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## Appeal Decision

Site visit made on 5 December 2014

**by Anthony Lyman BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 January 2015**

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### **Appeal Ref: APP/P2935/A/14/2226414**

#### **Land north of Windsor Drive, Blyth, Northumberland**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Barry Elliott against the decision of Northumberland County Council.
  - The application Ref 13/02762/FUL, dated 9 September 2013, was refused by notice dated 19 September 2014.
  - The development proposed is 25 No. new residential bungalows on land previously designated for educational use, and as agricultural prior to that.
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#### **Decision**

1. The appeal is allowed and planning permission is granted for 25 No. new residential bungalows on land previously designated for educational use, and as agricultural prior to that at land north of Windsor Drive, Blyth, Northumberland in accordance with the terms of the application, Ref 13/02762/FUL, dated 9 September 2013, subject to the conditions set out in the attached schedule.

#### **Application for Costs**

2. An application for costs was made by Mr Barry Elliott against Northumberland County Council. This application is the subject of a separate Decision.

#### **Main Issues**

3. The main issues are, i) whether the use of the appeal site for residential development is appropriate, having regard to national and local planning policies, ii) whether other material considerations would outweigh any potential harm arising from the development.

#### **Reasons**

##### *Residential development*

4. The appeal site is a grass field of approximately 1.4 hectares which is said to be in agricultural use. The site is within the settlement limits as defined in the Blyth Valley Local Plan 1999 (Local Plan), and is in the midst of a residential area with modern housing developments abutting the field on three sides. This previously undeveloped, greenfield land is allocated for Community Facilities (Education Purposes) in the Local Plan, although the Council confirm that it is no longer required for that purpose.

5. Policy DC5 of the Blyth Valley Development Control Policies, Development Plan Document 2007 (DPD) states, amongst other things, that '*New housing development on greenfield windfall sites will not be permitted*'. There is no dispute that the proposal would be contrary to the rigid wording of Policy DC5 which was cited as the sole reason for the Council's refusal of the appeal application.
6. The National Planning Policy Framework (the Framework) confirms that due weight should be given to relevant policies adopted since 2004, according to their degree of consistency with the Framework. The closer the development plan policies are to the policies in the Framework, the greater the weight that may be given. One of the Framework's Core Planning Principles '*encourages*' the effective use of land that has been previously developed, but it does not prohibit development on greenfield sites, as Policy DC5 seeks to do. The Policy is not consistent with the Framework and, therefore, the weight that I attach to the proposal's conflict with Policy DC5 is limited.
7. The Council confirm that a five year supply of deliverable housing land cannot be demonstrated in the former Blyth Valley area. Therefore, in accordance with paragraph 49 of the Framework, the Council's policies relevant to the supply of housing, including Policy DC5, cannot be considered up-to-date.
8. Furthermore, the principle of the site being used for development, albeit not originally housing, was established by the allocation for educational use and has been further confirmed recently by the Council's resolution to grant planning permission for six bungalows on part of the appeal site, subject to conditions and the completion of a s106 Obligation.
9. In these circumstances I conclude that the use of the appeal site for the proposed residential development would be appropriate and would accord with the Framework's aim to boost significantly the supply of housing.

*Other considerations*

10. The Blyth Valley Core Strategy settlement hierarchy identifies Blyth as a 'main town' to which the DPD confirms that new housing development will be directed. The proposal would provide 25 bungalows of varying size, of which 7 would be affordable homes, in accordance with the Council's preferred rate of 30%. The Council's Strategic Housing Service confirmed that Blyth is an area of high demand where bungalows are in short supply much needed by older people and people with disabilities, and that the site is a desirable and sustainable location for new affordable and market homes. I have no reason to disagree with these views, particularly as the site is well located for public transport and for the services Blyth has to offer.
11. The proposed development would deliver significant financial investment in the local economy during construction and through the ongoing support for local businesses by future occupants. The provision of a mix of affordable and market homes would be a significant social benefit particularly as bungalows are much needed in the area. The dwellings would mitigate the impacts of climate change through the prudent use of natural resources and by incorporating energy efficiency schemes which could be secured by condition. Landscaping of the site that the Council confirm has limited ecological value, would enhance the local environment. The proposal would represent

sustainable development, for which the Framework confirms that there is a presumption in favour.

12. These other considerations carry significant weight in favour of the proposal.

*Other matters*

13. Concerns were raised by local residents about the impact of the proposed development on local flooding in the area. The site is within Flood Zone 1 and a submitted Drainage Statement confirms that surface water from the site would be drained into the existing Northumbrian Water Limited drainage network at an attenuated greenfield run-off rate. Subject to the imposition of relevant conditions, the Council's Flood Risk/Drainage team, the Environment Agency and Northumbrian Water Limited raised no objections to the proposal. In these circumstances, I am satisfied that, subject to the suggested drainage conditions, the scheme would be unlikely to increase the potential risk of surface water flooding in the area.
14. Given the separation distances between the proposed bungalows and existing properties on Windsor Drive and the other adjoining roads, the proposed development would not have a significant adverse impact on the level of privacy and amenity currently enjoyed by local residents. The highway authority raised no concerns about the proposed access using Windsor Way, and I have no reason to disagree with that view.
15. The appellants have submitted a s106 Obligation which would secure the affordable housing and a financial contribution towards off-site sports and recreation and children's play facilities in accordance with Policies DC1 and DC13 of the DPD. I am satisfied that the provisions of the s106 Obligation are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably relate in scale and kind to the proposal.

