
Appeal Decision

Site visit made on 21 April 2015

by B.Hellier BA(Hons) MRTPI

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

Decision date: 20 May 2015

Appeal Ref: APP/P2935/W/14/3001679

Land at Springville/Brock Lane, East Sleekburn, Northumberland, NE22 7AZ

- 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 Dysart Developments against the decision of Northumberland County Council.
 - The application Ref 13/03937/FUL, dated 23 December 2013, was refused by notice dated 19 September 2014.
 - The development proposed is residential development for 48 dwellings with associated access and area of public open space.
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Decision

1. The appeal is allowed and planning permission is granted for residential development for 48 dwellings with associated access and area of public open space on land at Springville/Brock Lane, East Sleekburn, Northumberland, NE22 7AZ in accordance with the terms of the application, Ref 13/03937/FUL, dated 23 December 2013, subject to the conditions set out in the accompanying Schedule.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main issue

3. I consider the main issue is whether this would be a sustainable form of housing development.

Procedural matter

4. The appeal is accompanied by two S106 agreements. One for a contribution to affordable housing and one for both a contribution to affordable housing and a tariff contribution to play area and sports. I consider the contribution to affordable housing meets the tests in paragraph 204 of the National Planning Policy Framework (NPPF) necessary and have taken it into account accordingly.
5. From the 6 April 2015 the transitional arrangements in the Community Infrastructure Levy (CIL) Regulation 123(3) (as amended) run out. From this date only very limited pooled contributions or tariffs may lawfully be used to fund infrastructure. The Regulations permit only five pooled contributions S106

obligations to accrue from 6 April 2010. The Council has already reached this limit. Since the play area and sport commitment would be a pooled contribution I am unable to take it into account.

Planning policy

6. The starting point for the determining planning applications is the development plan. The relevant development plan is the Wansbeck District Local Plan¹ (LP). The site lies outside the defined settlement limit for East Sleekburn. LP Policy GP1 restricts all new development to sites within settlement limits and Policy H3 does not allow new housing development on green field sites not allocated for housing in the development plan. The proposal conflicts with these policies.
7. However the National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing. The Council does not have a five-year supply of deliverable housing sites and in these circumstances its development plan policies for the supply of housing should be treated as out of date². The presumption in the NPPF in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Setting

8. East Sleekburn is a small village in the Northumberland coal field situated on the coastal plain at the downstream crossing point of a tidal creek flowing south into the River Blyth. It is surrounded by industrial land much of which is underused and derelict including the site of the now demolished Blyth Power Station. Immediately to the east is a dual carriageway, the A189, which connects the scattered coalfield settlements to Tyneside. Nearby is the large village of Bedlington and, across the River Blyth, is the town of Blyth.
9. Visually the village is surprisingly well insulated from its surroundings and has a semi-rural ambience. There is woodland structure planting to the north and east and a tree belt screens it from the dual carriageway. The appeal site is a paddock of about 1.4ha at the northern edge of the village adjacent to allotments and the rear of a two storey terrace, Springville. It has an open frontage onto Brock Lane which is the access into the village from the A189, the eastern boundary is the A189 tree belt, and to the north is an area of woodland.

Reasons

10. There are three dimensions to sustainable development: economic, social and environmental. These dimensions are mutually dependent but it is convenient to consider them separately before looking at the overall balance.

Economic dimension

11. The investment in the development would support jobs and expenditure on local goods and services. It is calculated that when occupied the dwellings would attract Council Tax receipts and New Homes Bonus over a six year period amounting to some £770,000.

¹ Wansbeck District Local Plan. Adopted July 2007

² NPPF paragraph 49

12. The site adjoins one of two large parcels of land which are included in a local development order¹ which grants planning permission, subject to conditions, for a range of business and industrial development and ancillary uses. This seeks to create favourable conditions for inward investment and is part of a wider initiative to create and support conditions for economic growth in the Blyth area. There is currently only a two-year deliverable supply of housing sites in this part of the County and it is important that a lack of housing does not act as a barrier to this investment.
13. The proposal would contribute positively to the local economy and indirectly to local economic regeneration. The NPPF states that significant weight should be placed on the need to support economic growth through the planning system.

