

Item 3

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2008/0551/DM APPLICATION DATE: 10 November 2008

PROPOSAL: **OUTLINE APPLICATION FOR APPROXIMATELY 310 DWELLINGS WITH ASSOCIATED LANDSCAPING, INCLUDING A 3.9ha COMMUNITY WILDLIFE AREA AND IMPROVEMENTS TO INFRASTRUCTURE INCLUDING THE PROVISION OF 2NO. ROUNDABOUTS**

LOCATION: **LAND AT DALE ROAD SHILDON CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Mr M Corney
Theakston Estates Ltd, Elstob Hall, Great Stainton, Sedgfield, TS21 1NH

CONSULTATIONS

1. SHILDON T.C.
2. Cllr. B. Stephens
3. Cllr. D M Hancock
4. NEDL
5. Rodger Lowe
6. Countryside Team
7. DCC (PROWS)
8. POLICE HQ
9. LANDSCAPE ARCH
10. DESIGN
11. L.PLANS
12. Lee White
13. ENG. HERITAGE
14. ENV. HEALTH
15. ENGINEERS
16. WILDLIFE TRUST
17. ENV AGENCY
18. RAMBLER
19. BR TELECOM
20. BR GAS
21. ENGLISH NATURE
22. NORTHUMBRIAN WATER
23. DCC (TRAFFIC)
24. Sustainable Communities
25. SPORTS COUNC.

NEIGHBOUR/INDUSTRIAL

Eden Grange Hawthorn House Hawthorn Cottage Unit 12
Specialist Coatings Ltd Unit 9 Thompsons Hi Reach Gadsbrook Press Ltd
Locomotion Dale Grove:1,2,3,4,5,6,7,8,9 National Railway Museum
Dale Road:55,53,51,49,47,45,72,70,68,66,64,62

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BOROUGH PLANNING POLICIES

IB2	Designation of Type of Industrial Estates
IB6	Acceptable uses in General Industrial Areas
IB14	Improvements to General and Local Industrial Areas
L1	Provision of Open Space, including Standards
L2	Provision of Open Space in New Housing Development
L5	Safeguarding Areas of Open Space
D1	General Principles for the Layout and Design of New Developments
D2	Design for People
D3	Design for Access
D4	Layout and Design of New Industrial and Business Development
D5	Layout of New Housing Development
D7	Structural Landscaping around Major Developments

THE PROPOSAL

The application proposal seeks outline planning permission for approximately 310 dwellings with associated landscaping, including a 3.9 hectare community wildlife area and improvements to infrastructure including the provision of 2 No. roundabouts at Dale Road Industrial Estate, Shildon. Figure 1 contained below demonstrates the location and extent of the application site:

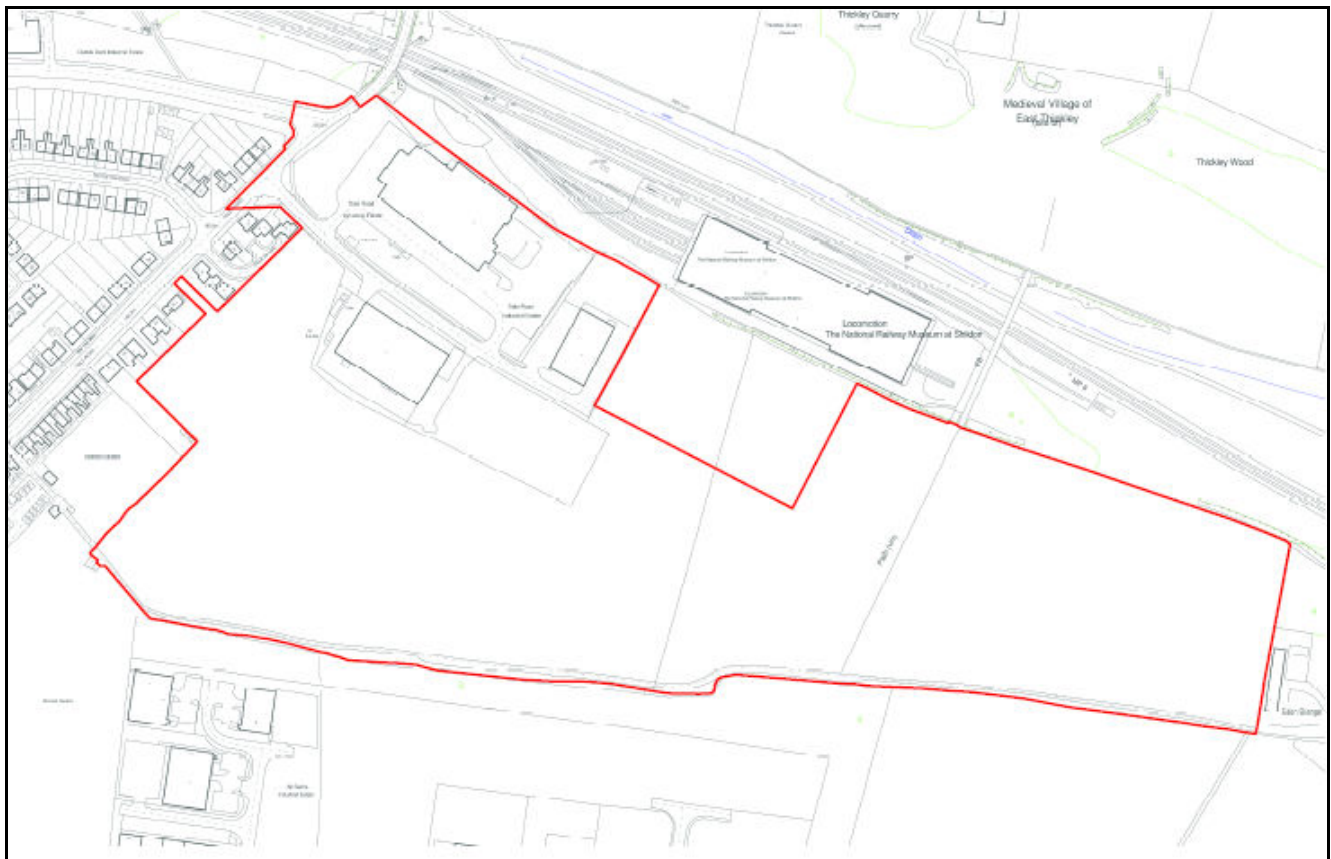


Figure 1 – Site Location Plan

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The application proposal is submitted in outline with all matters, with the exception of access, reserved for future consideration. The application proposal is however accompanied by a suite of supporting documents, including:

- Indicative Layout Plan;
- Design & Access Statement;
- Planning Statement;
- Statement of Community Involvement;
- Protected Species Survey;
- Heritage Statement;
- Arboricultural Implications Assessment;
- Archaeological Desk Based Assessment;
- Noise & Vibration Assessment;
- Flood Risk Assessment;
- Phase 1 Contamination Desk Study;
- Transport Assessment;
- Travel Plan

The above documentation, with particular reference to the Indicative Layout Plan and Design & Access Statement, provides indicative information on the proposed land uses, amount of development, layout and scale parameters. In addition, detailed information on the proposed access arrangements forms part of the submission. The Dale Road Industrial Estate is currently accessed via an unclassified estate road which links in with Dale Road to the western edge of the application site. A staggered priority junction is in place at the access to the site and Dabble Duck Road. It is proposed that a four arm roundabout will replace the existing arrangement to provide access to the site. A secondary emergency access is also proposed towards the south western corner of the site. In addition, it is proposed to provide a four arm roundabout outwith the application site at the junction of Middridge Lane and Spout Lane to mitigate the effects of the increased traffic generated by the proposed development.

SITE ANALYSIS

The application site lies towards the south eastern edge of the settlement of Shildon and currently comprises of the Dale Road Industrial Estate and adjoining unmanaged poor grassland.

There are currently three industrial units, forming the Dale Road Industrial Estate, located to the north western edge of the application site. Some of the existing buildings were purpose built for industrial uses after the Second World War and it has been suggested that some of the buildings are out-dated with high repair and maintenance costs. It is therefore proposed to upgrade the existing employment facilities for one of the companies being displaced from Dale Road (Gigant Limited) through the development of new modern accommodation at George Reynolds Industrial Estate, which is currently subject to a separate planning application (Ref. 7/2008/0555/DM). The remaining two occupiers of the Dale Road Industrial Estate, Winston Fabrications and Ashfield, do not have a requirement for new purpose built accommodation, however, it has been suggested that the companies are actively seeking new premises within Shildon.

The remainder of the site comprises unmanaged grassland and enjoys a relatively open feel. There is limited vegetation cover within the main body of the site although there is a degree of

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woodland planting to the south of the site which screens the All Saints Industrial Estate beyond and also scrub woodlands typically found on the railway embankments to the north. The land undulates across the main body of the site although, in general, the land rises from the railway line to All Saints Industrial Estate.

The site lies towards the south eastern edge of Shildon in an area that is characterised by a mix of uses. The site is bound to the north by the Darlington to Bishop Auckland branch railway line (The Heritage Line) and Locomotion, the National Railway Museum at Shildon. The western boundary of the site adjoins Eden Grange, beyond which lie a number of fish ponds and agricultural land. The All Saints Industrial Estate and associated screen planting adjoins the southern boundary of the site. The western boundary of the site is adjoined by existing housing along Dale Road. The existing housing in the locality is characterised by a range of house types and styles ranging from two-storey semi-detached dwellings, bungalows and terraced properties.

CONSULTATION RESPONSES

The application has been subject to an extensive consultation exercise and the various responses are summarised below:

External Consultation Responses

Durham County Council (Highways)

The formal response received from DCC (Highways) does not seek to comment on the internal estate roads as these matters will be subject to a reserved matters application. The concept of the secondary emergency access to the site onto Dale Road is also welcomed and it is considered that the practicalities of providing this access point can be investigated further at detailed design stage.

The response then goes on to assess the various elements of the submission.

C189 Dale Road / Dabble Duck Road Roundabout

The design of the proposed roundabout is considered reasonable, although certain aspects require clarification.

The 'overrun' roundabout has been designed following consultation between the applicant and Durham County Council Officers and has taken account of the need to accommodate occasional 38.5m long delivery vehicles associated with the exhibits to be delivered to Locomotion.

The layout is readily able to achieve the 43m forward visibility and, whilst concern was raised in respect of the slight reverse bends to the north of the proposed roundabout, any improvement work would impact upon land outside the applicant's control and, whilst the arrangement is not ideal, it is deemed reasonable in highway terms.

It is also considered beneficial for a two lane northbound entry to be considered to complement the proposed southbound entry arrangement, however, it is considered that this matter can be considered at the detailed design stage as a variation to the design and is not considered

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critical at this stage. The final design and eventual construction of the roundabout will need to be carried out by Durham County Council under a Section 278 Agreement.

It is also considered beneficial to construct this roundabout as soon as possible and, as such, a planning condition is recommended requiring the highway works to be implemented and operational prior to the occupation of any residential unit.

C189 Spout Lane / C35 Middridge Lane Roundabout

Initial concerns were raised by Durham County Council officers in relation to the forward sight visibility on the westbound approach to the roundabout, from Middridge Village. A speed survey undertaken in December 2008 confirmed the 85th percentile speed was 43.7mph and, as such, the proposed layout is therefore able to readily achieve the 215m visibility required for a 60mph design speed road.

