

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0301/DM
FULL APPLICATION DESCRIPTION:	Redevelopment of former Hackworth House Aged Persons Home to provide 19 dwellings.
NAME OF APPLICANT:	Gleeson Homes and Regeneration
ADDRESS:	Hackworth House, Aged Persons Home, Cheapside, Shildon.
ELECTORAL DIVISION:	Shildon West
CASE OFFICER:	David Walker, Senior Planning Officer 03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises the land and buildings associated with the former Hackworth House Aged Persons Home which closed in early 2010. The existing buildings on site is predominantly two storey with a single storey annex which have been secured to prevent vandalism. There are a significant number of existing trees within the site.
2. The site is bounded by Fulton Court to the north, Cheapside to the east, existing residential development to the west and commercial /retail development to the south. Vehicular access to the Aged Persons Home is gained from the one way system at Cheapside and a small car parking area is located to the rear / west of the building.
3. The application seeks planning permission for the erection of 19 low cost family dwellings. The proposed housing which would be two storeys consists of a mix of semi-detached and detached properties. The layout has been designed so that access for the new housing would also be taken from the existing one way system from Cheapside. The dwellings would be constructed from brickwork with tiled roofs of a similar colour to the neighbouring properties.
4. This application is supported by a Design and Access Statement, Planning Statement Phase 1 Ecological Survey and Bat Report, Statement of Community Involvement, Tree Survey, Affordable Housing Statement and Geoenvironmental Appraisal.
5. The application is reported to committee as it falls within the definition of major development.

PLANNING HISTORY

6. As outlined above this site was formerly utilised as an Aged Persons Home. It has not been the subject of any other planning applications of relevance to this proposal.

PLANNING POLICY

NATIONAL POLICY

7. Planning Policy Statement 1: Delivering Sustainable Development sets out the

Governments overarching planning policies on the delivery of sustainable development through the planning system.

8. Planning Policy Statement 3: Housing sets out the governments policies on housing development. Presumption in favour of development is given for schemes that are on brown field land within existing settlements.
9. Planning Policy Statement 9: Biodiversity and Geological Conservation: sets out planning policies on protection of biodiversity and geological conservation through the planning system.
10. Planning Policy Guidance note 13: Transport sets out the government's policies on transport with particular emphasis on reducing the dependence on the use of the private car.
11. Planning Policy Statement 22 (Renewable Energy) sets out the governments policies on the use of renewable energies

The above represents a summary of those policies considered most relevant. The full text can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL POLICY

12. 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.
13. 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 the forthcoming Local Government Bill becomes law, and weight can now be attached to this intension. The following policies are considered relevant.
14. Policy 2 (Sustainable Development) sets out that proposals should seek to promote sustainable development through social, economic and environmental objectives.
15. Policy 3 (Climate Change) sets out the regional policy on contributing to the mitigation of climate change and assisting adaptation to the impacts of climate change.
16. Policy 4 (Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
17. Policy 7 (Connectivity and Accessibility) seeks to minimize the need to travel by promoting public transport, travel plans, cycling and walking. Green Travel Plans are encouraged.
18. 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.

19. Policy 24 (Delivering Sustainable Communities) seeks to ensure that all development within the Region should be designed and located to deliver sustainable communities.
20. Policy 35 (Flood Risk) requires consideration to be given to the flood risk implications of development proposals.
21. Policy 38 (Sustainable Construction) sets out the regional policy to support sustainable construction in planning proposals.
22. Policy 39 (Renewable Energy Generation) requires at least 10% of the energy requirements of development proposals to be met by decentralized and renewable or low carbon sources.

