainability of the site remains acceptable in accordance with Paragraph 61 of the NPPF and SBLP Policies D1 and D2 which are considered consistent the NPPF in this respect and can be given full weight in the decision making process.

Impact on the character and appearance of the surrounding area

69. 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. 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.
70. In this respect it was concluded in the original application that the design and layout of the proposed development was considered acceptable in accordance with

relevant SBLP Policies. In relation to the revised scheme, a denser element would be created in this final phase of the site which although is regrettable to a degree would be commensurate with the overall density of the wider development. This would be achieved through the substitution of house types, revisions to the layout as well as a slight encroachment into areas which were previous shown as areas of open space in the original approval, which will be considered later in the report. Overall it is considered that the proposed layout is acceptable and would result in a frontage that is not car dominated and utilising corner turner units where appropriate. The house types proposed and materials to be used would be commensurate with those already approved on the site. The proposed materials schedule, enclosures, hardstanding and landscaping arrangements are detailed in full and are considered to be acceptable. Their implementation will be secured by condition and conditions are also recommended to remove permitted development rights relating to front boundary enclosures and conversion of garages to habitable accommodation.

71. Overall, it is considered that the re-plan scheme would still deliver an acceptable form of development, in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 7 and 11 of the NPPF.

Access and Highway Safety

72. 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. SBLP Policy T1 seeks to ensure that safe, attractive and convenient footpath links are provided, where appropriate, to serve new development. These policies are considered compliant with the NPPF.

73. Following the re plan the dwellings would continue to be accessed via the existing site access which is capable of serving a development of this scale. In consultation with the Highways Authority appropriate layout arrangements and car parking provision (which would comply with the minimum requirements outlined in DCC Residential Car Parking Standards) has been secured. Other minor highways matters relating to internal speed limits and highway adoption procedures would be brought to the developer's attention by means of informatives.

74. Public Rights of Way, footpath 55/17 passes through the application site, and would be connected to the internal footpath network, thus enabling residents to easily access the wider footpath network. There would be no diversion required to facilitate the development. A condition (no.14) was imposed pursuant to planning permission 7/2012/0030 which sought to secure details of the connection. This is currently being progressed under application DRC/17/00298 and the developer is liaising with the Council's Public Rights of Way officer to secure an acceptable scheme. The development is therefore considered to accord with Policies T1, L9, D1, D2 and D3 of the Local Plan that seek to ensure safe and satisfactory pedestrian access.

75. Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network. There is no conflict with the above mentioned policies and NPPF.

Amenity of Adjacent Occupiers

76. One of the twelve core planning principles of the NPPF is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. SBLP policies D3 and H17 require that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. SPG Note 3 establishes minimum separation guidelines of 21m between

facing principal elevations and 14m between principal and gable elevations. The policies are considered to be in accordance with the intentions of the NPPF.

77. The internal layout falls short in some cases, but not to an unacceptable extent. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise. The new dwellings would all benefit from private amenity space.
78. To protect the amenity of future occupants a condition from the original consent will be carried forward which seek to provide protection between external and internal noise levels to ensure that prospective residents are adequately safeguarded from noise arising from the adjacent industrial units.
79. There is also the potential for some disturbance during the construction period. To address this an hours of operation condition would be imposed as well as conditioning the submission of a construction management plan. On this basis the Council's Environmental Health team raise no objection to the proposal.
80. The scheme would not have a significant adverse impact on the amenity of existing or future residents therefore is not considered to conflict with SBLP Policies D1 and D3 or Part 11 of the NPPF.

Ecology

81. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant submitted an ecology survey report and assessed the potential impacts of the development on protected species in the original application. Given that the previous permission has been implemented in accordance with the mitigation measures it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2017. Furthermore, considering the current state of the site and lack of features it is unlikely to be used by protected species. In line with the original application, the development is considered to conform to policy E11 of the SBLP (consistent with the NPPF) and Part 11 of the NPPF in this respect.