The final detailed design and eventual construction of the works will again need to be undertaken By Durham County Council under a Section 278 Agreement and a condition has been recommended requiring the works to be implemented and operational prior to the occupation of the 200th residential unit.

In addition, the existing 40mph speed limit will need to be relocated to the east and north of the proposed roundabout. The necessary Traffic Regulation Order required to cover this proposal will need to be commissioned / funded by the applicant / developer at the earliest opportunity within the detailed design stage.

Transport Assessment

The submitted Transport Assessment has been reviewed by officers at Durham County Council and it is concluded that the operational assessment has considered all the junctions identified in the scoping process and all are shown to operate within capacity at the higher vehicle use level, which is acceptable.

Framework Travel Plan

The response received indicates that the initiatives contained within the Framework Travel Plan are welcomed. However, the Travel Plan fails to allocate any financial resource to develop the initiatives and it is unclear as to how much time a Travel Plan Co-Ordinator will commit and what, if any, financial resources will be available and over what period. Without such indications the Travel Plan is unlikely to be successful.

The targets and goals section of the Travel Plan refers to a 15% reduction in car use. This level of reduction would only be achieved if financial incentives were offered and, as such, this is an unrealistic level of reduction. The Travel Plan should not necessarily be aiming to reduce use and change travel habits, but rather instill from the start the use of sustainable travel modes. It would not be reasonable therefore to set targets for mode share before the development is occupied. A survey 6 months after occupation will establish how effective the marketing of travel planning has been and what further actions are needed. It is much more difficult to change travel habits, therefore great effort is needed to influence these from the start. A strong Travel Plan will develop initiatives aimed at achieving this aim from occupation of the development.

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It is however suggested that a condition imposed on any subsequent approval could be imposed to address the concerns raised in respect of the Travel Plan, which is an approach advocated by DCC (Highways).

Summary

DCC (Highways) have confirmed that the proposal would appear to be acceptable from a highway point of view, subject to the imposition of conditions relating to the implementation and operation of the highway works and the Framework Travel Plan.

Durham County Council (Public Rights of Way)

No objection to the proposed development. However, it is advised that there is a Public Right of Way that crosses the site to the eastern side of the proposal (Shildon FP37). The footpath would need to remain accessible throughout the development.

Durham County Council (Archaeology)

It has been agreed that, due to the fact that the geophysical survey results do not appear to indicate a significant level of potential archaeological remains within the development site, there was no need for further evaluation prior to determination of the outline planning application.

However, given that there is some chance that the geophysical survey may not have recorded more ephemeral features (typically prehistoric ditches and pits which can be difficult to detect) the application will require a negative condition for archaeological evaluation works to be conducted to inform the next stage of the planning application process.

Durham County Council (Ecologist)

It is suggested that the general approach adopted does not support the decision making process and it is possible to get much more data than has been provided in the Report. It is also noted that a general approach applies to data searches and data from local data sources should be provided. The County Ecologist is also concerned over the general assumption that the grassland can be translocated and its long term management.

In respect of bats, it is suggested that a bat study of the mature ash tree to be felled on site is required. It is noted that not all records for great crested newts are mentioned in the report and that the fishing pond 500m to the east is assumed not to have great crested newts. It is suggested that the checking study for Dingy Skipper was undertaken in late April, which is too early for Dingy Skipper in this part of the North East and, as such, a detailed survey in May / June should be carried out.

The County Ecologist has therefore suggested that there is not enough data provided to determine the application and the 'general' approach to mitigation is not adequate when not all data on what is present has been provided.

Shildon Town Council

No objections

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Durham Constabulary

No objection to the proposed development. However, a number of recommendations are made in respect of site layout, access, boundary treatments, landscaping, lighting, car parking and building security to help provide a secure and sustainable environment.

English Heritage

No comments in respect of the proposed development.

CE Electric UK

No objections.

Northern Gas Networks

A 150mm diameter high pressure natural gas pipeline owned by Northern Gas Networks crosses the site. This pipeline is protected with an easement. No buildings should be placed within the easement unless by prior agreement with Northern Gas Networks. The easement also restricts other activities such as tree planting, landscaping, changes in level etc.

It is advised that the current recommendation stated in IGE/TD1 edition 4, stipulates that the minimum distance permissible between the pipeline and any normally occupied building or traffic route is 16m, given the current operating stress and wall thickness of the pipeline. It is recommended that any occupied building be built not closer to the pipeline than 16m.

The construction of the roundabouts may also require chargeable diversions of the gas mains at those locations. There is a medium pressure gas supply across the site supplying Locomotion and the Dale Road Industrial Estate. The supply to the National Railway Museum would have to be maintained or diverted on to an alternative route dependent on the layout of the proposed development.

Wildlife Trust

No objections.

Environment Agency

No objections subject to imposition of conditions.

Ramblers Association

The Ramblers Association would not seek to oppose the proposed development.

However, it is noted that the footpath indicated on the maps leading east from the north end of the 'Cow Bridge' (Hildyards Bridge) across the railway does not have the status of a legal PROW. There is effectively a gap in the network from the north end of the bridge east to the parish boundary. It is requested that this problem be addressed as it is a vital link to pedestrian

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traffic, especially in the light of the focus upon sustainable development associated with the development.

British Telecom

No comments received to date.

Natural England

Natural England have suggested that, based on the information provided as part of the original submission, they have outstanding concerns in respect of the proposal and consider that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

The concerns raised by Natural England can be summarised as follows:

Bats

It is suggested that further information about how the bat survey was undertaken, with reference to recognised guidance and standards such as the Bat Conservation Trust '*Bat Surveys Good Practice Guidelines*' is required to enable the local planning authority to consider whether the surveys undertaken to date are sufficient.

Natural England also advises that, due to the potential for the mature ash tree to be removed as part of the development to support bats, an activity survey of the tree should be undertaken.

Great Crested Newts

The amphibian surveys on site were undertaken in 2004 and 2005 and no updated great crested newt surveys have been provided with the planning application. It is therefore advised that a further survey will be necessary to ascertain whether great crested newts might now be present and if so how they might be affected.

Impact Assessment

The impact assessment undertaken does not quantify the extent of habitats to be lost or otherwise affected by the proposed development. Further information is required on this point, to enable an assessment of the adequacy of the proposals for mitigation and compensatory habitat.

Avoidance and Mitigation

It is suggested that insufficient detail to show how specific impacts will be avoided or mitigated within the scheme is provided. Further information is required to enable an assessment to be made of whether or not all impacts can be avoided, mitigated or compensated for; and whether the measures will be deliverable in the context of the proposed development.

Natural England have also suggested that translocation of grassland is often unsuccessful and it will be important for the applicant and their ecological consultants to explore alternatives, particularly focusing on avoidance of impact on this habitat.

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Future Management of Habitats

Natural England considers at this stage, the applicant should commit to the production of a habitat management plan of an appropriate duration and its production should be secured by an appropriate condition should outline planning permission be granted.

Natural England also suggest that any revised survey work submitted to the local planning authority should be assessed by the Council against the issues raised above. If the revisions are considered adequate, the local planning authority does not need to reconsult Natural England.

Northumbrian Water

No objection to the proposed development subject to the imposition of conditions.

Sport England

Sport England has considered the application in light of Sport England's Land Use Policy Statement '*Planning Policies for Sport.*' The overall thrust of the document is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

Planning Policy Guidance Note 17 'Planning for Open Space, Sport and Recreation' sets out in Paragraph 23 that:

Local Authorities should ensure that provision is made for local sports and recreation facilities (both either through an increase in number of facilities or through improvements to existing facilities) where planning permission is granted for new developments (especially housing). Planning applications should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities and the enhancement of existing facilities.

The need to address sport and recreation provision as identified in PPG17 is re-iterated in Sport England's Interim Policy Statement Document 2005 '*Planning for Sport & Active Recreation: Objectives and Opportunities.*' Planning Policy Objective 8 seeks:

To promote the use of planning obligations as a way of securing the provision of new or enhanced places of sport and a contribution towards their future maintenance to meet the needs arising from new development.

The application and supporting material submitted, with it while making provision for open space, does not make any reference to any sporting provision as required by the above extract from PPG17.

On this basis Sport England objects to the application and advises that there is a need for the applicants / Local Authority to examine the needs likely to arise from the development and ensure that sport and recreational provision is addressed through the application or a Section 106 Agreement. Sport England have therefore suggested that a development of this scale should be making provision for investment of sports facilities in the tune of £228,304.

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National Railway Museum

The NRM have suggested that they are delighted that the creation of Locomotion has been accompanied by, if it has not led to, an increased interest in new developments in the town and they are therefore broadly supportive of plans such as these. However, the NRM have raised concerns in respect of the following matters:

Access

Access to Locomotion is taken via Dale Road and the NRM are concerned that any re-routing of the road may inhibit the ability of exhibits to be transported into the museum.

Public Events

The public events held externally at the museum generate a degree of noise and smoke which could be objected to by residents of the proposed development. This could inhibit the Museum's ability to operate trains and hold successful public events.

Expansion of Locomotion

The NRM have suggested that they have held informal discussions with the Borough Council regarding the redevelopment of the neighbouring industrial units to facilitate the expansion of Locomotion. The current plans would eradicate this possibility and would, as currently envisaged, severely inhibit any future development of the museum.

Security

The NRM also have concerns regarding security, trespass and vandalism along the site perimeter and the presence of housing close to the existing children's playground.

Community Woodland

NRM are concerned that the proposed community woodland to the east of Hildyards Bridge would become a magnet for antisocial behaviour and a major fire risk.

Telecoms and Utilities

It should be noted that telecoms and other utilities serving Locomotion are routed via adopted and non-adopted lines beneath part of the site. The NRM would be concerned to ensure future security of service supply.

Internal Consultation Responses

Tree Officer

No comments received to date.

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Countryside Team

The Council's Countryside Officer has raised a number of concerns in respect of the original submission, which can be summarised as follows:

Translocation of Grassland

It is recommended that the grassland be retained in-situ, and built into the development, rather than translocated. If however this is proved not to be feasible, then it is recommended that the area of grassland be translocated to an area of land, which will not be accessible to the public. This will ensure that the biodiversity interest of the grassland is not lost due to trampling and dog waste.

Bats

It is suggested that further information about how the bat survey was undertaken, with reference to recognised guidance and standards such as the Bat Conservation Trust '*Bat Surveys Good Practice Guidelines*' is required to enable the local planning authority to consider whether the surveys undertaken to date are sufficient.

Great Crested Newts

It is recommended that further information about how the great crested newt surveys were undertaken should be provided to enable the local planning authority to consider whether the surveys are sufficient in scope and method to provide the necessary confidence in the impact assessment.

Breeding Birds

A survey has been undertaken which indicated a wider range of species present within the site. Again there is no detail as to when the survey was carried out, or what methods were employed. It is therefore difficult to assess whether the results of the survey are accurate, and the suggested mitigation is adequate.

Future Maintenance

It is also suggested that additional information should be provided to establish when the habitat area will be created, who will own it and how it will be managed in the future.

Following the initial concerns raised by the Countryside Officer and Natural England, the applicant submitted additional information in the form of a Great Crested Newt Survey, Grassland Translocation Report, Bat Survey and information on Breeding Birds. The additional information has been assessed by the Countryside Officer who is now satisfied with the information provided subject to the imposition of a number of planning conditions.

