

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: 7/2012/0273/DM

FULL APPLICATION DESCRIPTION: Outline planning application for 38 residential dwellings with detailed matters of appearance, landscaping, layout and 'reserved' matters

NAME OF APPLICANT: Kenworth Ltd

ADDRESS: Land at Redworth Road, Shildon

ELECTORAL DIVISION: Shildon West

CASE OFFICER: David Walker, Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site which currently consists of rough grassland measures approximately 1.37 hectares. This is located on the southern edge of Shildon and this extends between Redworth Road to the east and the A6072 (Shildon Bypass) to the west.
2. An existing detached dwelling house The Vicarage and a grazing paddock abut the site to the north whilst the existing Petrol Filling Station and office building are located immediately to the south of the application site. All Saints Industrial Estate and an area of allotment gardens are situated to the east of Redworth Road. The area west of the A6072 is in agricultural use.
3. For planning purposes, the site is allocated as an area for the development of new industrial and business development as shown on the proposals map accompanying the Sedgefield Borough Local Plan 1996.

The Proposal

4. Outline planning permission is sought for the erection of up to 38 houses with details of access only. The layout, scale, appearance and landscaping are all 'reserved' for future consideration. The proposed access would be taken from the existing access on Redworth Road which serves the existing office development to the south and forms a secondary access for the adjacent Petrol Filling Station.
5. The illustrative layout shows a mix of 2, 3 and 4/5 bedroom properties positioned either side of a single estate road which runs parallel to the southern boundary of the site. This also shows an amenity area at the north western corner of the site adjacent to the common boundary with The Vicarage. A smaller amenity area has also been shown immediately to the rear of the existing petrol filling station. Structural landscaping has also been identified along the western edge of the site flanking the A6072 and alongside Redworth Road
6. The application is supported by a Planning, Design and Access Statement, Noise Assessment, Extended Phase 1, Land Contamination Assessment, Arboricultural Impact Assessment, Arboricultural Method Statement, Flood Risk assessment, Sewerage and Utilities Assessment and a Section 106 Agreement.
7. The application has been referred to committee as the proposal comprises major development.

PLANNING HISTORY

8. In April 1998 planning permission (7/1997/0152/DM) was granted for the erection of 5 business units and a petrol filling station. The permission was part implemented as the petrol filling station and a single office unit were constructed.
9. An outline application (7/2009/0316/DM) for the erection of 12 dwellings on the eastern section of the current application site was refused in December 2009 on design grounds and because of concerns that the piecemeal nature of the submission would jeopardise the future development of the remainder of the site. A subsequent appeal was dismissed, however, the Inspector did accept that housing may be appropriate in principle on the site given the over supply of employment land and identified need for additional housing.
10. In July 2011 an outline application (7/2011/00543/DM) for a mixed use development comprising 28 dwellings and 10 commercial units was withdrawn prior to determination.

PLANNING POLICY

NATIONAL POLICY

11. In March 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed.

12. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
13. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 6 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 goes on to set out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
14. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
- be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

REGIONAL PLANNING POLICY

15. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end

date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

16. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
17. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
18. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
19. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
20. *Policy 8 (Protecting and Enhancing the Environment)* seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
21. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
22. *Policy 30 (Improving Inclusivity and Affordability)* sets broad requirements that, when considering development proposals, address the problem of local affordability in both urban and rural areas and have regard to the level of need for affordable housing.
23. *Policy 38 (Sustainable Construction)* sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

24. *Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
25. *Policy IB3 (Proposals For The Development Of New Industrial And Business Areas)* identifies new prestige business areas, general industrial areas and new business area including this site at All Saints, Shildon.
26. *Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing)* seeks to ensure that affordable housing is provided within developments of 15 dwellings or more