Other Issues

82. Paragraph 121 of the NPPF advises that it is important to ensure that the site is suitable for its new use, consideration should therefore be given to ground conditions and land instability, including from former activities and uses. The application site, by virtue of previous manufacturing and industrial uses is considered contaminated and under conditions imposed on the previous approval is being remediated.
83. The Contaminated Land officer agrees within the recommendations within the submitted Amended Remediation Strategy by Sirius which outlines the remediation strategy for sites A and B, that this work should be supervised and validated by a competent person. They raise no objection to the development subject to a condition to secure this work. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.
84. During the course of the remediation and site investigations already undertaken, various mine workings have been identified. Various surveys have been undertaken which have been assessed by the Coal Authority who raise no objections. The areas of high risk fall outside of the re-plan area.

85. The site is not in an area at risk from flooding. The Council's Drainage Section and Northumbrian Water have both confirmed that the drainage strategy is acceptable. The implementation of the scheme will be secured by condition.
86. The development is expected to embed sustainability to support the NPPF aims of reducing greenhouse emissions. This matter will be secured through the Building Control process.

Planning Obligations

87. 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 can 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 SBLP Policy H19, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 10% provision on site. However, in this instance given the proven viability issues around the site no affordable provision was secured in the original permission. A viability appraisal has been submitted in support of this application and it is still not considered that the circumstances have changed.
88. 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 the development of 19 additional houses is likely to produce 6 primary pupils and 3 secondary pupils. Whilst there are sufficient secondary places available, there are insufficient places at the nearest primary schools. It would therefore be necessary to expand the local primary schools. As such, a contribution of £87,096 is sought in this regard, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
89. 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 500 sqm of amenity space should be provided, along with new equipped play areas where appropriate. The original application secured open space throughout the site including a village green in the centre of the site together with large area of open space on the northern edge of the site and through which existing public rights of way are located. These larger areas of open space included both informal and formal children's play space. It is recognised that to achieve the additional housing numbers across the site both this re-plan and others prior to it have encroached onto areas of open space reducing the overall level of provision on the site.
90. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010, which is considered 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.
91. Play space provision was secured as part of the original consent and this was due to be delivered prior to the occupation of the 150th dwelling. Due to the location of the play space within the development site and the planned build out route it was not

feasible for Barratt to deliver the provision within these timescales. The formal play area located on the large area of open space on the northern edge of the site and through which existing public rights of way are located is on course to be completed by July 2018. The informal play space which is to be delivered within the village green in the centre of the site is due to be implemented prior to the occupation of the 136th dwelling. The specification of play space is in accordance with that secured as part of the 2012 application and conditions will be imposed to secure its delivery in addition to its future management and maintenance.

92. To mitigate the impact of an additional 19 dwellings (£43,010) and to compensate for the overall reduction in open space across the site (£23,500) a financial contribution of £68,510 would be made which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 73 of the NPPF with regards to the provision of public open space.
93. 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 primary education accommodation, open space and play 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.

CONCLUSION

94. The principle of developing the site for residential purposes has been established through the earlier implemented planning permissions. However, as set out above the acceptability of this application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to apply to restrict development in this case and therefore planning permission should be granted unless any adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
95. The direct benefits of the proposal would be the contribution to housing supply which would assist in improving the range and choice within the local housing market. In light of the Council's housing supply figure when assessed against the Government's OAN methodology this benefit is a limited one. 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.
96. Whilst the proposal would result in the loss of some land designated for economic purposes, alternative uses have more recently been granted on the industrial estate. The existing noise climate is unlikely to cause a statutory nuisance and a condition can be imposed to secure appropriate noise mitigation measures.
97. Whilst there would be an overall reduction in the level of open space on site a financial sum would be secured to compensate for this. A contribution would also be secured towards improving off-site open space provision and primary education contribution.

98. The scheme would relate well to the character and appearance of the area and is considered to represent a sustainable form of development that is acceptable in all other respects. Any adverse impacts arising from the scheme would not significantly and demonstrably outweigh the recognised social and economic benefits of new housing on this established housing site.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement to secure the following:

- £87,096 towards primary education accommodation
- £68,510 for improving offsite open space and recreational provision

And subject to the following conditions;