Landscape Officer

The Landscape Officer has suggested that the proposed design layout is broadly acceptable in landscape terms. However, the Landscape Officer has raised a number of queries in respect of the proposal, which are summarised as follows:

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- It is suggested a scale masterplan of not less than Scale 1:500 demonstrating the location and types of treatment to the open spaces and landscape buffers should be submitted;
- The application should provide a detail of how the topography will be treated given the significant change in levels across the site;
- The design of open spaces around the retained trees should be detailed to demonstrate how the amenity of the trees will be maintained as well as the success of Root Protection Areas;
- The treatment of the main road to Locomotion is suggested as a tree lined avenue and it is recommended that this is detailed to demonstrate how it should work;
- The proposed 3.9ha area of open space to the east is welcome, however, whether there should be more open space within the site for local access needs should be assessed;
- The extent of the buffer spaces around the site is demonstrated on the indicative layout. However, the width of these spaces is open to interpretation. ;
- The treatment of the 3.9ha open space area needs to be clarified as well as future maintenance;
- There may be the opportunity for a formal play area within the site which is easily accessible by all.

Design Officer

No comments received to date.

Environmental Health

After reviewing 'Report on Preliminary Phase 1 Desk Study' Reference: IJW/LT, it is suggested that further detailed studies be completed to ascertain the full extent of the coal mining situation and to assess the risk of contamination on the site given its previous use as an industrial estate and copies should be provided to the Environmental Health Department for review. This matter can be controlled by planning condition.

In respect of noise, it is suggested that an Environmental Management Plan is completed that details demolition methods, construction routes and mitigation measures to be implemented during the construction phase of the development. Mitigation measures detailed in Section 7 of the submitted Noise and Vibration Assessment shall be implemented. This matter can be controlled by planning condition.

In relation to noise from the occupational phase, as a detailed plan has not yet been developed, further information shall be supplied to the Environmental Health department when details of proposed glazing and acoustic fencing can be supplied.

Furthermore, as the findings of the submitted Noise & Vibration Assessment are based on existing activities at the Industrial Estate, if activities at the site changed or additional premises set up in business, guarantees that the proposed mitigation measures will be sufficient to reduce noise levels adequately, could not be given by the Environmental Health Team.

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Engineers

No objections to the proposal on highways grounds, all adoptable highway works must be agreed with the local highway authority.

Sustainable Communities

It is advised that the developer should produce a detailed energy statement, which should detail:

- a. How 10% of the predicted energy supply will be met from renewable / low carbon technologies and detail the business case for and against each technology;
- b. What level, in the 'code for sustainable homes' the development aims to meet; and
- c. How the developer plans to meet the energy hierarchy

It is also advised that reference should be made on how energy will be conserved during the construction phase and how sustainable construction techniques and products will be utilised within the development.

Public Consultation Responses

The application has been advertised by a press notice and a site notice, which has been posted in the vicinity of the site. A number of nearby properties were also consulted in writing.

A total of 3 responses have been received all of which were opposed to the proposals. The comments received can be summarised as follows:

- The resident of 53 Dale Road raised concern in respect of parking and access as a result of the proposed roundabout;
- Highway safety issues – at peak times it is a very busy junction and this will not be alleviated by the provision of a roundabout when it brings an additional 300 houses.
- Is it not possible to gain access to the site from the southern end through the trading estate?
- The fields behind Dale Road are the only fields in New Shildon where residents can walk without having to cross busy road or worry about traffic.
- Removal of Dale Road Industrial Estate is welcomed, however, there is a need to provide some type of parkland which is not remote and could be used by all the residents of New Shildon
- Concern in respect of the level of traffic that would be generated by the proposal.
- The 20m separation distance between the proposed dwellings and the properties on Dale Road should be much wider as the planting associated with the proposed arrangements will result in a loss of sunlight and privacy.
- The close proximity of a considerable housing development to the All Saints Industrial Estate is inappropriate. There is considerable noise and traffic movement into, and out of, the industrial estate, not only during the day but also in the evening and during the night;
- Residents will, no doubt, be unhappy with the noise and disturbance which inevitably arises from industrial / commercial activity. It is likely that the complaints will be made to the Environmental Health Department. It would be an unfortunate consequence if the manufacturing production taking place in the industrial estate were to be constrained as

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a result of complaints, not least because this would cause a reduction of employment and critical financial consequences to the employers on the estate.

- The proposed development will lead to at least another 310 cars using Dale Road, which will make the road even more dangerous, especially putting in a roundabout.
- What happened to Green Belt law? How far does Shildon's boundary stretch?

PLANNING POLICY CONTEXT

Summary of Key Issues

Guidance	Policy Numbers
Planning Policy Guidance Notes (PPGs)	Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (1992) Planning Policy Guidance 13: Transport (2001)
Planning Policy Statements (PPSs)	Planning Policy Statement 1: Delivering Sustainable Development (2005) Planning Policy Statement: Planning and Climate Change - Supplement to PPS1 (2007) Planning Policy Statement 3: Housing (2006) Draft PPS4 (Planning for Sustainable Economic Development (2007)
Regional Spatial Strategy (RSS) (July 2008)	Policy 1 (North East Renaissance) Policy 2 (Sustainable Development) Policy 3 (Climate Change) Policy 4 (The Sequential Approach to Development) Policy 5 (Phasing & Plan, Monitor and Manage) Policy 6 (Locational Strategy) Policy 7 (Connectivity and Accessibility) Policy 8 (Protecting and Enhancing the Environment) Policy 10 (Tees Valley City Region) Policy 12 (Sustainable Economic Development) Policy 18 (Employment Land Portfolio) Policy 24 (Delivering Sustainable Communities) Policy 28 (Gross and Net Dwelling Provision) Policy 29 (Delivering and Managing Housing Supply) Policy 30 (Improving Inclusivity and Affordability) Policy 54 (Parking and Travel Plans)
Borough Local Plan (1996)	IB2, IB6, IB14, L1, L2, L5, D1, D2, D3, D4, D5, D7
Supplementary Planning Guidance (SPGs) (1996)	SPG7, SPG8, SPG9, SPG10

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Other Background Documents	<ul style="list-style-type: none">• Employment Land Review for Chester-le-Street, Derwentside and Sedgefield Borough Council's, Nathaniel Lichfield & Partners (June 2008)• County Durham Strategic Housing Market Assessment (SHMA) Report, GVA Grimley (2008)• Demonstrating a 5-Year Supply of Deliverable Sites, Advice from DCLG (2007)• Delivering Affordable Housing, DCLG (2006)• Better Places to Live by Design: A Companion Guide to PPG3, DTLR (September 2001)• By Design: Urban design in the planning system: towards better practice, CABE (2000)
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PLANNING CONSIDERATIONS

It is considered that the key issues to assess in determining whether the principle of residential development is acceptable in this location are as follows:

- (a) The extent to which the proposed development would be in accordance with the development plan for the area;
- (b) The extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3: *Housing* (PPS3), with particular regard towards delivering:
 - (i) high quality housing that is well-designed and built to a high standard;
 - (ii) a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;
 - (iii) a sufficient quantity of housing taking into account need and demand and seeking to improve choice;
 - (iv) housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;
 - (v) a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate;
- (c) The extent to which the proposed development accords with Government planning policy advice in Planning Policy Guidance Note 4: *Industrial and Commercial Development and Small Firms* (PPG4) and draft Planning Policy Statement 4: *Planning for Sustainable Economic Development* (PPS4);
- (d) The extent to which the scheme is consistent with the Council's Employment Land Review (ELR); and,
- (e) The extent to which the proposed development is consistent with the advice in PPG13: *Transport*, in particular on the need to locate development in a way which helps to

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promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling.

Assessment of Proposed Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Sedgefield Borough comprises the RSS and the Local Plan.

Local Plan

The north western section of the application site is allocated for industrial purposes, whilst the remainder of the site which comprises unmanaged grassland forms greenfield land without specific allocation within the adopted Local Plan. The adopted Borough Local Plan via saved policy IB6 seeks to retain local employment opportunities. It provides that development for employment generating uses will be permitted upon it. Development other than within the use classes B1, B2 and B8 will not normally be permitted. The applicant proposes to redevelop the industrial site for residential use and it is therefore considered that this proposal lack conformity with the provisions of the Local Plan. However, it is important to recognise that the Local Plan was adopted in 1996 and is in some respects out of date and inconsistent with more recent planning policy advice, notably the Regional Spatial Strategy (adopted July 2008). These should be afforded more weight.

Employment Land Issues

Employment – PPG4 and Draft PPS4

National policy in relation to the encouragement of economic development is included in PPG4: *Industrial and Commercial Development and Small Firms*. However, this policy guidance note is now rather old, and is in the process of being replaced by a new PPS.

The consultation version of PPS4: *Planning for Sustainable Economic Development* was issued in December 2007, and amongst other matters, it records that local planning authorities should plan for and facilitate a supply of land which will be able to cater for the differing needs of businesses and the expected employment needs of the whole community, but which is flexible enough to be responsive to a changing economy or new business requirements. The retention and creation of a good range of sites for economic development purposes is explicitly promoted by paragraphs 12 and 24. This also advises that, in relation to site allocations for economic development, if there is no reasonable prospect of a site being used for economic development during the plan period, the former employment allocation should not be retained and wider employment uses or alternative uses such as housing should be actively considered. Draft PPS4 attributes a broad meaning to economic development, with Paragraph 13 of part 2 of draft PPS4 explicitly identifying housing as constituting economic development.

This scheme would re-use a proportion of previously developed land to provide housing in an area where it is needed and where it can contribute to a sustainable pattern of settlement. This location on the edge of Shildon is accessible by public transport and this should help to promote sustainable patterns of development in accordance with PPG13. It is considered that this proposal is in broad accordance with PPG4, draft PPS4 and PPG13. Although it should be

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remembered that the draft Statement only indicates the direction of Government thinking, and in view of its status it is possible to allocate it only limited weight.

Employment Land Review

As outlined previously within the report, a portion of the application site is identified as an employment site in the adopted Local Plan. In accordance with Government advice (PPS3 and draft PPS4), the appropriateness of retaining the site in employment use was tested through an Employment Land Review (ELR), which thoroughly assessed the existing supply of land available for economic development.

The Council's ELR identifies a surplus of employment land within Sedgefield Borough, based on the requirement of Policy 18 of the RSS to have enough land to meet a 25-year level of supply and take up. The ELR concluded that there is currently a 37-year supply across the Borough. With specific regard to the town of Shildon, the ELR identified that there is 69-year supply. This significant over-supply of employment land demonstrates that there is scope to redevelop some of the excess employment land for housing. Such a course of action would not undermine regional and local strategies for economic development and regeneration, as it would assist the Council in managing down the supply of employment land towards the RSS level of 25-years. In addition, the regeneration and upgrading of existing employment facilities for the company being displaced from Dale Road (Gigant Ltd) through the development of new modern accommodation on George Reynolds Industrial Estate, which is currently subject to a separate planning application (Ref. 7/2008/0555/DM) would accord with Policy 18 of the RSS. These would help to retain the business within Shildon which would clearly be beneficial for the local economy.

It is considered that this proposal is consistent with the ELR and the economic and employment policies of the RSS, as well as national planning guidance in the form of PPG4 and the emerging PPS4.