27. *Policy T1 (Footways and Cycleways in Towns and Villages)* seeks to ensure that safe, attractive and convenient footpath links are provided between residential areas and community facilities.
28. *Policy L1 (Provision of Open space including Standards)* seeks to secure the provision of sufficient levels of open space.
29. *Policy L2 (Open Space in New Housing Development)* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
30. *Policy D1 (General Principles for the Layout and Design of New Developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
31. *Policy D3 (Design for Access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
32. *Policy D5 (Layout of New Housing Development)* sets criteria for the layout of new housing developments.
33. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.
34. Other documents of relevance include the Employment Land Review for Durham County Council by Nathaniel Lichfield & Partners (June 2011)

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Sildon Town Council* request if the scheme is approved, the 30mph speed limit be relocated nearer to the roundabout at Redworth Road.
36. *The Highway Authority* has raised no objection to the proposed access arrangements subject to the imposition of two planning conditions requiring the provision of junction visibility splays and the provision of a 1.8m wide footway linking this development to Royal George Close prior to occupation of the first dwelling.
37. *The Environment Agency* has no objection to the proposal but has requested that a planning condition be attached in relation to the surface water drainage.
38. *The Coal Authority* has raised no objection and concurs with the recommendations of the Coal Mining Risk Assessment Report. As such, the Coal Authority recommends that a planning condition be imposed requiring further site investigation works to be undertaken prior to commencement.
39. *Durham Constabulary* advises that the illustrative layout is considered acceptable for the purposes of designing out crime. It is considered that the crime risk assessment for this development would be moderate with the main threat being theft from garages and garden sheds. With this in mind it has been suggested that proposed garages should be a minimum width of 3m as recommended in Manual for Streets.

40. Northumbrian *Water* has no comments regarding this proposal.

INTERNAL CONSULTEE RESPONSES:

41. *The Landscape Section* welcomed the tree survey and report and considered this in relation to the indicative layout. Whilst it is acknowledged that landscaping is a reserved matter it has been suggested that structural landscaping and the treatment of the play area / amenity open space is agreed in principle at outline stage.
42. *The Ecology Section* has raised no objections subject to the imposition of a planning conditions relating to the mitigation requirements and good working practices including restrictions on the timing of vegetation clearance, the retention and protection of trees and hedges along the northern boundary of the site and the provision of bird and bat boxes at suitable locations within the site, as identified within the Extended Phase 1 report submitted in support of this planning application.
43. *The Pollution Control Section* initially raised concern that the noise assessment did not adequately take into account the proximity of the proposed dwellings to the A6072. In response an updated report was commissioned and this has identified that a number of mitigation measures can be adopted within the detailed design at reserved matters stage in order to bring noise levels within the housing and residential curtilages to within satisfactory levels.
44. *The Sustainability Strategy Officer* has stated that although all matters other than the access are reserved for future consideration it has been recommended that further details regarding sustainability should be submitted.

PUBLIC RESPONSES:

45. The application has been advertised via both direct neighbour notification and via the posting of a site and press notice.
46. As a result, one response has been received from a resident at Royal George Close who has raised concern that the proposed development may detrimentally affect the existing mature hedgerow along the northern boundary of the site and that its removal would detrimentally affect bats which utilise this as a flight corridor. If planning consent were to be approved it was requested that the boundary fencing for the housing on the northern boundary be off set from the hedgerow so that this is safeguarded in the future and that the timing of works be suitably restricted to safeguard bats.

APPLICANTS STATEMENT:

47. The applicant has submitted a Design and Access Statement in support of this planning application.
48. This refers to the site history of the area and makes reference to the first planning application to develop part of this site for residential purposes although this application was refused consent and subsequently refused on appeal the Design and Access Statement points out that the Inspector was of the opinion that housing was considered to be acceptable in principle at this location.
49. Although the current application seeks outline planning consent and the access details only with the layout, scale, appearance and landscaping an indicative layout has been prepared which demonstrates that the site could potentially accommodate 38 dwellings. The proposal includes a mixture of 2, 3 and 4/5 bed semi-detached

houses. The development would be served via Redworth Road and would include provision of a new pedestrian footpath to link this site with the existing footpath fronting the housing at Royal George Close to the north.