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

LOCAL PLAN POLICY

23. As this application is located within the former Sedgefield Borough Council area the Local Plan Policies are contained within the Sedgefield Borough Local Plan (1996).
24. Policy D1 (General Principles for the Layout and Design of New Developments) sets out several key principles for the layout and design of new developments.
25. Policy D2 (Design for People) requires developments to take account of personal safety and security of property, access needs of users and provision of appropriate facilities such as toilets, baby changing facilities, public seating etc.
26. Policy D3 (Designed with pedestrians, cyclists, public transport) aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
27. Policy D5 (Layout of New Housing Developments) sets out principles which should be applied to new housing developments to ensure they provide a safe and pleasant environment in which to live with access routes that are safe and accessible for all users.
28. Policy H19 (Housing for Particular Groups) encourages developers to provide an appropriate variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
29. Policy E15 (Proposals affecting Trees) expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
30. Policy L1 (Provision of Open Space) seeks to ensure that sufficient open space is provided to meet the needs of the former Sedgefield Borough.
32. Policy L2 (Open Space in Housing Developments) sets standards for provision of open space and play facilities within new residential developments.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Shildon Town Council* supports the proposed development in principle and requested that affordable housing be included within the proposed development.
34. *The Environment Agency* has made no comment on this proposal.
35. *Northumbrian Water* has no objections.
36. *Police Liaison Officer* has commented that the overall crime risk for this development is medium and the site layout was considered acceptable. However it was suggested that security for vehicles would be increased if the garages were increased to a minimum of 3 metres to encourage secure parking with internal fencing being further improved.
37. *Network Rail* has no objection in principle to the development but has made a number of detailed comments in relation to how the construction works should be carried out in order to safeguard the railway tunnel under the site and air shaft within the application site. These comments have been forwarded onto the applicant.
38. *The Highway Authority* has confirmed that the level of car parking provision within the scheme and highway design is deemed acceptable subject to a small number of minor modifications to the internal layout, the new access road and modifications to the existing vehicular access being carried out under the appropriate highway legislation. It was also noted that modifications to the existing road markings would be required because of the alterations to the site access and these would need to be funded by the applicant.

INTERNAL RESPONSES:

39. *Environmental Health* has no objection to this proposal but has suggested that the applicant submit a noise and dust assessment to safeguard residential amenity during construction works and that working hours during the construction works be restricted.
40. *Design and Conservation* stated that although this is a prime residential site with good redevelopment opportunities for residential use this scheme is considered to be unacceptable in its present form. It was felt that the layout should be revised and the number of houses reduced so that the layout takes into account both the existing trees and the character of the original townscape off Shildon which is characterized by Victorian terraced houses. It was felt that the units were too large for this site and these were suburban in nature presenting a disjointed building line and a poor street scene.
41. *The Landscape Section* has raised concern about the removal of a large number of B category trees within the site to accommodate the development and the new access. It was noted that several of these trees contribute to the existing street scene. In addition to the direct loss of trees concern was expressed that the close proximity of retained trees to the housing and internal roadway would lead to future pressure for these to be pruned or felled because of leaf fall and overshadowing. It was, therefore, recommended that the layout be redesigned if possible to enable the retention of as many of the good trees as possible and allow them enough space to develop without constant pressure for pruning.
42. *The Ecology Section* originally raised a number of concerns regarding the

methodology used for the bat survey works undertaken. However, additional information has subsequently been provided in respect of these matters. There is therefore no objection although it is recommended that the mitigation detailed within the supporting ecological report be the subject of a planning condition.

43. *The Low Carbon Section* has stated that this scheme would need to satisfy the RSS requirement of 10% renewable energy within this type of development proposal.

PUBLIC RESPONSES:

44. This planning application has been advertised via a press notice, site notices and direct neighbour notification. Two written representations have been received regarding this proposal.
45. The occupant of 'Up Yonder' has stated that they have no objection to the re-development but do not want to lose the large mature Horse Chestnut trees which are located within the application site and lie to the east of this property. It was requested that before the property is sold a Tree Preservation Order be made in order to protect these trees.
46. A resident of Phonenix Place also raises no objections to the proposal and that the houses look very pleasing and will be an asset to this part of the town. However, assurances were sought that the houses will be kept for local people as stated by the developer.