Housing

Policy 28 of RSS for the North East seek an annual average provision of 1,615 dwellings in County Durham up to 2021, with the adequacy of this level of provision being reviewed by future monitoring and revisions of the RSS. The RSS requires Sedgefield to provide 4,385 dwellings from 2004–2021 at an average of 260 units per annum (280 for the period 2004-11, 260 for 2011-16 and 225 for 2016-21). This figure should be treated as a floor target, so represents the minimum number of dwellings which must be provided. For the past few years the rate of delivery of new dwellings has been well below that required to meet the minimum requirement set by the RSS (during the period 2004-2008, Sedgefield only delivered 646 housing units, which is a cumulative shortfall of 474 units against the RSS minimum targets for that 4-year period).

Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community. Under Policies 4, 6, 10 and 29 the focus should be on increasing housing development within urban areas, especially on previously-developed sites (target of 65% on PDL). The application site comprises part brownfield / part greenfield (approximately 35%:65% split).

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Policy 18 of the RSS seeks better use of employment land and emphasises the scope for mixing employment uses with housing. It is considered that developing housing in this location is acceptable as it offers a good range of community facilities and with good access to jobs, key services and infrastructure. In addition, the scheme lends itself to providing a mix of housing to support a wide variety of households. This complies with PPS3 and the RSS.

With regard to a managed supply of housing land, PPS3 requires for a 5-year supply of deliverable sites. This site would make an important contribution to the supply of dwellings in the district. Whilst the Council would appear to have sufficient committed developments to meet the 5-year requirement, it should be noted that as only a percentage of planning permissions are ever built-out and it is therefore necessary to grant permission for more than the target number of dwellings if this minimum requirement is to be achieved. Moreover, the grant of permission would not undermine achievement of any housing policy objectives.

Conclusions on Principle of Development

Shildon has a surplus of employment land and guidance contained within PPS3, draft PPS4 and the RSS broadly support redevelopment to housing in such circumstances. It is considered that developing housing in this location is broadly acceptable as it offers a good range of community facilities and provides good access to jobs, key services and infrastructure.

In addition, the scheme lends itself to providing a mix of housing to support a wide variety of households in an area where they are needed and where they can contribute to a sustainable pattern of settlement. This complies with PPS3 and the RSS. This location on the edge of Shildon is accessible by public transport, both bus and rail, and this should help to promote sustainable patterns of development in accordance with PPG13.

PROVISION OF AFFORDABLE HOUSING

Local Plan Policy H19 is a saved policy which addresses affordable housing and specifies that allocated housing sites which can accommodate in excess of 75 dwellings will be subject to negotiation between the local planning authority and developers to provide a proportion of affordable housing where a need is demonstrated. The principles of Policy H19 have also been used to seek and secure the provision of affordable housing on non-allocated sites.

Notwithstanding the guidance contained within the adopted Local Plan, the issue of affordable housing has advanced considerably through the publication of more recent advice, most notably Planning Policy Statement 3 'Housing.' PPS3 was issued in November 2006 and provides clear guidance on the circumstances in which affordable housing will be required. Paragraph 29 of PPS3 indicates that the national indicative minimum site size threshold for affordable housing is 15 dwellings, however, local planning authorities may set lower minimum thresholds where viable and practicable. In addition, Paragraph 68 of PPS3 states that when making planning decisions for housing developments after 1st April 2007, local authorities should have regard to guidance contained within PPS3 as material considerations which may supersede the policies in existing development plans and, against this policy background, it is considered that an element of affordable housing should be sought in respect of the proposed development.

A further consideration is whether a need exists for affordable housing within Shildon. Paragraph 29 of PPS3 stipulates that the provision of affordable must meet the needs of both

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current and future occupiers, taking into account information from the Strategic Housing Market Assessment (SHMA). The County Durham SHMA was completed in October 2008. SHMAs are intended to improve understanding of need and demand for affordable housing; the current housing stock; market conditions; and of drivers of change both over short-term and long-term horizons. An up-to-date assessment of housing needs is a statutory requirement to inform planning policies for the delivery of affordable housing. The County Durham SHMA is intended to inform planning and housing policies at both the regional and local levels. In relation to affordable housing, Paragraph 11.33 of the County Durham SHMA recommends that, within the District of Sedgfield, 20% affordable housing provision should be sought on residential developments of over 15 dwellings or on sites larger than 0.5 hectares. On this basis, it is considered that an element of affordable housing should be sought in respect of the proposed scheme.

In addition, it should be noted that it is important for the Local Planning Authority to recognise the need to strike a balance between increasing delivery of affordable housing and maintaining incentives for private developers to bring forward housing schemes. Consequently, if the applicant considers that the inclusion of affordable housing will render their scheme unviable, the onus lies with the applicant to demonstrate this with robust and credible evidence. Without such evidence, the local planning authority would not be in a position to relax the affordable housing requirement.

On the basis of the guidance contained above, the applicant has committed to reaching agreement with the Council on a scheme for the provision of affordable housing to a maximum of 20% of the total residential output of the development. The scheme shall include:

- Analysis of up-to-date housing needs as produced through the Strategic Market Assessment or such other analysis as may be available at that time;
- A viability assessment to confirm the quantum of provision based upon the value of the completed development and all costs incurred to achieve this value;
- The numbers, type, tenure and location on site of the affordable housing provision to be made;
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- A nominated Affordable Housing Provider to implement the affordable housing. In the absence of such a nomination, the developer will work with the Council to arrange for the nomination of a suitable Affordable Housing Provider;
- The arrangements to ensure that such provision is affordable for first and subsequent owners of affordable housing;
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

It is noted that the County Durham SHMA recognises that further testing is required to reflect a balanced appraisal of existing affordable housing policies, differentials in the strength of the residential market and house prices in different local authorities, and the extent of the housing need identified. In addition, recommendation 5 of the SHMA notes that potential affordable housing policies should be further tested through a Development Viability Study to test the level of affordable housing ensuring the viability of private development sites is not jeopardised. Accordingly, it is recommended that the scheme for affordable housing includes the following review clause linked to the output of residential units to ensure that the delivery of the scheme is not compromised:

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- A further submission, or review of the original submission, to be provided in advance of the commencement of the 101st unit and the 201st unit respectively which may result in an increase or decrease in the affordable housing provision (albeit not cumulatively to exceed 20% of the total residential output of the development) for the residual housing units; and
- A general dispute clause

It is considered that the above measures are entirely appropriate to secure affordable housing provision at the proposed development site and can be secured through a S.106 Agreement.

ACCESSIBILITY

Guidance contained within PPS3 and PPG13 seeks to provide new housing developments within sustainable locations that are accessible to a range of facilities, services and employment opportunities by modes of transport other than the private car.

The application site is located approximately 1.4km from Shildon Town Centre, which can be readily accessed via a frequent bus stop or on foot. In addition, there are a number of local facilities and shops within a 15-minute walking distance of the site, including butchers, mini-market, bookmakers, café, and Co-op. There is also a primary school and secondary school located within 1.8km of the site.

There are currently two bus stops located on Dale Road within 200m of the proposed development site. The existing bus services operate at a 30 minute frequency during the day and a 60 minute frequency in the evenings and provide links to Darlington, Bishop Auckland, Tow Law, Crook as well as Shildon itself. In addition, improvements to the existing bus stops are sought and will be secured through a S.106 Agreement to encourage future and existing residents to utilise existing bus services.

Shildon Train Station is located within 200m of the application site and provides services to Bishop Auckland, Darlington and Middlesbrough at a frequency of every 2 hours. Darlington (Bank Top) Railway Station lies on the East Coast Mainline and provides frequent links to local, regional and national destinations such as York, Durham, Newcastle, London Kings Cross and Edinburgh. It is therefore considered that rail offers some potential as an alternative to the private car for future residents.

As outlined above, the application site enjoys accessibility to a range of services on foot. In addition, there is an existing public footpath which crosses the eastern section of the application site (Shildon FP37) which links with the wider public footpath network in the area. DCC (Public Rights of Way) have indicated that the footpath should remain accessible throughout the development and this matter can be controlled via planning condition.

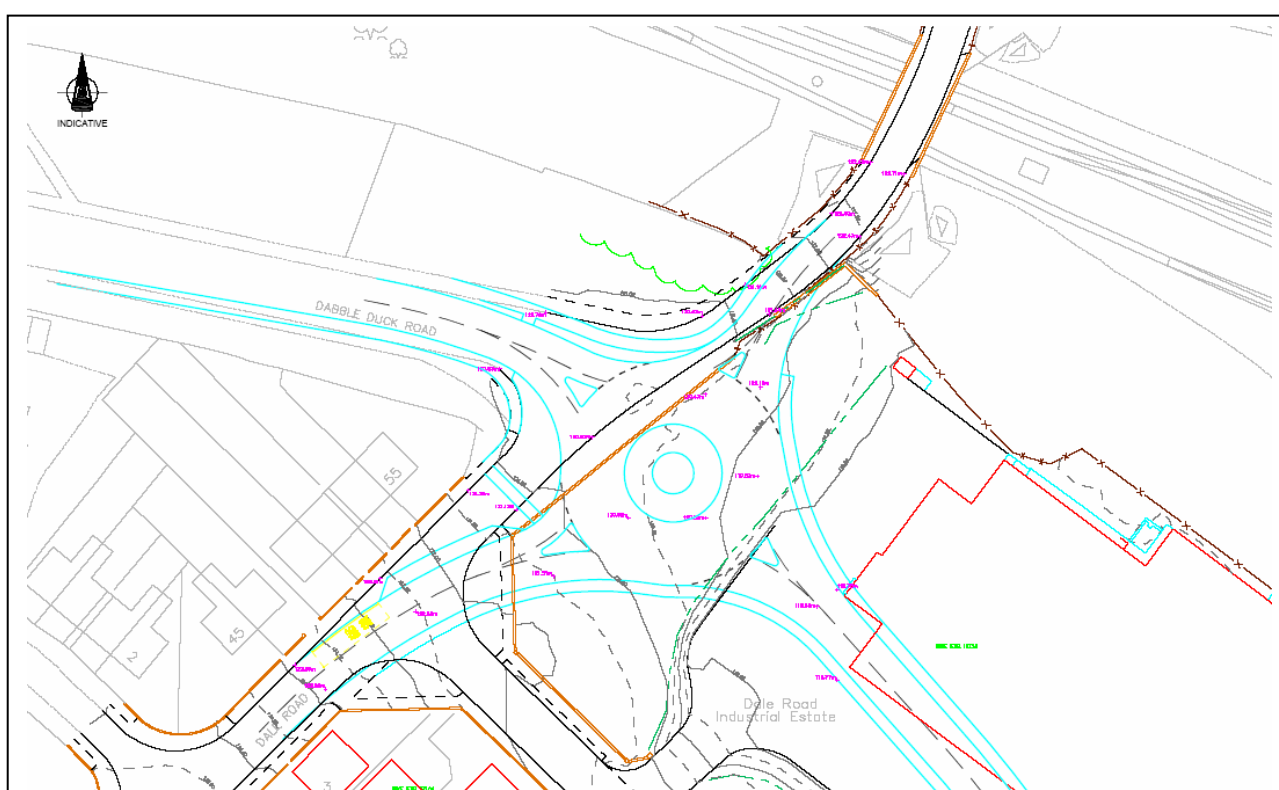
It is therefore considered that this location on the edge of Shildon provides access to a range of services, facilities and employment opportunities by modes other than the private car and the proposed development will therefore help to promote sustainable patterns of development in accordance with PPS3 & PPG13.