50. This also demonstrates that the site can accommodate an informal play area and amenity space within the site.
51. A section 106 agreement would be utilised to secure the provision of affordable housing and a commuted sum towards the provision / enhancement of equipped play or sports provision off site.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant saved local Plan policies, relevant guidance and all other material planning considerations, including representations received from consultees, it is considered that the key issues are the principle of the development, access / highway safety issues, design and impact on the character of the area, ecology, impact on trees, open space provision and affordable housing provision.

Principle of Development

53. The redevelopment of the site for residential purposes would be a departure from the development plan insofar as, the site is allocated for new industrial and business use within the Sedgfield Borough Local Plan which was adopted in 1996. Although planning permission was subsequently granted in 1997 to construct a petrol filling station and five business units, only the petrol filling station and a single office unit have been developed, the other offices and the site generally have remained undeveloped in the intervening period, due to a lack of demand for office space. The assertion regarding the lack of demand for business units of this type in this location has been demonstrated by the Employment Land Review for County Durham published in June 2011, which found an oversupply of employment land in the area, and it was therefore considered no longer necessary to continue to allocate the site for proposed employment uses..
54. The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective, and furthermore, at paragraph 22, that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for this purpose it is considered prudent to consider other alternative suitable uses for the sites such as this.
55. The NPPF also seeks to boost significantly the supply of new housing, and local planning authorities are expected to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities which meet local requirements and demand.
56. The application site is located on the southern edge of Shildon and would represent a natural extension of the existing settlement which is bounded by the A6072 Shildon by pass. The application site would be well served by the existing retail, community facilities and employment sites located within Shildon and this is also well served by

a range of modes of transport including both bus and rail services. This site is, therefore, considered to score well in sustainability terms.

57. The application site is included in the 'Preferred Options' of the emerging County Durham Plan as a housing allocation. This document is currently undergoing public consultation and the Plan is unlikely to be adopted before 2014. Whilst significant material weight cannot be attributed to the Plan in view of its current status it nevertheless indicates that the Council considers residential development to be appropriate in principle, and concurs with the view of the Inspector in 2009.

58. In summary, it is considered that the development of the site for residential purposes is appropriate given the identified lack of demand for employment land and the identified need for residential development in sustainable locations such as this. A departure from the development plan is therefore considered to be justified.

Access / Highway safety issues

59. Local Plan Policies D1, D3 and D5 seek to ensure new development achieves a satisfactory means of access and adequate parking provision, showing regard to highway safety principles.

60. As previously mentioned access to the site is proposed to be taken from the existing access from Redworth Road which serves the existing office development to the south and the secondary access to the existing petrol filling station. The Highway Authority has raised no objection in relation to the proposed access subject to planning conditions being attached requiring the provision of suitable junction visibility splays and the provision of a new footway linking this development to the footway serving the existing residential development at Royal George Close to the north. This provision is critical so as to promote and facilitate pedestrian access links between the site and those existing retail and community facilities located within Shildon to the north.

61. The secondary access which currently serves the petrol filling station from Redworth Road, and from where the residential development would also be served, would need to be closed off in order to prevent a conflict between the vehicular movements from the new residential development and those associated with the petrol filling station. This can be secured by way of an appropriate planning condition.

62. Whilst the site access and pedestrian linkages are considered acceptable the detailed design of the internal road layout would be determined at reserved matter stage. The proposals are therefore considered to accord with Local Plan Policies D1, D3 and D5 in this regard.

Design and impact on the character of the area

63. The NPPF, RSS and Local Plan Policies D1 and D5 seek to promote good design in new developments, seek to ensure a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities and where necessary, incorporates suitable landscaping within the scheme.

64. The application has been made in outline with all matters other than the access arrangements being reserved for future consideration. However, an illustrative layout has been submitted to indicate how the site could be developed in such a manner to satisfy the access requirements of the site and accommodate up to 38 dwellings and also provide sufficient levels of on site amenity / informal play space and structural landscaping alongside the A6072 and Redworth Road. The indicative layout also

allows for the retention of the existing hedgerow along the northern boundary of the site and facilitates the introduction of structural landscaping between the site and the existing petrol filling station.