APPLICANTS STATEMENT

47. This proposal seeks planning consent for the residential redevelopment of the former Hackworth House Aged Persons Home. The sustainable location of the site and its position within an existing residential area means that it is considered to be entirely suitable for the proposed residential use.
48. The planning application seeks consent for 19 low-cost family dwellings. Given the site area of 0.49 hectares, 19 dwellings would result in a net density of approximately 39 dwellings per hectare (dph). This density is considered appropriate given the location of the site, the type of housing proposed and the nature of existing adjacent housing.
49. The layout has been designed to ensure that the proposed housing interacts well with adjacent development, whilst also creating an attractive environment within the site itself. The development will use the existing access from the road adjacent to the east boundary, with the five properties nearest the entrance facing out of the site. Within the site, the remaining properties will be laid out around the internal access road, with private parking to be provided for each property.
50. There will be a mix of 2, 3 and 4 bedroom houses, comprising 10 semi-detached properties and 9 detached properties. The scale would be in keeping with the majority of nearby housing, all of the proposed dwellings will be two storeys in height. As the existing buildings present on the site are predominantly two storeys, it is considered that the scale of the proposed dwellings is in keeping with the development they will replace. The separation distances between the proposed and existing dwellings will ensure that the development does not have any detrimental impact on adjacent housing with regard to loss of amenity.

51. The proposed layout seeks to retain as many of the existing trees as possible, particularly along the site boundaries between the site and neighbouring properties. Replacement tree planting will take place around the internal access road.
52. It has been stated that it is proposed to use a variety of contemporary house designs within the site. The two-storey dwellings will all have pitched roofs with gable ends, and will be constructed using a traditional palette of materials. The dwellings will use uPVC windows, doors and rainwater goods, with detailing to include canopies over the front doors and soldier brick courses to frame the window openings.
53. The proposed garages will reflect the appearance of the houses, being constructed from matching materials and with traditional pitched-roof design. The front gardens facing Cheapside are to be enclosed with 900mm high railings, with a 1.8m high wall and vertical boarded fence fronting onto Fulton Court .
54. Vehicular access to the site will use the existing access on the eastern boundary of the site. Within the site, a total of 30 designated parking spaces are to be provided within the site, with an additional 7 garage spaces provided. The site is in a highly accessible location, being adjacent to the northern boundary of Shildon Town Centre.
55. With regard to public transport, the bus stops adjacent to the site provide direct services to Bishop Auckland, Crook, Darlington and Spennymoor.
56. It is maintained that the residential development will improve the character of the area by providing modern forms of low-cost housing, and redeveloping what is currently a derelict and vandalized site. Within this context we consider that the proposals accord with the Government guidance relating to design, since it will deliver an opportunity to improve the character and quality of an area in a manner that would protect the amenity of the existing residential area.
57. The overall aim of the design proposals has been to create a modern, diverse, aesthetically pleasing residential environment where the residents will feel a sense of 'belonging' and this will impact positively on the broader community. Furthermore, as set out in the Statement of Community Involvement, the development has the strong support of the local community.

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

58. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations the main planning considerations in this case concern the principle of the development, the layout and design of the proposal including the loss of tree cover, the impacts on the neighbouring properties,

Principle of the development

59. Planning Policy Statement 1 (PPS1) Delivering Sustainable Development and Planning Policy Statement 3 (PPS3) Housing both seek to facilitate and promote sustainable and inclusive patterns of housing development. The key principles include addressing the causes of potential impacts of climate change by

encouraging patterns of development which reduce the need for travel and seeking to make best use of limited resources, such as, building housing at higher densities on previously developed land rather than at lower densities on Greenfield sites.