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HIGHWAYS IMPLICATIONS

The application proposal is accompanied by details of the proposed access arrangements and, accordingly, this matter is to be determined as part of the current application.

The Dale Road Industrial Estate is currently accessed via an unclassified estate road which links in with Dale Road to the western edge of the application site. A staggered priority junction is in place at the access to the site and Dabble Duck Road. It is proposed that a four arm roundabout will replace the existing arrangement to provide access to the site, as demonstrated on the plan contained below:



A secondary emergency access is also proposed towards the south western corner of the site. In addition, it is proposed to provide a four arm roundabout outwith the application site at the junction of Middridge Lane and Spout Lane to mitigate the effects of the increased traffic generated by the proposed development.

In respect of the proposed access to the site, DCC (Highways) have confirmed that adequate levels of forward visibility can be achieved and the overall design of the roundabout is considered to be generally acceptable. DCC (Highways) have suggested that some minor amendments to the design will be required, primarily relating to the provision of a two lane northbound entry, however, it is considered that this matter can be readily addressed at detailed design stage which, along with the eventual construction works, will be undertaken by Durham County Council and secured through a S.278 Agreement. A condition is also recommended requiring the highway works to be implemented and operational prior to the occupation of any residential unit. In addition, it should be noted that the proposed roundabout has been designed to take account of the operational requirements of Locomotion.

DCC (Highways) have also considered the design of the proposed four arm roundabout to be provided at the junction of Spout Lane and Middridge Lane and have confirmed that the

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proposed design is acceptable. The proposed layout is able to achieve satisfactory levels of visibility and the relocation of the existing 40mph speed limit to the east and west of the proposed roundabout can be achieved at detailed design stage, which will again be secured through a S.278 Agreement. A condition is recommended which requires the proposed roundabout at the junction of Spout Lane and Middridge Lane to be implemented and operational prior to the occupation of the 200th residential unit.

In respect of traffic generation, DCC (Highways) have assessed the submitted Transport Assessment and have confirmed that a robust approach has been adopted and has assessed the relevant junctions identified during pre-application discussions with the Highways Section. It has been demonstrated that the relevant junctions will operate within capacity in the opening (2009/10) and design year (2018) and, as such, DCC (Highways) have confirmed that the proposed development will not lead to any significant implications in respect of highway capacity.

The application proposal is accompanied by a Framework Travel Plan which aims to reduce reliance on single occupancy car use and promote sustainable modes of transport. DCC (Highways) have suggested that, at this stage, the Framework Travel Plan would not appear to be very positive and have therefore suggested that a condition is imposed on any subsequent approval requiring the submission of a Travel Plan which demonstrates proposed measures to reduce the reliance on the use of private motor vehicles to access the development prior to the commencement of development.

DESIGN & LAYOUT

The application is submitted in outline with all matters, with the exception of access, reserved for future consideration. The application is therefore merely seeking to establish the principle of residential development in this location. However, the application proposal is accompanied by a Design & Access Statement which provides a framework to guide the future development of the site and sets out a number of broad principles in respect of the following matters:

- Use & Amount;
- Layout;
- Scale;
- Landscape Strategy; and
- Appearance

Use & Amount

The application proposal will provide approximately 310 dwellings at a density of approximately 30 dwellings per hectare, which is considered appropriate in this location.

Layout

The Illustrative Masterplan which forms part of the Design & Access Statement provides for a series of cells of development that will accommodate the new housing and has been influenced by a vehicular network which is laid out to access each housing block within the site. The layout has also been influenced to allow a variety of housing block layouts and to provide adequate levels of separation between properties. The Design & Access Statement also sets

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out parameters for the level of separation that should be provided between corresponding elevations and boundary plots.

Scale

The proposed development will provide a mix of two and three storey properties in deference to the existing built form in the locality, which is characterised by a range of house types and styles ranging from two-storey semi-detached dwellings, bungalows and terraced properties. In addition, a condition is recommended on any subsequent planning approval to ensure that no residential unit sited adjacent to the existing Dale Road properties should exceed 6 metres in height to ensure that sufficient levels of amenity and privacy are retained for the occupants of these properties.

Landscape Strategy

The Design & Access Statement which accompanies the planning application sets out the landscape strategy that will be adopted in the redevelopment of the site.

The predominant feature of the overall landscape strategy is the provision of a landscaped community wildlife area to the east of the site which extends to 3.9ha. It is envisaged that the community wildlife area will accommodate an area of translocated semi-improved natural grassland, landscape planting, informal kick about area, copses of trees and a grassland mosaic. The community wildlife area also has the potential in the future to provide linkages to the community land associated with the approved Shildon-on-Track development. It is considered that the proposed community wildlife area will provide a valuable resource of amenity space for future residents, as well as existing residents in the immediate locality of the site.

The applicant is also seeking to provide a Local Equipped Area for Play (LEAP), adjacent to the public right of way which runs to the west of the proposed community wildlife area. In addition, the applicant has confirmed that a principle agreement has been secured for the shared usage of the existing equipped play area at Locomotion and that full details will be agreed at reserved matters stage.

In addition, the proposal will provide a series of six 'Pocket Parks' at key nodal points throughout the site. The 'Pocket Parks' will provide small areas of open space incorporating landscaping and seating areas providing further play opportunities which will be overlooked by residents. Furthermore, landscaping is proposed around the perimeter of the site to minimise the visual impact of the development and create a sense of enclosure, as well as screening the site from neighbouring land uses, with particular reference to Locomotion and the All Saints Industrial Estate.

Policy L2 of the Sedgefield Local Plan suggests that in housing developments of 10 or more dwellings, open space will normally be required to be provided at the following standards (derived from Policy L1), for every 10 dwellings a minimum of:

- a. 100 sq.metres of informal play space; and
- b. 500 sq.metres of amenity space

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On this basis, the proposed development of 310 dwellings will be required to provide a total of 1.86ha of open space (0.31ha of informal play space and 1.55ha of amenity space). The application proposal will result in the provision of approximately 4.6ha of open space in total (0.7ha of informal play space and 3.9ha of amenity space) and it is therefore evident that the application proposal will significantly exceed the requirements of Policy L2.

The Council's Landscape Officer has raised a number of queries in relation to the proposed landscape strategy. However, the concerns raised generally focus on detailed landscape design issues and, as the application is submitted in outline, it is considered that these matters will be fully addressed at reserved matters stage and a number of conditions to control these issues are recommended accordingly.

It is therefore considered that the proposed landscape strategy will enable good access for future residents to open amenity and recreational space, as well as private outdoor space, and will help contribute to a high quality residential environment in accordance with the objectives of the Sedgefield Local Plan and PPS3 'Housing.'

Appearance

The application is submitted in outline and, accordingly, issues of appearance will be addressed at reserved matters stage. However, the submitted Design & Access Statement confirms that a contemporary architectural response will be applied throughout the site.

The existing residential development in the locality is of varying style and age and, on the whole, lacks architectural merit and on this basis, it is not considered that a general replication of the existing built form is appropriate in this location. It is considered that the adoption of a contemporary design solution will lead to a step change in the quality of the built environment in this part of Sildon and will also complement the contemporary forms of development applied at Locomotion and to the southern section of the Sildon on Track development. The proposal will therefore help to improve the setting of Locomotion and will improve general perceptions of the wider area.

Summary

The application proposal is submitted in outline with all matters, with the exception of access, reserved for future consideration. However, the submitted Design & Access Statement sets out a number of principles to guide the future development of the site and, on this basis, it is considered that a high quality form of development can be delivered on this particular site. It is however recommended that a condition is imposed on any subsequent planning approval to ensure that the development is carried out in accordance with the submitted Design & Access Statement.

NOISE & DISTURBANCE

The application is accompanied by a Noise & Vibration Report which assesses potential noise impact during the constructional and operational phase. The predominant noise sources that contribute to the existing noise environment are identified as industrial operations on All Saints Industrial Estate, local road traffic and intermittent rail movements. The Report also assesses the vibration impacts on proposed residential dwellings resulting from train movements on the Bishop Auckland to Darlington branch railway line and the National Railway Museum.

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The submitted Noise & Vibration Report recognises that during the constructional phase short-term demolition and construction activities major impacts may be experienced by existing residents in the locality. The Environmental Health Department have therefore recommended that an Environmental Management Plan is completed that details demolition methods, construction routes and mitigation measures to be implemented during the construction phase of the development. In addition, it is suggested that the mitigation measures detailed in Section 7 of the submitted Noise and Vibration Assessment shall be implemented. It is therefore recommended that a condition requiring the submission of an Environmental Management Plan prior to the commencement of development is imposed on any subsequent planning approval.

In addition, the submitted Noise & Vibration Assessment assesses the potential for noise disturbance to the proposed properties as a result of existing activities in the locality during the occupational phase. The Report concludes that, based on measurements of the existing noise levels, the proposed development site as a whole can be categorised as NEC B, as defined by PPG24 'Planning & Noise.' Therefore, whilst noise should be considered at planning stage, it should not be a barrier to residential development. Based on measured ambient noise levels at the site, and predicted noise impacts of intermittent spraying operations at Specialist Coatings Limited, it has been determined that suitable internal noise levels at night-time could be achieved with appropriate façade and glazing design. The Environmental Health Department has assessed the submitted information and have recommended, as a detailed plan has not yet been developed, further information shall be supplied to the Environmental Health department when details of proposed glazing and acoustic fencing can be supplied. It is considered that this matter can be adequately controlled by planning condition.

However, the Environmental Health Section have advised that the findings of the submitted Noise & Vibration Assessment are based on existing activities at the Industrial Estate, if activities at the site changed or additional premises set up in business, guarantees that the proposed mitigation measures will be sufficient to reduce noise levels adequately, could not be given by this department. However, it is considered that suitable mitigation measures can be provided through the development of a detailed scheme for the residential development of the site on the basis of existing activities and it is not considered that the potential for the intensification of existing activities in the locality would reasonably warrant the refusal of the current planning application.

ECOLOGICAL IMPLICATIONS

The potential impact of the proposed development upon wildlife species protected by law is of paramount importance in making any planning decision. It is a material planning consideration which, if not properly addressed, could place the Local Planning Authority vulnerable to legal challenge on a decision to grant planning permission without taking into account all relevant planning considerations. Subsequent injury to, or loss of protected wildlife species or associated habitat could leave the authority at risk of criminal prosecution.

Circular 06/2005 emphasises the weight that must be attached to the impact that the development may have upon protected wildlife species in Paragraph 99:

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning

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permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision

The application proposal was therefore originally accompanied by an Extended Phase 1 and Protected Species Survey. However, following initial concerns raised by the Council's Countryside Officer, additional information was submitted in the form of a Great Crested Newt Survey, Grassland Translocation Report, Bat Survey and information on Breeding Birds. The Council's Countryside Officer has indicated that the additional information submitted is acceptable and a number of conditions are recommended in order to maintain the favourable conservation status of bats and breeding birds.