65. It is envisaged that the scale of the proposed housing would be commensurate with that of the existing housing at Royal George Close and that this would be of a similar scale to the canopy at the forecourt of the petrol filling station and are likely to be lower than the office building to the south and those offices previously approved in 1997
66. The information provided in the Design and Access Statement indicates and the illustrative layout indicates that the site could host a range of houses including 2, 3 and 4/5 bedroom properties. This variation in size is intended to cater for a range of potential occupants and introduce a diversity of housing provision within the site. The detailed layout and design of the housing would be determined at reserved matter stage, however, it is anticipated that these would be sympathetically designed to match the character and appearance of the existing housing stock within this area.
67. The relation of this site to the adjacent roads and Petrol Filling Station has also been a key consideration in relation to the development of this site. In this regard a survey of existing daytime and night time noise levels has been undertaken at the site. This identified the need to design and build the future housing so that this is not adversely affected by road traffic on Redworth Road and the A6072 and noise from the adjacent petrol filling station. This survey found that outdoor and indoor daytime and night time requirements can be satisfied on site with the use of appropriate mitigation including the installation of close boarded fencing at some garden boundaries via the installation of double glazing with acoustic ventilation to some facades of properties. These measures can be secured by condition.
68. The relationship between the proposed housing, as shown on the indicative layout, and the existing property, The Vicarage, located at the north western corner of the site is also considered acceptable given the orientation and relationship of the two parcels of land concerned. It is considered that the proposals comply with design principle set out in the NPPF, RSS Policy 8 and Local Plan Policies D1 and D5.

Affordable Housing

69. The provision of affordable housing where a need has been identified is encouraged through the saved Local plan Policy H19. The County Durham Strategic Housing Market Assessment (SHMA) states that the target for this area is to provide 15% affordable housing within residential schemes of this size. The applicants have stated that it is their intention to meet this 15% target within this site and delivery would be secured by way of a Section 106 agreement.
70. Although the precise number of houses to be provided on site will be determined at reserved matter stage it is anticipated that 6 affordable houses could be provided within the site based upon the upper limit of 38 dwellings as shown on the indicative layout.
71. The provision of affordable housing within the scheme would also comply with paragraphs 47 and 50 of the NPPF which seek to encourage the provision of market and affordable housing to widen opportunities for home ownership.

Open space provision

72. Local Plan Policies L1 and L2 seek to secure the provision of sufficient open space in appropriate locations. These policies seek to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring every 10 dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is normally expected. This would equate to a total of 2280 m² for a scheme of 38 dwellings. Where this level cannot be provided, either fully or in part, an in-lieu commuted sum would normally be required.
73. The indicative layout includes provision for both amenity areas and an informal play area totalling 1345m² and structural landscaping of approximately 1260m² which exceeds the total amount of open space expected for a scheme of this size. Although it is felt that the distribution and relationship between the open space and the housing could be further improved to provide increased natural surveillance and maximise the effectiveness of the open space provision within the site, it is felt that these matters could be satisfactorily resolved at the reserved matter stage.
74. In addition it has been agreed that a commuted sum of up to £5000 is to be secured in order to provide new or improved equipped play provision and / or outdoor sports facilities elsewhere within the Shildon area. The commuted sum would be secured by way of a Section 106 Legal Agreement. As such, it is considered that this proposal would accord with Local Plan Policies L1 and L2.