60. These principles are also supported by a range of policies set out within the Regional Spatial Strategy (RSS). Policies 2, 3, 4, 7 and 24 seek to provide a sequential approach to the identification of land for development giving priority to previously developed land and buildings in the most sustainable locations.
61. The application site is well served by a range of retail, leisure, and community facilities available in Shildon, many of these facilities are in walking distance. This site is also well served by public transport.
62. The redevelopment of this existing brownfield site, bounded by residential development, for residential purposes therefore accords with sustainable development principles set out in both National and Regional Policy.

Layout and Design

63. PPS1 Sustainable Development states that good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning. It is therefore of key importance that new development should be of a high quality of design.
64. These sentiments are re-iterated in Policy 8 of the Regional Spatial Strategy which 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.
65. Policies D1, D5 and SPG3 of the Local Plan seek to ensure the layout and design of new developments are in keeping with the surrounding area and achieve satisfactory privacy and amenity for neighbouring residents.
66. The overriding principles of the design policies of the Local Plan requires new housing development to have an attractive appearance, be durable, function well for their users and be designed to relate well to the surroundings of the site and the landscape setting.
67. Although the applicant has been unable to fundamentally revise the initial layout as suggested by the Design and Conservation Section, so that this reflected the historic urban street pattern of Shildon and retain a greater number of trees fronting onto Cheapside, modifications have been agreed to the layout and house types to present a more defined building line facing onto Cheapside and provide an active frontage. The number of house types proposed within the site has also been reduced and the layout fronting Cheapside modified to have three uniform house types in this central section of the frontage.
68. The original means of enclosure have also been revised and improved so that these better reflect the style and appearance of the existing means of enclosure at Fulton Court.
69. Notwithstanding the initial concerns of the Design and Conservation Section it is considered that the improvements negotiated in relation to the siting and design of the proposed housing is such that it accords with PPS1, PPG3, RSS Policy 8 and Policies D1 and D5 of the Local Plan.

Impact on Trees

70. Concern has been raised from both the Design and Conservation and Landscape Sections insofar as the layout does not pay sufficient regard to the retention of key trees within the site which contribute to the visual amenity of the site.
71. The retention of the mature Horse Chestnuts at the south western corner of the site adjacent to 'Up Yonder' was also requested by the adjacent resident who requested that these trees be protected by a Tree Preservation Order.
72. A tree survey has been carried out for the 61 trees in and around the site and of these, 14 are to be removed, either to facilitate development directly or to minimise potential conflict between the trees and future occupants concerned with overshadowing and leaf fall.
73. Whilst the positive contribution that several of the trees, particularly those located along the eastern frontage, make to the street scene is acknowledged, these trees are not protected by a Tree Preservation Order and could therefore be removed at any time. Although the removal of these trees would have an impact on the visual amenity of the area in the short to medium term, it has been suggested that new planting opportunities are available within the site and within the existing parcel of land between the access road and Cheapside. The applicant has offered a financial contribution towards this off site planting.
74. Specific reference has been made to the mature Horse Chestnut trees at the western boundary of the site adjacent to 'Up Yonder'. Both these trees are to be retained within the development, although crown lifting on the north and south sides are proposed to reduce the risk of branch failure. A planning condition could be attached so that further works to those trees to be retained after development would require the consent of the Local Planning Authority.
75. Whilst the loss of existing tree cover within the site is regrettable it is felt that the revised layout and potential for off site planting together with the benefits arising from the redevelopment of this vacant brownfield site would outweigh these concerns.

Privacy and Amenity

76. SPG3: Layout of New Development, gives general advice which states that gable walls should be located at least 14 metres from the nearest habitable room window and window to window distances should be in excess of 21 metres. These distances are given as guide only and can be adjusted depending on the characteristics of the site.
77. The application site is bounded by housing to the north and west and although some of the new housing would be closer than the existing Aged Persons the layout of the housing has also been specifically designed to respect the separation distances outlined within the SPG so as to safeguard privacy between the proposed housing and the existing properties.
78. Bearing in mind that the distances involved comply with SPG3, it is considered that this proposal is acceptable and any loss of residential amenity for existing householders would not be so significant as to justify the refusal of planning permission.