It is acknowledged that the County Ecologist has outstanding reservations in respect of the information submitted in respect of protected species. However, by his own admission within his consultation response, the response received was rushed. The Council's Countryside Officer has undertaken a comprehensive assessment of the submitted documentation and has fully considered the suggested conditions and has concluded that the submitted information is satisfactory.

On this basis, it is considered that, subject to the imposition of conditions, the application proposal will have no adverse impact on the local flora and fauna in accordance with the requirements of Circular 06/2005.

SPORT & RECREATION PROVISION

Planning Policy Guidance Note 17 'Planning for Open Space, Sport and Recreation' sets out in Paragraph 23 that Local Authorities should ensure that provision is made for local sports and recreation facilities (both either through an increase in number of facilities or through improvements to existing facilities) where planning permission is granted for new developments (especially housing). Planning applications should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities and the enhancement of existing facilities.

The need to address sport and recreation provision as identified in PPG17 is re-iterated in Sport England's Interim Policy Statement Document 2005 '*Planning for Sport & Active Recreation: Objectives and Opportunities.*' Planning Policy Objective 8 seeks to promote the use of planning obligations as a way of securing the provision of new or enhanced places of sport and a contribution towards their future maintenance to meet the needs arising from new development.

Sport England have raised an objection to the application and advises that there is a need for the applicants / Local Authority to examine the needs likely to arise from the development and ensure that sport and recreational provision is addressed through the application or a Section 106 Agreement. Sport England have therefore suggested that a development of this scale should be making provision for investment of sports facilities in the tune of £228,304. This level of contribution is calculated using Sport England's Sports Facilities Calculator (SFC), which is a planning tool that helps to estimate the demand for key community sports facilities that is created by a given population. However, in assessing this matter, it is important to note that, whilst the SFC can be used to estimate the swimming pool and sports hall needs for all area populations, there are dangers in how the figures are subsequently used at this level in matching it with current supply for strategic gap analysis as the SFC does not take into account

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any existing supply of facilities. On this basis, it is considered that it would only be reasonable to seek any contribution towards sport and recreation facilities in instances where on-site provision and provision in the local area is deficient.

The Council's evidence base for determining the need for contributions towards sports and recreation facilities comprises the Open Space Needs Assessment. The Study sets out the following minimum standards for open space provision in the Borough:

- 4.1ha of open space per 1000 people comprising:
 - 0.5ha per 1000 people Parks & Gardens;
 - 0.5ha per 1000 people Natural Green Space;
 - 0.5ha per 1000 people Informal Green Space;
 - 0.5ha per 1000 people Equipped Children & Young People's Space;
 - 1.6ha per 1000 people Outdoor Sports Space

In assessing the current proposal, the following open space requirements are identified assuming a population of 682 persons based on an average household size of 2.2 persons per unit:

Open Space Typology	Requirement	Provision	Source
Parks & Gardens	0.34ha	0.7ha	Pocket Parks
Natural Green Space	0.34ha	0.5ha	Semi improved natural grassland
Informal Green Space	0.34ha	2.76ha	Community wildlife area
Equipped Children's & Young People's Space	0.34ha	0.34ha	LEAP and associated space
Outdoor Sports Space	1.09ha	0.64ha	Informal kickabout area of at least 100m x 64m
Totals	2.45ha	4.64ha	

It is therefore evident from the above table and, as outlined previously within the Report, that the application proposal on the whole both satisfies and exceeds the adopted Local Plan requirements for open space provision and also the standards contained within the Open Space Needs Assessment.

The application proposal does however provide insufficient levels of Outdoor Sports Space. However, the Open Space Needs Assessment identifies that there is a sufficient supply of outdoor sports space within Shildon (existing provision of 23.8ha against a required provision of 8.5ha). In addition, it is noted that the acceptable distance to access outdoor sports space is 5km and, as such, all of the existing provision within Shildon would be accessible to residents of the proposed development. It is therefore considered that the provision of an informal kick about area within the development site, coupled with the existing provision in Shildon, would provide residents with sufficient opportunities to access outdoor sports space. On this basis, there would be no justification to request a contribution towards additional outdoor sports space.

The OSNA confirms that within Shildon there is a global requirement provision of open space of approximately 19ha compared against the actual provision of around 61ha. In addition, it is also noted that Shildon Sunnydale Leisure Centre lies within relatively close proximity to the

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application site and provides facilities for a range of sports including 5-a-side football, netball, basketball and indoor bowls.

In light of the proposed on-site provision of open space and the identified surplus of open space in Shildon, as well as the existing sports facilities at Shildon Sunnydale Leisure Centre, it is not considered necessary to seek any contribution for investment in sports facilities.

RENEWABLE ENERGY GENERATION

Policy 38 of the RSS seeks to promote and secure greater use of local renewable energy in new development and suggests, in advance of targets set out in DPDs, major new development of more than 10 dwellings should secure at least 10% of their energy supply from decentralised and renewable or low carbon sources, unless, having regard to the type of development and its design, this is not feasible or viable.

The application proposal seeks to provide approximately 310 dwellings and therefore falls above the threshold set out in RSS Policy 38 and it is considered that the provision of at least 10% of the development's energy supply from decentralised and renewable or low carbon sources could be achieved through the imposition of a planning condition.

CONCLUSIONS

The application proposal seeks to provide approximately 310 dwellings at land at Dale Road, Shildon and is submitted in outline with all matters, with the exception of access, reserved for future consideration.

There is an existing surplus of employment land within Shildon and, accordingly, guidance contained within RSS for North East England, PPS1, PPS3 and draft PPS4 would broadly support the redevelopment of the existing employment land for housing. It is considered that the proposed development is broadly acceptable in this location which provides a range of community facilities and provides good access to jobs, key services and infrastructure. The proposal would also help meet the Borough's housing requirement set out in RSS. In addition, the scheme lends itself to providing a mix of housing to support a wide variety of households in an area where they are needed and where they can contribute to a sustainable pattern of settlement.

The application submission is accompanied by a Design & Access Statement which sets out a number of guiding principles in respect of layout, scale, landscaping and appearance which will inform the detailed design of the proposed residential development. On this basis, it is considered that a high quality form of development can be provided that will improve the setting of Locomotion and improve perceptions of the immediate area.

It is proposed that the existing staggered junction which provides access to the Dale Road Industrial Estate will be replaced by a four arm roundabout to provide access to the proposed residential properties. A further roundabout will be provided at the junction of Spout Lane and Midridge Lane to mitigate the effect of the increased traffic generated by the proposed development. The proposed access arrangements are considered acceptable and the relevant junctions in the locality provide sufficient capacity to accommodate the proposed development.

The application proposal will not lead to any significant issues in terms of highway safety or

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capacity and there are not considered to be any other environmental considerations that would warrant the refusal of planning permission.

The application proposal is therefore considered to accord with the relevant policies contained within the adopted Sedgefield Local Plan, RSS for the North East of England and the broad aims and objectives of national planning guidance in the form of PPS1, PPS3, PPG4 and PPG13.

Finally, should Members be minded to grant planning permission for the development the application will need to be referred to the Government Office for the North East (GONE). The notification requirements provide GONE an opportunity to check general compliance with the guidance set out in PPS3 and to consider whether the application should be called in for determination.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION It is therefore recommended that:

1. The application is approved subject to a variety of conditions,
2. The Head of Planning Services be given authority, in consultation with the Borough Solicitor, to issue a conditional planning approval in exchange for a Section 106 Legal Agreement in order to ensure that the proposal delivers the various elements of planning gain the heads of terms, which are set out in Appendix 1 of this report. In particular, the agreement will seek to ensure that a scheme for the provision of affordable housing to a maximum of 20% of the total residential output of the development is agreed.

(This recommendation is made in the knowledge that the application would need to be referred to the Secretary of State if Committee were minded to approve the proposed development, subject to the Section 106 Agreement, who would be given a period of 21 days in which to decide whether the application needed to be 'called in' for determination).

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PLANNING APPLICATIONS - TO BE DETERMINED

1. Approval of the details of the siting, design and external appearance of the buildings and landscaping of the site (hereinafter called the "Reserved Matters") shall be obtained from the Local Planning Authority before any development is commenced.

Reason: In accordance with 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 the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission and the development to which this permission relates 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 difference dates, the final approval of the last such matter has been approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in general accordance with the approved Design and Access Statement dated January 2009

Reason: To ensure the orderly progression of the development in the interests of residential and visual amenity.

4. No development shall commence until a phasing scheme for the implementation of 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 phasing scheme.

Reason: To ensure the orderly progression of the development in the interests of visual and residential amenity.

5. Prior to the commencement of development a noise and air quality survey shall be undertaken at the boundary of the Gigant operation and be submitted to and approved in writing by the Local Planning Authority. Thereafter, if required, and in accordance with the information submitted to discharge Condition 4 (Phasing) a scheme of mitigation to protect the residential amenity of any effected dwellings shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be implemented prior to the occupation of the effected dwellings and in any event no more than 150 residential units shall be occupied until the building and associated buildings within the land illustrated on plan NE20699/102 have been demolished

Reason: In order to protect the amenity of local residents

6. No residential units sited adjacent to the existing Dale Road and Dale Grove residential properties, as delineated on plan NE20699-101, shall exceed 6 metres in height to eaves level.

Reason: To make provision for adequate amenity and privacy in accordance with Policy D5 (Layout of New Housing Development) of the adopted Sedgefield Borough Local Plan.

7. Prior to occupation of the first dwelling a lighting scheme for all external areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include:

- a layout plan showing the location of proposed lighting;
- a schedule of the equipment, levels of illumination and beam orientation to minimise the effect on local wildlife; and

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- the proposed hours of illumination.

Thereafter, the approved scheme shall be implemented in accordance with the approved phasing scheme and be retained throughout the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Development) of the Sedgefield Local Plan.

8. Prior to the occupation of the 200th dwelling constructed pursuant to this planning permission the highway works illustrated on plan ref 60042771-P-006 (or any variation subsequently agreed in writing by the Local Planning Authority) shall be implemented in accordance with the approved plan and be fully operational.

Reason: In the interests of highway safety.

9. Prior to the occupation of the 150th dwelling constructed pursuant to this planning permission, the highway works illustrated on plan 60042771-P-008 Rev B (or any variation subsequently agreed in writing by the Local Planning Authority) shall be implemented in accordance with the approved plan and be fully operational

Reason: In the interests of highway safety

10. No development shall commence until a scheme for the provision of pedestrian and cycle routes within the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved phasing scheme and thereafter maintained for the lifetime of the development in accordance with the approved plans.

Reason: In the interest of highway safety and in accordance with Policy D3 (Design for Access) of the approved Sedgefield Borough Local Plan.

11. No development shall take place until a Travel Plan has been submitted which demonstrates proposed measures to reduce reliance on the use of private motor vehicles to access the development to the satisfaction of the Local Planning Authority

Reason: To ensure a sustainable development.

12. No development shall take place until a scheme of landscaping for the whole site has been submitted to and approved in writing by the Local Planning Authority for the avoidance of doubt the scheme shall include details of:

- hard and soft landscaping;
- planting species to comprise locally sourced native species;
- plant sizes;
- layout;
- densities;
- numbers;
- all means of enclosure; and
- method of planting and maintenance regime.

The approved scheme shall be implemented in accordance with the approved phasing scheme. The date of practical completion of the scheme shall be supplied in writing to the Local Planning Authority within seven days of that date.