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

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

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

| Plan | Drawing No. | Date Received |
|---|---------------------|---------------|
| Play area proposals | C-814-09 Revision A | 02/03/18 |
| Palmerstone_Front Ele | | 07/03/18 |
| FOLKSTONE HOUSE TYPE | 2016/FOL/C/02 | 01/02/18 |
| ALDERNEY HOUSE TYPE | BALD 00CD | 01/02/18 |
| KENLEY HOUSE TYPE | 2016/KNL/C/01 | 01/02/18 |
| SITE LOCATION PLAN | P36 | 01/02/18 |
| DERWENT HOUSE TYPE | BDER 00CD | 01/02/18 |
| MORESBY HOUSE TYPE | BMMS 00CD | 01/02/18 |
| WINDERMERE HOUSE TYPE | BWIE 00CD | 01/02/18 |
| Palmerstone classic (Mid) | 01 | 02/03/18 |
| Landscape plan | 9778 Rev A | 03/04/18 |
| Landscape plan | 9778 | 03/04/18 |
| Folkestone classic (End) | 01 | 02/03/18 |
| Folkestone classic (Mid) | 01 | 02/03/18 |
| Proposed phase 6 layout | P65 Rev E | 21/06/18 |
| Proposed materials layout part 2 | P66 Rev E | 21/06/18 |
| Phase 4, detailed landsape proposals Sheet 1 of 5 | C-814-11 Rev D | 21/06/18 |
| Phase 4, detailed landsape proposals Sheet 2 of 5 | C-814-12 Rev B | 21/06/18 |
| Phase 4, detailed landsape proposals Sheet 3 of 5 | C-814-13 Rev B | 21/06/18 |
| Phase 4, detailed landsape proposals Sheet 4 of 5 | C-814-14 Rev B | 21/06/18 |
| Phase 4, detailed landsape proposals Sheet 5 of 5 | C-814-15 Rev C | 21/06/18 |

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies, H19, T1, D1, D2, D3, D5 and D8 of the Sedgfield Borough Local Plan.

3. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

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

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

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence

4. All documents submitted relating to Phase 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.

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

- (b) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategies shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. Plotworks validation certificates shall be submitted prior to occupancy.

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.

5. All windows to all elevations of each dwelling hereby permitted shall be installed with glazing which as a minimum must consist of double glazing units with configuration 4mm glass/6-20mm air cavity/4mm glass.

Reason: In order to ensure a reduction of 25dB(A) between external and internal noise levels and therefore ensure that prospective residents are adequately safeguarded from noise in accordance with Policy D5 of the Local Plan and Paragraph 123 of the National Planning Policy Framework.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme as shown on drawing no.s – c-814-11 rev D, c-814-12 rev B, c-814-13 rev B, c-814-1d rev B and c-814-15 rev C shall be carried out in the first available planting season following the practical completion of each related phase of the development as specified by details required in accordance with condition 3 of this permission.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

7. The play equipment scheme shown on drg. no. 9778 Rev. A shall be implemented and made available for use by 27/07/2018.

Reason: In the interests of providing adequate play facilities for prospective residents of a major housing scheme in accordance with Policy D5 of the Sedgfield Borough Local Plan.

8. Prior to the occupation of the 136th dwelling the play equipment scheme as shown on drg. no. 9778 shall be implemented and made available for use.

Reason: In the interests of providing adequate play facilities for prospective residents of a major housing scheme in accordance with Policy D5 of the Sedgfield Borough Local Plan.

9. The long-term management and maintenance of all areas of public open space including installed play equipment shall take place in accordance with Landscape Management Plan, Amenity Open Space Areas dated 02/03/2018.

Reason: In the interests of appearance of the area in accordance with Policies D1 and D4 of the Sedgfield Borough Local Plan.

10. The development shall be carried out in line with the drainage scheme detailed in the Phase 6 Surface Water Drainage Strategy Issue no.2 dated 29/01/2018.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the principal elevation of a dwelling house, without the grant of further specific planning permission from the Local planning authority.

Reason: In order to maintain the character of the development and the open frontages which are an integral part of the scheme and to comply with Policies D1 and D5 of the Sedgfield Borough Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order the garages hereby approved shall be used for the parking of motor vehicles only and shall not be converted into habitable accommodation.