Ecology

75. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment and minimise the impact on bio diversity. The presence of a protected species is a 'material consideration' when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.' With this in mind an extended phase 1 study has been carried out by the applicant and submitted for consideration by the Local Planning Authority.
76. The Ecology Section has reviewed this assessment and has raised no objections to the proposal, subject to a condition being attached regarding both the timing of vegetation clearance, the implementation of appropriate working methods and the suitable habitat retention / enhancement being implemented within the reserved matter application relating to the layout and landscaping including the retention of the hedgerow along the northern boundary of the site. With this in mind it is felt that the concerns raised by the local resident regarding the impact on this proposal on the hedgerow and bats can be allayed via the imposition of suitably worded planning conditions. Accordingly, it is considered that subject to adherence to the proposed condition, the provisions of the NPPF would be met in this regard.

Arboriculture

77. An Arboricultural Impact Assessment has been carried out in support of this planning application. This has been used to identify existing trees and hedges within the site and to identify how the proposed development affects these features and to manage the development in order to evaluate how best to safeguard those trees and hedgerows to be retained within the development. A number of trees are to be removed, however, in order to facilitate the required visibility splay. The hedgerow and trees adjacent to the northern boundary currently make an important contribution to the character of the area and these can be retained and safeguarded. Protective barriers and specialist methods of construction have also been identified and these

will be needed to be considered in detail at the reserved matter stage when determining the detailed layout of the development.

78. The proposed scope of the tree works that would be required to provide the necessary visibility splay are considered to be acceptable and those trees to be removed could in part be compensated for by replacement planting within the site. Landscaping is a reserved matter. As such, it is considered that this proposal accords with Local Plan Policy E15.

CONCLUSION

79. The development of this site was established in 1997 when planning permission was granted to build the petrol filling station and 5 business units. However, only the first phase of development has been implemented since then, and given the proven over supply of employment land and lack of demand for this type of use in this locality, the redevelopment of the site for residential purposes would fully accord with the aims of the NPPF, and would represent a justified departure from Policy IB3 of the Local Plan.
80. The site is located on the southern boundary of Shildon which itself is well served by a wide range retail and community facilities and public transport links. It is considered that the development of this site would constitute a natural infill site at the southern edge of the settlement following the construction of the A6072 Shildon bypass. It is, therefore, considered that this site would score highly in sustainability terms and this proposal would accord with Policy 2 of the RSS and meet the aims of paragraphs 49 and 50 of the NPPF.
81. The proposed access arrangements have been assessed and found to be acceptable in highway safety terms subject to the imposition of a suitably worded planning condition relating to the visibility splay and improvements to the pedestrian linkages from the site. The proposal, therefore, accords with Local Plan Policies D1, D3 and D5. The provision of this mixed development of both market and affordable housing would accord with the NPPF and Local Plan Policy H19 and would provide added opportunities to meet local housing need and contribute towards the creation of sustainable mixed communities.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement towards the payment of a commuted sum towards new / improved equipped play or sports provision and to secure the provision of affordable housing in perpetuity and the following conditions :

1. Application for approval of reserved matters shall be made to the local planning authority before the expiration of five years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. Approval of the details of appearance, landscaping, layout and scale (herein called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan Ref No.	Description	Date Received
112/02A	Site Layout Plan	25 th July 2012
112/03K	Site Layout Plan as Proposed	28 th December 2012

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

4. The development hereby approved shall not exceed 38 dwellings.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies D1, D3 and D5 of the Sedgfield Borough Local Plan.
5. The development hereby permitted shall provide for a minimum of 2605sqm of informal play and amenity open space.
Reason: In order to ensure that the requirements of Policies L1 and L2 of the Sedgfield Borough Local Plan are met.
6. 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.
Reason: In the interests of the visual amenity of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.
7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.
8. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.
9. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
Reason: In the interests of the visual amenity of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.

10. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.
Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy 38 of the Regional Spatial Strategy for the North East.
11. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hard standings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.
Reason: To prevent the increased risk of flooding, both on and off site in accordance with Paragraph 99 of the NPPF.
12. No dwelling hereby permitted shall be occupied until the existing access to the petrol filling station from Redworth Road has been closed, in accordance with details which have been first submitted to and approved in writing by the local planning authority.
Reason: In the interests of highway safety and to comply with Policy D1, D3, D5 and T1 of the Sedgfield Borough Local Plan.
13. No dwelling hereby permitted shall be occupied until junction sight visibility splays of 2.4m x 120 metres have been provided in both directions on the improved vehicular access onto C189 Redworth Road. The sight visibility splays must be maintained on a regular basis throughout the year to ensure adequate junction sight visibility is maintained.
Reason: In the interests of highway safety and to comply with Policies D1, D3, D5 of the Sedgfield Borough Local Plan.
14. No dwelling hereby permitted shall be occupied until a 1.8metres wide footway has been provided alongside Redworth Road linking the development with the footway fronting Royal George Close.
Reason: In the interests of highway safety and to comply with Policies D1, D3, D5 and T1 of the Sedgfield Borough Local Plan.
15. No development shall take place unless in accordance with the mitigation requirements and good working practices detailed within section F2 of the E3 Extended Phase 1 report dated 09.03.12 including, but not restricted to adherence to timing of works, working methods and habitat creation including retention of the tree and hedgerows along the northern boundary.
Reason: To conserve protected species and their habitat in accordance with Paragraph 117 of the NPPF.
16. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.
Reason: To conserve protected species and their habitat in accordance with Paragraph 117 of the NPPF.

17. Unless otherwise agreed by the Local planning authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and to establish whether remedial works are required to treat areas of shallow mine workings. . The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To prevent unacceptable risks from pollution land instability in accordance with Paragraph 120 of the NPPF.

18. Prior to the commencement of the development a survey of the site for landfill gas shall be undertaken. The scheme, consisting of the survey results and any mitigation or remedial works required, shall be submitted to and approved in writing by the Local planning authority before work commences. The development shall be implemented in full accordance with the approved scheme.

Reason: To prevent unacceptable risks from pollution land instability in accordance with Paragraph 120 of the NPPF.

19. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from A6072, Redworth Road and the adjacent Petrol Filling Station has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: To safeguard future residents from unacceptable levels of noise in accordance with Paragraph 123 of the NPPF.

20. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should demonstrate that surface water run-off will not exceed existing run off rates and volumes, and shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Paragraph 99 of the NPPF.

21. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with-BS.5837:2005.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 of the Sedgefield Borough Local Plan.

22. The tree works hereby approved shall be carried out in accordance with BS 3998: Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council).

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. The redevelopment of the site for housing represents a departure from Policy IB3 of the Sedgefield Borough Local Plan 1996, however, the proposal represents an acceptable alternative use for this site which was previously identified as being suitable for business use given the identified over supply of employment land. The site is located within the physical framework of Shildon as formed by the A6072 Shildon bypass and this would be well located in relation to both retail and community facilities available within Shildon and this would be well served in relation to public transport facilities.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 8, 24,30 and 38 of the RSS for the North East and Policies D1, D3, D5, T1, E15, H19, L1 and L2 of the Sedgefield Borough Local Plan, and to all relevant material considerations.
3. In arriving at this recommendation, the consultation responses received have been considered; however, it is considered that the ecological importance of the site can be suitably safeguarded via the imposition of suitably worded planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority have worked with the applicant in a positive and proactive manner in order to secure an alternative use for this site which was previously allocated, but is no longer required, for employment use so that this proposal will provide a mix of market and affordable housing to meet local housing need.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Noise Assessment

Extended Phase 1 Survey

Land Contamination Assessment

Arboricultural Impact Assessment and Method Statement

Flood Risk Assessment

National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Sedgefield Borough Local Plan 1996