Access and Car Parking

79. The access to the site would be taken from the highway to the east of the site parallel to Cheapside. All of the proposed houses would be accessed by a newly constructed internal access road. The access arrangements proposed are deemed acceptable in highway safety terms.
80. The 19 properties would be served by 30 parking spaces and 4 garages and the Highway Authority has confirmed that the on proposed level of on site car parking is satisfactory.
81. Although at the time of writing this report the views of the Highway Authority are awaited in terms of the revised layout, no objection was raised regarding the access or car parking arrangements in highway safety terms. The revised access to the site and new internal road are to be constructed to adoptable standards and the nearby road markings being repainted were necessary.
82. In conclusion, the access and car parking provision on site are considered satisfactory and accord with Policy D1 of the Local Plan.

Mix of Housing

83. In order to promote strong and stable communities, PPS3 seeks provision of a wide mix of housing types and tenure which reflect local conditions and that a high quality of design is achieved in higher density developments.
84. The proposed development contains six house types including 2 & 3 bed semi-detached houses and 4 bed detached houses. This type of housing would help further diversify the housing mix in this area. It has been stated that Gleeson Homes specialise in providing low cost homes for local people and offer a range of incentives to both promote home ownership whilst also utilising legal covenants to ensure that these properties are not purchased speculatively and then sub let to third parties.
85. In respect of this application, it is felt that this proposal provides a suitable mix of housing types and sizes which would help diversify the housing stock available within this area and provide modern low cost homes for purchase by local people.

Affordable Housing

86. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2008 and supplies the evidence base for a 20% requirement for affordable housing across the former district of Sedgefield area.
87. However, recent High Court judgments have underlined the need to consider factors such as economic viability in formulating policy targets, in accordance with Government guidance.
88. The applicants have submitted a viability assessment which demonstrated that the inclusion of affordable housing will make their scheme unviable. This has been independently assessed and found to be accurate.

Provision of Open Space and Play Areas

89. Policy L2 of the Borough Local Plan stipulates that housing developments should provide for open space at a minimum rate of 100 sqm of informal play space and 500

sqm of amenity space for every 10 dwellings, together with a contribution towards the provision of new or improved equipped play areas and outdoor sports facilities to serve the development.

90. PPS3 which is more up to date generally, promotes higher housing densities, and it is rarely possible to meet the Policy L2 standards.
91. To assess the degree of open space that should be provided on this site, due regard has to be given to requirements of PPS3, to current planning policy on open space, and also to the Council's Open Space Needs Assessment (OSNA). Paragraph 16 of PPS3 states that when assessing the design quality of a developers proposed housing scheme, Local Planning Authorities are to consider the extent to which the proposed development provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
92. Whilst the quantity of open space is important it is also important to take into account the location of the existing open space within this settlement, the accessibility of this open space from the proposed development site and the actual needs arising from the development itself.
93. The application site is located within the Sunnydale Ward of Shildon. The OSNA has demonstrated that this ward is currently under represented in terms of Outdoor Sport Space and Semi Natural Green Space.
94. In this regard the applicants have acknowledged that the proposal to construct 19 dwellings on site would lead to additional demand on recreation and leisure facilities, however, they also point out that this demand needs to be considered in the context of the former use of the site – Hackworth House previously accommodated 40 aged persons.
95. The applicants have, therefore, offered to pay a commuted sum of £19,000 for use in either upgrading existing recreational facilities or providing off site planting within the area.
96. Bearing in mind the under provision of recreational / amenity open space within this part of Shildon it is considered that a contribution of a commuted sum by the developer could be put to good use to either create new facilities or to enhance existing facilities within the area which would be beneficial not only the occupants of the new dwellings, but also the existing residents within this area. As such, this proposal is considered to accord with the provisions of Policies L1 and L2 of the Local Plan.