*Conditions*

16. The Council submitted a list of suggested conditions, in the event that the appeal succeeds. I have considered these having regard to the advice in the Framework and the Planning Practice Guidance. In addition to the standard time condition, it would be necessary for the development to be undertaken in accordance with the approved plans for the avoidance of doubt. In the interests of the character and appearance of the area, a scheme for the landscaping and future management of the site would be required, together with details of the materials and boundary treatments to be used throughout the development. To ensure a satisfactory form of development it would be necessary for the roads and footpaths to be built to adoptable standards. A construction method statement, including hours of construction, should be secured by condition to ensure that the impact on local residential amenity and highway safety during the construction phase would be minimised.
17. In order to safeguard future occupants of the development, measures to protect the dwellings from gases associated with former mine workings would be necessary. A scheme for the provision of waste and recycling storage facilities would be required in the interests of the local environment. To ensure that the risk of flooding is minimised, conditions should secure a scheme of surface water drainage, including preventing surface water discharge into an

adjacent ditch and should prescribe the minimum height of finished floor levels. In the interests of sustainability, links between the site and the existing footpath network would be required, and a scheme to increase energy consumption from renewable sources or to reduce CO2 emissions would be secured by condition.

### **Planning Balance and Conclusions**

18. The development would conflict with Policy DC5 of the DPD. However, that conflict carries limited weight as that Policy is not consistent with the Framework and is also rendered out-of-date by the Council's inability to demonstrate a five year supply of housing land. Paragraph 14 of the Framework is, therefore, engaged. It confirms that permission for sustainable development should be granted, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
19. I conclude that any adverse impacts of this sustainable development, such as the loss of this greenfield site, would not outweigh the significant benefits I have identified. In particular, the provision of much needed market and affordable homes would accord with the Framework's requirement to boost significantly the supply of housing.
20. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is allowed and planning permission is granted, subject to the conditions set out in the attached schedule.

*Anthony Lyman*

INSPECTOR

Richborough Estates

## Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 213057 02 P8; 213057 03 P1; 213057 04 P1; 213057 05 P1; 213057 06 P1; 213057 07 P1.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
- 4) No development shall take place until details of all proposed means of enclosure and boundary walls and fences on the site, together with an implementation timetable have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
- 5) No development shall take place until a scheme to protect the buildings from gas emissions associated with the former mine workings, in particular Stythe (or black damp), and a programme for its implementation, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
- 6) The roads and footpaths serving the development shall be constructed to an adoptable standard in accordance with Northumberland County Council specifications.
- 7) No development shall take place until a scheme for the provision of refuse and recycling storage for each dwelling and an implementation programme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and timetable and thereafter retained.
- 8) No development shall take place until full details of both hard and soft landscape works, including an implementation programme have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include a planting schedule of trees and shrubs setting out species, numbers, densities and locations, hard surfacing areas and materials, areas to be seeded with grass, and other works or proposals for improving the appearance of the development.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved details and timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) No development shall commence until a detailed landscape management plan, (for areas other than domestic gardens) has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

- 11) No development shall commence until a scheme of surface water drainage works has been submitted to and approved in writing by the local planning authority. The details shall be based on the principles stated within Cundall's submitted Drainage Statement referenced 1008902 Rev P1. The submitted details shall include – i) information about the design storm period and intensity, the method employed to delay and control surface water discharge and measures taken to prevent pollution of the receiving groundwater and/or surface waters, ii) a timetable for its implementation, iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority, statutory undertaker or any third party and any other arrangement to secure the operation of the scheme throughout its lifetime, iv) measures to ensure that no rainfall from the development is directly or indirectly discharged into the ditch north of the development site. The scheme shall thereafter be operated and maintained in accordance with the approved details.
- 12) Finished floor levels within the development shall be at least 150mm above ground level.
- 13) No development shall take place until details of a scheme to provide footpath links between the site and the footpaths to the north of the development, including an implementation timetable, have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved scheme and thereafter retained.
- 14) No development shall take place until a scheme, including an implementation timetable, for the inclusion of measures to ensure that 10% of the total predicted energy requirement for the development will be provided from renewable sources; or a scheme demonstrating at least 10% overall improvements over the 2010 Building Regulation minimum CO2 emissions standard, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme and timetable and the approved measures retained thereafter.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v) wheel washing facilities
  - vi) measures to control the emission of dust and dirt during construction and from loose materials being transported to and from the site

- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) hours of construction.

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