Social dimension

14. The development would comprise 7 two-bedroom, 26 three bedroom and 15 four bedroom dwellings. LP Policy H7 states that on sites of over 0.5ha the Council will negotiate for the provision of 15% affordable housing. However, this is a low cost housing market area and the viability assessment submitted with the application shows that the scheme would not be able to support a further reduction in the selling price. In this instance the Council has instead sought a contribution of £67,000 to off- site provision which has been secured through a S106 agreement as noted above. I have no reason to disagree with this approach and I am satisfied that the development would make a useful contribution to local housing needs.
15. The village has a pub and allotments but I saw no other services. There is no longer a bus service through the village and although buses pass the end of Brock Lane there was no evidence of a bus stop here. On the other hand the road network is good and there is easy access by car to larger nearby settlements.
16. There is a concern from residents that an additional 48 dwellings, which would perhaps double the size of the village, would weaken social cohesion and increase traffic dangers. However, there is no reason why new residents would not wish to contribute to village life. Traffic generated would be only a modest increase on the number of vehicles that use Brock Lane now.
17. Councillors wish to see brownfield sites developed before greenfield but the NPPF does not support a sequential test to this end. I understand there to be a nearby brownfield site with planning permission which has not been developed. However the appeal site is attractive and, if successfully developed, might well stimulate investment on less marketable sites elsewhere in the village.
18. The site is affected by noise from the A189, the East Sleekburn bypass and Brock Lane. The submitted noise assessment² shows that noise mitigation measures, including acoustic ventilation, would need to be incorporated into dwellings and gardens facing the A189 and Brock Lane so as to achieve acceptable levels of 35dB_{LAeq} in living rooms during the daytime and 30dB_{LAeq} in bedrooms at night. These measures can be secured by condition.
19. Two pairs of semi-detached houses would face the rear of properties on Springville. An intervening area of public open space, a back lane and the back

¹ Northumberland East Sleekburn Sites Local Development Order. Adopted February 2013

² Noise Assessment Wardell Armstrong March 2014

yards to these properties would give a separation distance of 31m which would be sufficient to avoid unreasonable loss of privacy or light.

20. No play area or sports provision is made within the layout. Since a development of this scale would create a demand for such facilities Policies REC7 and REC8 require a financial contribution for off-site provision. Since the Council is not able to secure this through a S106 agreement there will be no contribution. However I have no evidence that nearby recreational provision is inadequate or would not be able to accommodate demands from residents on the appeal site. The lack of funding for off-site provision should not count against the proposal.
21. I consider the site is in a reasonably accessible location. It would provide new housing in a pleasant village location where it would meet housing needs. It would give satisfactory living conditions for future occupiers and maintain an acceptable outlook for existing residents.

Environmental dimension

22. In terms of character and appearance the site would be a logical extension to the village sitting comfortably within well-defined boundaries. It was included in a Strategic Housing Land Availability Assessment carried out by the Council in 2013 as a potential housing site with a question mark over marketability and contamination. Subsequent investigations¹ have shown that land contamination is not a constraint.
23. The layout and house plans and elevations together with a landscape plan provide satisfactory internal and external space standards, streetscape, parking and circulation provision. The frontage onto Brock Lane would include short terrace blocks to respond to the neighbouring Springville terrace. The development accords with LP Policies H5 and H6 which deal with the principles of good design and density in housing development. Whilst the site is not previously developed land it is of little agricultural value. The undergrounding of electricity wires that cross the site would be a visual improvement.
24. For residential development of more than 10 dwellings LP Policy GP34 requires at least 10% of predicted energy requirements to be provided on-site from renewable sources. The appellant proposes to achieve SAP outturns which are about 12.5% better than those required under the Building Regulations. This would satisfy LP Policy GP34.
25. The ecological conservation value of the site is considered to be low. An ecological scoping survey submitted with the application recommends a number of operational measures to mitigate the impact of the development, particularly during the construction phase, to provide educational material and to follow good working practices. Again these recommendations could be secured by condition.
26. Pre-application investigations have shown that there is no significant archaeological interest² and that there is a low risk of flooding³. The site lies entirely within Flood Zone 1 which is the lowest level of risk. Foul and surface

¹ Phase 1: Desktop Study Report 4 November 2013 and Phase 2: Ground Investigation Report 16 January 2014
ARC Environmental

² Archaeological Geophysical Survey December 2013 and Archaeological Evaluation January 2014 AD
Archaeology Ltd

³ Flood Risk and Foul Drainage Assessment Report Ref: MD0785/rep/001 M Design

water would be connected to existing main sewers. A hydrobrake would be incorporated into the drainage system which is able to control the speed of surface water discharges at times of peak flow.