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Reason: To ensure the landscape quality of the site is enhanced and to help create a sense of place in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the adopted Sedgefield Borough Local Plan.

13. No trees on site shall be felled without the prior written consent of the Local Planning Authority other than in accordance with the approved Arboricultural Implication Assessment.

Reason: To ensure the landscape quality of the site is preserved and enhanced in accordance with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the adopted Sedgefield Borough Local Plan.

14. The development shall be carried out in accordance with the protective measures contained within the approved Arboricultural Implication Assessment.

Reason: To ensure the landscape quality of the site is preserved and enhanced in accordance with Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) of the adopted Sedgefield Borough Local Plan.

15. No development shall take place until a scheme for the provision of formal and informal open space and landscape buffers on site including timescales for implementation and a management regime has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved phasing scheme and be maintained throughout the lifetime of the development. For the avoidance of doubt the scheme shall include details of the creation of a 3.9ha community wildlife area to include the creation of new ponds

Reason: In the interests of residential amenity and in accordance with Policy L2 (Provision of Open Space in New Housing Development) and D5 (Layout of New Housing Development) of the adopted Sedgefield Local Plan.

16. The development shall not commence until a surface water drainage scheme, based on sustainable drainage principles, alongside an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule of works for implementation and details of how the scheme shall be maintained and managed. Thereafter, the approved scheme shall be implemented prior to occupation of the first dwelling and maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity, alongside ensuring future maintenance of the surface water drainage system.

17. No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.

Reason: In order to control the level at which development takes place in, to protect residential amenity and in comply with Policy D1 (General Principles for the Layout and Design of New Developments) and D5 (Layout of New Housing Development) of the approved Sedgefield Borough Local Plan.

18. 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 Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- the timing and means of demolition;

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- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- hours of construction;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Statement shall be adhered to throughout the construction period.

Reason: In order to protect the amenity of local residents.

19. During the course of construction no waste materials shall be burned on the site within 100 metres of occupied dwellings.

Reason: In order to protect the amenity of local residents.

20. In the event that contamination is found at any time when implementing the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a method statement to be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, it must be undertaken in accordance with a remediation scheme to be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, the development can only recommence once a verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of local residents

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road

Reason: In the interest of safeguarding the visual amenity of the area in accordance with Policy D5 (Layout of New Housing Development) of the adopted Sedgefield Borough Local Plan.

22. Prior to occupation of the first dwelling, details of the means of storage and disposal of refuse shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved scheme shall be implemented prior to occupation of the first dwelling and in accordance with the approved phasing plan. The storage shall be retained throughout the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles of the Layout and Design of New Developments) of the adopted Sedgefield Local Plan.

23. Prior to the commencement of development, a scheme of the measures to ensure at least 10% of the development's energy requirements are produced from renewable and low carbon energy sources, alongside a timetable of how this will be achieved, shall be submitted to and approved in writing by the Local Planning Authority unless having regard to the type of development involved and its design, this is not feasible. Thereafter the measures shall be

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implemented in accordance with the approved scheme and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sustainable development in accordance with Policy D1 'General Principles for Layout and Design of New Developments' of the adopted Sedgefield Local Plan.

24. The development hereby permitted shall be developed at a minimum average density of 30 dwellings per hectare.

Reason: In the interests of visual and residential amenity.

25. The site to which this permission relates shall not be cleared during the breeding bird season (March – August) unless a checking survey has been carried out by a qualified ecologist and submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of any breeding birds.

26. Prior to the removal of trees in accordance with condition number 18 and the demolition of existing buildings, checking surveys for bats shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include details of appropriate mitigation in the event that bats are found to be present on site.

Reason: In order to maintain favourable conservation status of bats.

27. 60 full days prior to the commencement of development 30 bat boxes and 30 bird boxes shall be installed throughout the site on existing trees to be retained and maintained throughout the lifetime of the development.

Reason: To ensure the favourable conservation status of birds and bats.

28. Prior to the commencement of development hereby approved a scheme for the translocation of topsoils from the existing area of semi-improved neutral grassland to the 3.9ha community wildlife area as shown on the illustrative masterplan (page 31 of Design and Access Statement dated January 2009) including timing of implementation and management regime shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include means of enclosure to prevent public access to the translocated grassland and the creation of small pools.

Reason: To allow the re-establishment of similar plant communities.

29. No residential dwelling hereby permitted shall be constructed within 20 metres of the All Saints Industrial Estate, the Darlington to Shildon/Bishop Auckland railway branch line and the railway line associated with Locomotion. For the avoidance of doubt the zone where no dwelling shall be sited is shown on plan ref: GIS20699-102.

Reason: To achieve appropriate separation from potential noise sources.

30. Construction work shall not begin until a scheme for protecting the residential dwellings hereby permitted from noise from the All Saints Industrial Estate and the Darlington to Shildon/Bishop Auckland railway branch line has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed prior to occupation of the relevant effected dwellings.

Reason: In the interest of residential amenity

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31. Prior to submission of the first reserved matters application, a written scheme of archaeological investigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the approved scheme. A copy of the any analysis, reporting, publication or archiving required as part of the scheme shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme, or such other period as may be agreed in writing by the local planning authority.

Reason: The site is an area of archaeological potential

32. Prior to the commencement of development hereby approved, a detailed scheme for the supply of potable water for the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter, no dwelling shall be occupied until the scheme for the supply of water has been completed and commissioned in accordance with the approved details.

Reason: The water supply system is at capacity

33. Prior to the commencement of development hereby approved, a detailed scheme for the diversion of the public sewer crossing the site or the redesign of the proposal to avoid building over the public sewer shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Limited. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure the public sewer crossing the site is not built over

34. Through consultation with Northumbrian Water Limited, details of the siting of buildings at Reserved Matters shall take into account the identified public sewer crossing the site.

Reason: To ensure the public sewer crossing the site is not built over.

INFORMATIVE:

The applicant is advised that, following a consultation response received from Northern Gas Networks dated 5th December 2008, it is not recommended that any occupied building be built closer than 16m to the 150mm diameter high pressure natural gas pipeline that crosses the site.

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APPENDIX 1

SECTION 106 – PROPOSED HEADS OF TERMS

The Section 106 Agreement will seek to secure the following:

- The agreement of a scheme for the provision of affordable housing to a maximum of 20% of the total residential output of the development;
- The developer will submit a scheme for the provision of bus shelters at Dale Road to replace existing stops to be agreed by the Highways Authority. The scheme shall be implemented by the Highways Authority at the cost of the developer;
- A contribution of £30,000 for the restoration of the Grade II Listed Railway Bridge to the north eastern boundary of the application site

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PLANNING APPLICATIONS - TO BE DETERMINED

2. 7/2008/0555/DM APPLICATION DATE: 11 November 2008

PROPOSAL: **ERECTION OF INDUSTRIAL UNIT WITH ASSOCIATED PARKING AND LANDSCAPING**

LOCATION: **LAND AT GEORGE REYNOLDS INDUSTRIAL ESTATE SHILDON CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr M Corney
Theakston Estates Ltd, Elstob Hall, Great Stainton, Stockton on Tees,
TS21 1NH

CONSULTATIONS

1. SHILDON T.C.
2. Cllr. B. Stephens
3. Cllr. D M Hancock
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. BR GAS
7. BR TELECOM
8. ENV AGENCY
9. ENGINEERS
10. L.PLANS
11. ECONOMIC DEV
12. NEDL

NEIGHBOUR/INDUSTRIAL

Maguires
Advance Handling & Storage
C A Building Products
Franks Factory Flooring
B & G Superstore
Suite World
Pressed Steel Products
PPG Shildon Plant

BOROUGH PLANNING POLICIES

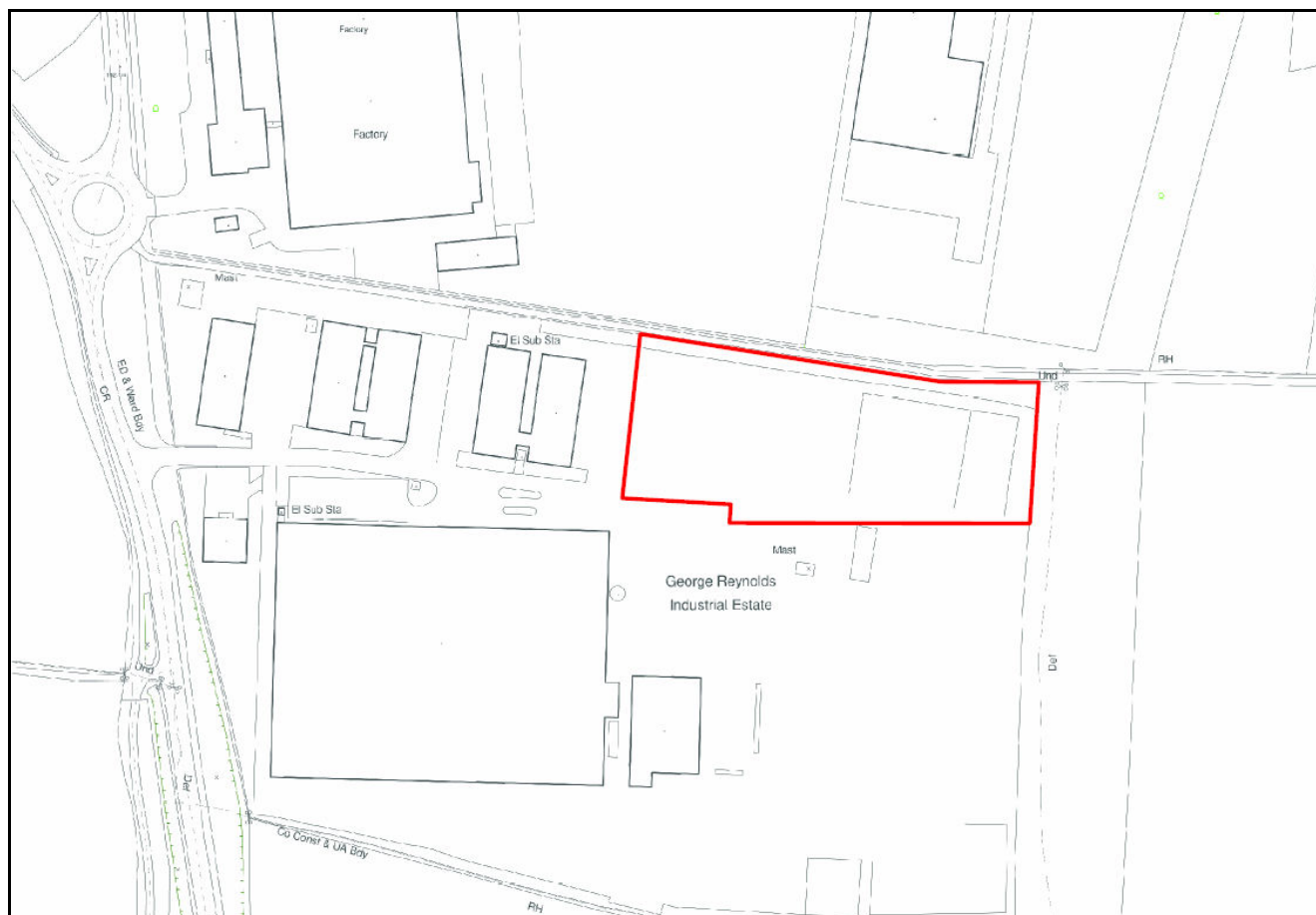
- | | |
|-----|--|
| IB2 | Designation of Type of Industrial Estates |
| IB6 | Acceptable uses in General Industrial Areas |
| D1 | General Principles for the Layout and Design of New Developments |
| D2 | Design for People |
| D3 | Design for Access |
| D4 | Layout and Design of New Industrial and Business Development |

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PLANNING APPLICATIONS - TO BE DETERMINED

INTRODUCTION

The application proposal seeks full planning permission for the erection of an industrial unit with associated parking and landscaping at land at George Reynolds Industrial Estate, Shildon. The plans contained below illustrate the extent and location of the application site:



The application proposal will result in the provision of an industrial unit to the north east of the George Reynolds Industrial Estate. The proposed building will provide 2700 sq.metres of general industrial / storage and distribution (Use Class B2 / B8) floorspace and will have a maximum ridge height of 14 metres. It is proposed that all of the elevations are to be clad with plastisol composite cladding to ground level, excluding all openings, and the roof will be clad with plastisol box profile composite cladding and will incorporate a number of rooflights. The access to the site will be as existing from the A6072 via the existing informal estate roads and the proposed unit will be served by 40 car parking spaces and 6 cycle spaces.