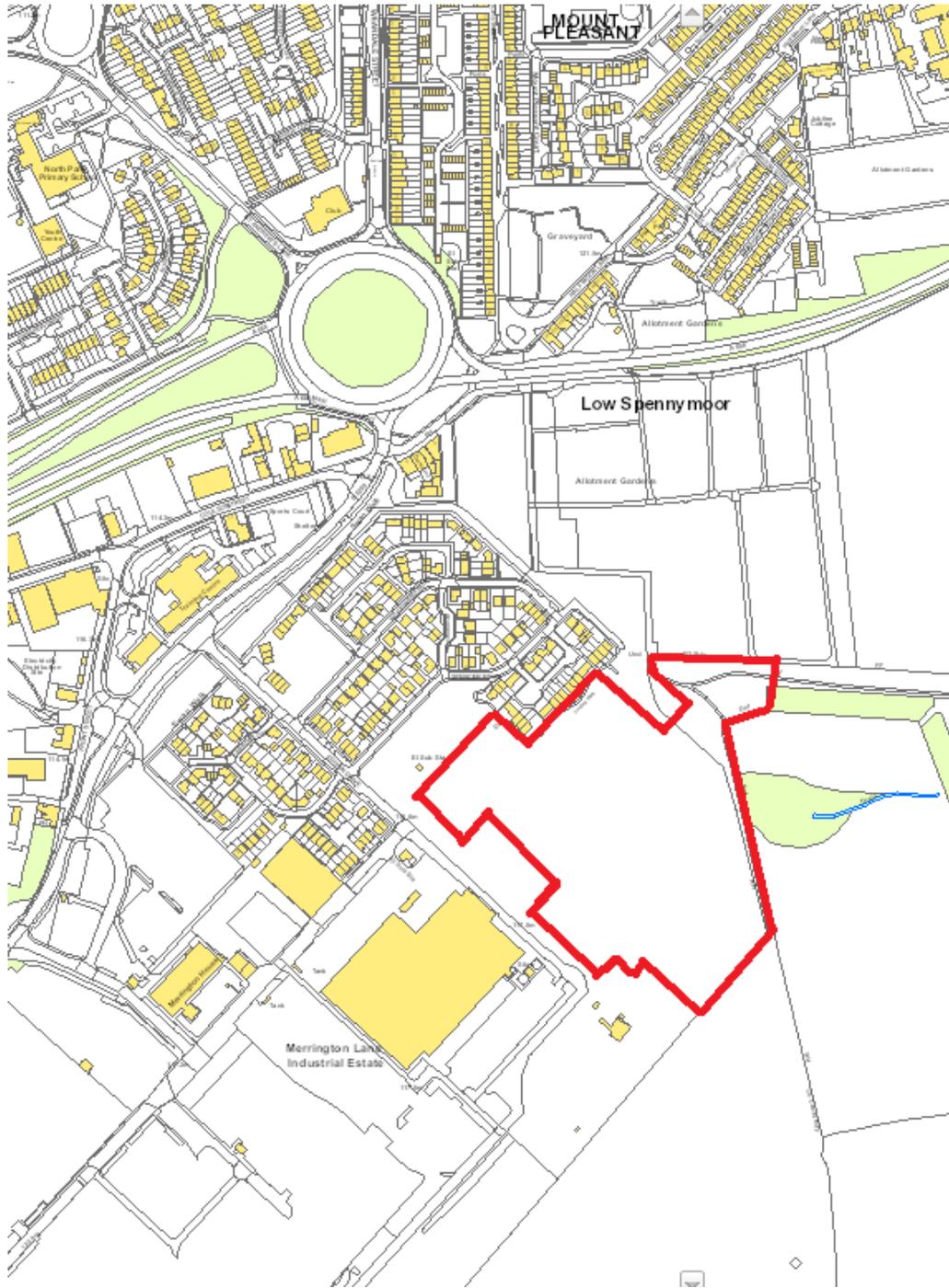
Reason: In order to ensure that adequate parking provision is provided across the site in accordance with Policy D3 of the Sedgfield Borough Local Plan.

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

19 additional dwellings and substitution of 136 house types within Phase 6 of planning permission 7/2012/0030/DM (erection of 365 dwellings) Barratt David Wilson North East Development Lane Former Thorn Lighting, Merrington Lane Industrial Estate, Spennymoor Ref: DM/18/00341/FPA

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Date
21st June 2018

Scale
Not to scale