Circular 11/95: Use of conditions in planning permission

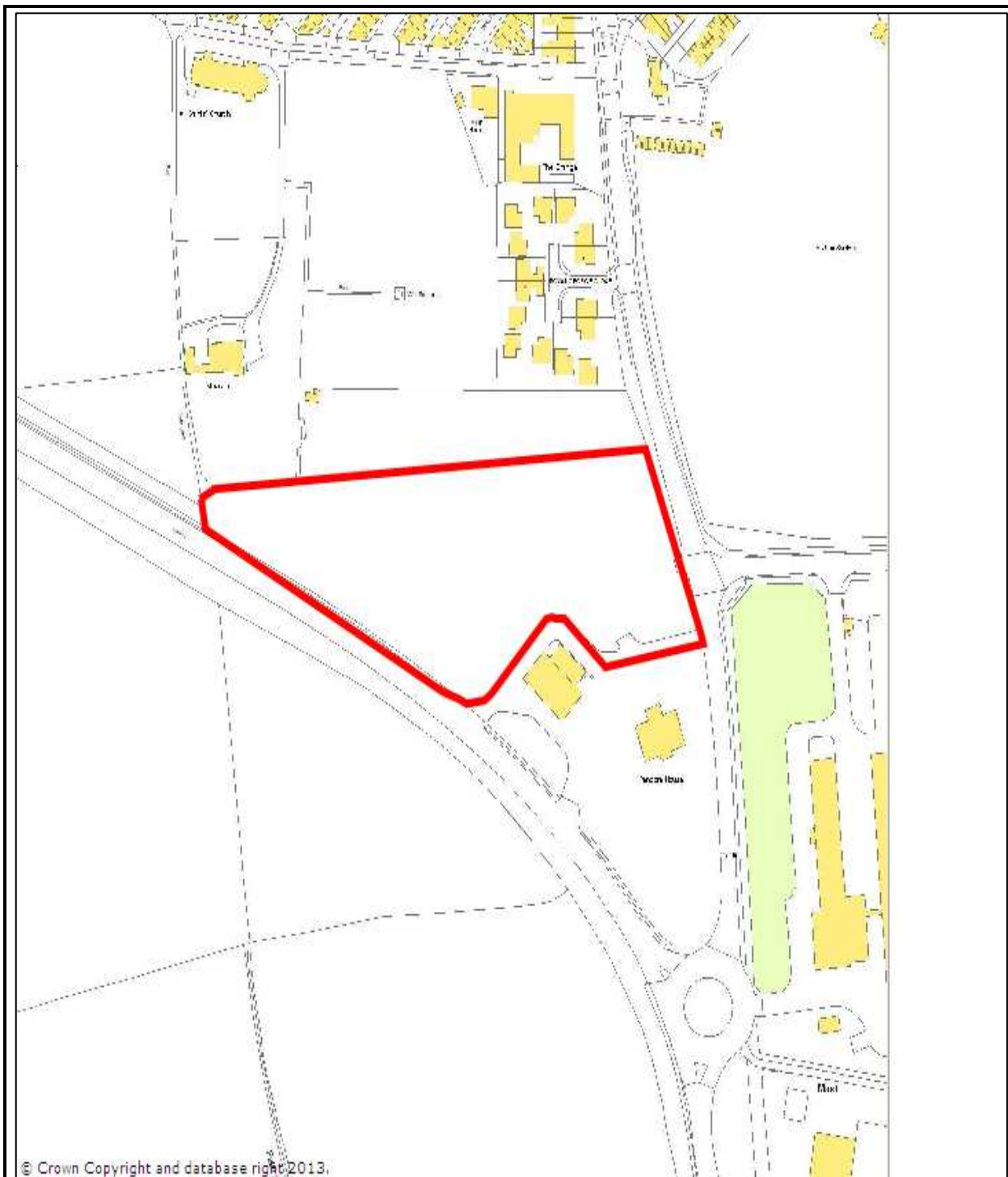
Responses from Shildon Town Council, Highway Authority, Environment Agency,

Northumbrian Water, Coal Authority and Police Architectural Liaison Officer

Internal responses from Landscape Section, Ecology Section, Sustainability Section, and

Pollution Control Section

Public consultation response



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Planning Services

Outline planning application for 38 dwellings with detailed matters of appearance, landscaping, layout and scale reserved at Redworth Road, Shildon, DL4 2JT

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Comments

Date 21 February 2013