27. The design, landscaping and drainage proposals would contribute positively to adapting to climate change and moving to a low carbon economy. Subject to appropriate mitigation no significant harm to the natural, built or historic environment has been identified.

Conditions

28. The parties have put forward an agreed set of conditions which I have considered in the light of the tests in paragraph 206 of the NPPF. Standard conditions are needed to address commencement, materials and approved plans. Other agreed conditions relate to: a detailed landscaping scheme based on the submitted skeleton soft landscaping scheme; foul drainage; a sustainable surface water drainage scheme; refuse and recycling; ecological mitigation measures, measures to reduce the use of fossil fuels; the submission of details of road and highway construction; and measures to achieve acceptable noise levels within dwellings and in gardens.
29. I have amalgamated three suggested conditions into a condition requiring submission of a construction management plan to deal with dust and mud, parking and circulation, and details of a construction site access. A separate condition would control hours of working.
30. I have not imposed conditions to address contamination. The suggested conditions appear to have been drafted before the Phase 2 Ground Investigation Report. The investigations detailed in the report involved 12 trial pits and 5 boreholes. No significant contamination was identified.

Conclusion

31. The contribution this proposal would make to housing supply must be given significant weight. It would be a conflict with LP Policies GP1 and H3 but these policies must be treated as out of date. When the proposal is assessed against the three dimensions of sustainability there are no adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. I conclude that this would be a sustainable form of housing development and that the appeal should be allowed.

Bern Hellier

INSPECTOR

Schedule of Conditions (14)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the buildings 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.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 13014:P05 Rev C (layout); 13014:A-001, 13014:B-001, 13014:C-001, 13014:D-001, 13014:E-001, 13014:G-001, 13014:N-001(house floorplans); 13014:A-002, 13014:B-002, 13014:C-002, 13014:D-002, 13014:E-002, 13014:G-002, 13014:N-002 (house elevations).
 - 4) No development shall take place 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: the parking and manoeuvring of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; and details of the construction site access and the management of its use.
 - 5) No construction work or deliveries to the construction site shall take place other than between the hours of 0800 and 1800 hours Mondays to Fridays, 0900 and 1300 hours on Saturdays, and not at all on Sundays and Bank Holidays.
 - 6) No development shall take place until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include means of enclosure, earth mounding, areas of hardstanding and pathways and timescales. The soft landscaping works shall be based on Auton Design Studio drawing 059_SP.01 dated December 2013. The scheme shall be implemented as approved prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
 - 7) No development shall take place until a foul drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved before the occupation of any part of the development.
 - 8) No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall have been informed by an assessment of the potential for a sustainable drainage system. The scheme shall be designed so that no flooding occurs in a 1 in 30 years event and in a 1 in 100 year event flooding is retained on site, does not flood dwellings and does not cause damage/nuisance to people/property. It shall also include a timetable for implementation and maintenance arrangements for the lifetime of the dwellings. The scheme shall be implemented as approved.
 - 9) No development shall take place until details of a refuse /recycling area for each dwelling have been submitted to and approved in writing by the local planning authority. Provision shall be made in accordance with the approved details before the first occupation of any dwelling.
 - 10) No development shall take place until an ecological mitigation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall incorporate the recommendations in the Ecological Scoping

Survey by E3 Ecology dated February 2014. It shall include a timetable for implementation and shall be implemented as approved.

- 11) The dwellings hereby approved shall be constructed in accordance with the Energy/Sustainability Statement submitted with the application.
- 12) No development shall take place until construction details of roads, footways and lighting together with a timetable for the works have been submitted to and approved in writing by the local planning authority. Work shall be carried out in accordance with the approved details and timetable. No dwelling shall be occupied unless it is served by a properly consolidated and surfaced footway together with operational street lighting.
- 13) In accordance with the recommendations in the submitted noise assessment by Wardell Armstrong the dwellings on plots 1, 10-17, 26-38 and 46-48 shall be designed and constructed to provide sound attenuation so as to achieve noise levels which do not exceed 35dB_{L_{Aeq}} during the day in living rooms and 30dB_{L_{Aeq}} at night in bedrooms.
- 14) In accordance with the recommendations in the submitted noise assessment by Wardell Armstrong the outdoor living areas of properties along the site boundaries adjacent to the A189 and Brock Lane shall be designed and constructed to achieve noise levels which do not exceed 55dB_{L_{Aeq}}.

Richborough Estates