The application proposal is linked to the current outline planning application for approximately 310 dwellings with associated landscaping including a 3.9 hectare community wildlife area and improvements to infrastructure at land at Dale Road, Shildon (Ref. 7/2008/0551/DM) as the proposal will accommodate the relocation of Gigant Ltd as the company will be displaced as a result of the aforementioned residential development. It is understood that Gigant's existing premises at Dale Road Industrial Estate are around 30 years old and requires essential maintenance and repair, which is no longer viable. The proposed relocation of Gigant will retain an existing employer within Shildon and will ensure local jobs are retained.

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SITE ANALYSIS

The application site is located to the south east of the town of Shildon and forms part of the George Reynolds Industrial Estate. The site lies towards the north eastern edge of the estate and comprises a 1.27 hectare vacant plot of hardstanding. The site has been levelled prior to the provision of the hardstanding and a steel palisade fence has been erected to define the boundary of the adjoining landscaped area.

The immediate vicinity of the site is characterised by large industrial units primarily constructed from corrugated steel as demonstrated by the aerial photograph contained below:



CONSULTATION RESPONSES

The application has been subject to an extensive consultation exercise and the various responses are summarised below:

External Consultation Responses

Shildon Town Council

No objections.

Environment Agency

No objections subject to the imposition of conditions.

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Durham County Council (Highways)

No highway objection is raised to the proposed development. The 40 No. car parking spaces are a reasonable level of car parking provision and falls within the maximum 64 spaces permitted under Durham County Council's Accessibility & Parking Guidelines. The 6 cycle parking spaces are also in accordance with DCC Guidelines.

However, it is noted that the site has 3 No. access points onto the remainder of the Industrial Estate, all with gates shown opening outwards. Whilst none of the internal road infrastructure is public highway, this is poor design practice and as such all three sets of gates should be amended to open inwards into the site. It is considered that this matter can be controlled by planning condition.

Northern Gas Networks

No objections.

Northumbrian Water

No objections.

British Telecom

No comments received to date.

NEDL

No comments received to date.

Internal Consultation Responses

SBC (Engineers)

There are no objections to the proposal on highways grounds.

The application site has the potential to be contaminated and therefore the site should be screened for contaminants and a risk assessment undertaken as a condition of the application.

SBC (Economic Development)

The Economic Development Section are supportive of the proposal that has been put forward to develop a purpose built unit for Gigant to move into as it is understood that they are keen to take up the opportunity to relocate and that this will allow them to increase their output in order to meet demand created by new contracts.

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PLANNING POLICY CONTEXT

Summary of Key Issues

Guidance	Policy Numbers
Planning Policy Guidance Notes (PPGs)	PPG4 (Industrial, Commercial development and small firms) PPG13 (Transport) (2001)
Planning Policy Statements (PPSs)	PPS1 (Delivering Sustainable Development) (2005) PPS on Planning and Climate Change – Supplement to PPS1 (2007) Draft PPS4 (Planning for Sustainable Economic Development) (2007)
Regional Spatial Strategy (RSS) (July 2008)	1, 2, 3, 4, 6, 7, 8, 10, 12, 18, 24, 33, 38
Borough Local Plan (1996)	IB2, IB6, D1, D2, D3, D4
Other Background Documents	Leading The Way - Regional Economic Strategy (RES), (July 2006), One NorthEast

Draft PPS4, which was published for consultation in December 2007, expects the planning system to facilitate economic growth to improve the productivity of the UK, safeguard existing jobs and create more job opportunities. Therefore LPAs need to be flexible and responsive to a changing economy or new business requirements.

The land that is subject to this application is designated under Policy IB2 of the Borough Local Plan as an existing general industrial area. The primary objective of general industrial areas is to encourage the manufacturing and service industries. Class B1, B2, and B8 are acceptable uses under Policy IB6.

In all cases a high standard of site layout, building design and landscaping is required as set out in Policy D4. Under Policy D4 new business developments are expected to have a layout and design appropriate to a setting within a general industrial area. Developments should accommodate resultant generated traffic and refrain from causing danger or inconvenience to other road users. Landscaping should be of the highest standard and regard paid to Policies D1, D2 and D3 of the Local Plan. It is important that new business developments are laid out and designed so to project an attractive image of the Borough.

In accordance with Part (D) of Policy 38 of the RSS, renewable energy generation should be embedded in the design and implementation of new developments. A wide range of renewable technologies and design approaches are available and can be readily embedded into many forms of development. Major new developments of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable. This proposal is above the RSS threshold, and on that basis embedded renewable energy should be incorporated.

PLANNING ASSESSMENT

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Principle of Development

The application proposal will result in the provision of an industrial unit, which will provide replacement facilities for Gigant Limited as the company will be displaced as a result of the proposed residential development at Land at Dale Road, Shildon, which is currently subject to a separate planning application (Ref. 7/2008/0551/DM). As outlined above, the underlying objective of the adopted Sedgefield Local Plan is the creation and growth of employment opportunities. This application, if approved, would have a positive impact on the Council's overall business strategy as it would allow an existing manufacturer to relocate in to modern premises. It is therefore considered that the application proposal represents an acceptable use within a general industrial area. This conforms to the policies and guidance contained within the Borough Local Plan, RSS, RES, PPG4 and Draft PPS4.

Design & Layout

The proposed building will be located towards the north east edge of the George Reynolds Industrial Estate and will provide a maximum of 2700 sq.metres of industrial floorspace. The building will also accommodate support facilities including ancillary office accommodation, staff room and toilets, which will account for approximately 5% of the total floorspace.

The overall design solution has been developed to satisfy the operational requirements of the identified end-user, Gigant Ltd, which identified a requirement for a building of 30m x 90m with a maximum ridge height of 14m. The main elevations of the building will be clad using plastisol composite cladding and the roof will be clad with plastisol box profile composite cladding. It is considered that the design and appearance of the proposed unit would complement the existing built form in the locality, which is predominantly industrial in character.

The proposed industrial unit will be set within a landscaped setting and the provision of planting within the site is welcomed given the lack of any landscaping within the remainder of the industrial estate. In addition, it is considered that the landscaped setting will create a pleasant working environment for future employees and visitors.

It is therefore considered that the overall design solution adopted in respect of application proposal is wholly appropriate in this location.

Highways & Car Parking

The access to the site will be taken from the A6072 via the existing informal estate roads and the proposed unit will be served by 40 car parking spaces and 6 cycle spaces. DCC (Highways) have raised no objection to the proposed development and it is considered that the level of parking provision is acceptable and falls within Durham County Council's Accessibility & Parking Guidelines.

However, it is noted that the site has 3 No. access points onto the remainder of the Industrial Estate, all with gates shown opening outwards. This is poor design practice and as such all three sets of gates should be amended to open inwards into the site and this matter can be controlled by planning condition.

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Contamination

The application site has the potential to be contaminated and it is therefore recommended that the site should be screened for contaminants and a risk assessment undertaken. It is therefore recommended that a planning condition is imposed on any subsequent planning approval to address this matter.

Renewable Energy Generation

Policy 38 of RSS requires renewable energy generation to be embedded in the design and implementation of new developments. A wide range of renewable technologies and design approaches are available and can be readily embedded into many forms of development. The proposal will result in the provision of more than 1000 sq.metres of non-residential floorspace and therefore, in accordance with Policy 38 of RSS, the development should secure at least 10% of its energy supply from decentralised and renewable or low carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable. It is however considered that this matter can be controlled via planning condition.

CONCLUSIONS

The application proposal will result in the provision of an industrial unit within the George Reynolds Industrial Estate, which will facilitate the relocation of Gigant Limited. This application, if approved, would have a positive impact on the Council's overall business strategy as it would allow an existing manufacturer to relocate in to modern premises and it is therefore considered that the application proposal represents an acceptable use within a general industrial area.

The overall design concept is considered to be acceptable in the context of the existing built form and will enhance the character and appearance of the application site and the surrounding area. In addition, the proposal will not create any significant issues in respect of car parking or highway safety.

The application proposal is therefore considered to accord with the relevant policies contained within the adopted Sedgefield Borough Local Plan, RSS for North East England and national planning guidance in the form of PPG4 and Draft PPS4.

RECOMMENDATION: It is therefore recommended that the application is approved subject to the following conditions

1. The development hereby approved shall be carried out no later than the expiration of 3 years from the date of this permission

Reason: To ensure the orderly implementation of the planning permission

2. No development shall be commenced until details of all means of enclosure on the site have been submitted in writing and approved by the Local Planning Authority. The development shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Local Plan

SEDGEFIELD BOROUGH COUNCIL

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3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

Reason: To achieve a satisfactory form of development in the interests of visual amenity

4. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Local Plan

5. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it must be available and maintained in working order at all times

Reason: In the interests of amenity and to reduce the amount of mud on the roads in accordance with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Local Plan

6. Prior to the commencement of development a detailed plan indicating the location of material storage and employee parking on site shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be available and used at all times during construction

Reason: In the interests of amenity during the construction of the development

7. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the drainage system shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system

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

a. A preliminary risk assessment which identifies:

? All previous uses;

? Potential Contaminants associated with those uses;

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? A conceptual model of the site indicating sources, pathways and receptors

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

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

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to ensure that any contamination is identified and all necessary remediation measures are undertaken in the interests of public health and to prevent the pollution of the water environment

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

Reason: In order to ensure that any contamination is identified and all necessary remediation measures are undertaken in the interests of public health and to prevent the pollution of the water environment

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

Reason: In order to ensure that any contamination is identified and all necessary remediation measures are undertaken in the interests of public health and to prevent the pollution of the water environment

11. All gates to be provided at the access and egress points serving the approved development shall open inwards into the site

Reason: To ensure a satisfactory form of development

12. Prior to commencement of development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for 10% embedded renewable energy. Thereafter the development shall operate in accordance with the approved scheme unless otherwise agreed in writing.

Reason: In order to minimise energy consumption and to comply with Regional Planning Guidance Note 1, Policies EN1 and EN7.

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