Impacts on Protected Species

97. As the now vacant Aged Persons Home is to be demolished as part of this proposal it was necessary to consider whether the proposal would have an impact on Bats, which are a species especially protected by law. PPS9 states that Local Planning Authorities need to ensure that developments do not have an adverse impact on protected species.
98. A Reasoned Risk Assessment was submitted with the application so the impacts of the development could be fully assessed, and following the submission of additional survey information the Ecology Section are satisfied that the development will not have an adverse impact on any protected species. A condition has been proposed, however, to ensure that the development is carried out in accordance with the

mitigation outlined in the risk assessment. This will ensure that the development is carried out in accordance with PPS9.

Energy Efficiency

99. The applicant has acknowledged the need to reduce energy consumption and make use of embedded renewable energy generation; however, detailed arrangements are yet to be prepared in relation to this particular site. As such, it is recommended that a planning condition be attached requiring the submission of details showing how these measures are to be implemented in accordance with Policy 39 of the RSS.

CONCLUSION

100. The proposal would involve the redevelopment of an existing brownfield site in a highly sustainable location that is well served by a range of retail, leisure and community facilities and public transport. The layout and design of the housing and means of enclosure for the development has been improved over that originally proposed and are now deemed satisfactory as are the means of access and car parking arrangements. The Proposal would not have an unacceptable detrimental impact on the amenity of neighbouring properties. A commuted sum, facilitated by way of a Section 106 agreement is also to be provided for the provision of off site recreational improvements and landscaping.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and the applicant entering into a Section 106 Agreement in relation to the payment of a commuted sum to provide off site recreation provision and / or off site planting and the following conditions:

REASONS FOR CONDITIONS

The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

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

A3) Planning Layout -	drwg.no.GH4: L: 01 rev.G (scale 1:500@A3)
(A4) Location Plan -	drwg.no.GH4: L: 02 (scale 1:1250@A4)
(A3) Soft Landscaping -	drwg.no.GH4: L: 03 rev.B (scale 1:500@A3)
(A3) Boundary Treatments -	drwg.no.GH4: L: 04 rev.A (
(A2) 201 -	drwg.no.201/1(B) (scale 1:100@A2)
(A2) 301 -	drwg.no.301/1(C) (scale 1:100@A2)
(A2) 309 -	drwg.no.309/1 (scale 1:100@A2)
(A2) 401 -	drwg.no.401/1(B) (scale 1:100@A2)
(A2) 403 -	drwg.no.403/1(B) (scale 1:100@A2)
(A2) 404 -	drwg.no.404/1(B) (scale 1:100@A2)
(A3) Single Garage -	drwg.no.SD701 (scale 1:50 &100@A2)
(A3) Twin Garage -	drwg.no.SD702 (scale 1:50 &100@A2)
(A3) Hipped Twin Garage -	drwg.no.SD705 (scale 1:50 &100@A2)

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
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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.

4. Prior to the construction of the first dwelling 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.

5 No development shall take place unless in accordance with the mitigation detailed within Section 8 of the Ecological Report (September 2011) including the use of the appended Method Statement submitted with the application including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance and adherence to precautionary working methods.

6. No scrub clearing or tree felling shall be undertaken during the bird breeding season(1 March -31 August inclusive) at any time during the construction phase unless a checking system has been undertaken by qualified ecologist prior to the commencement of works and no active nests are found.

7. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings 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.

8. The development shall not commence until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local planning authority. The approved scheme shall be implemented prior to the commencement of the development.

9. Notwithstanding the information shown on the submitted plans the development hereby approved shall not be occupied/brought into use until such time as the existing access to the site has been improved in accordance with a scheme to be submitted to and agreed in writing by the Local planning authority.

10. Before the dwellings hereby approved are occupied the garages, hardstandings and drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

11. 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 unless otherwise agreed by written consent of the local planning authority

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, without the prior written agreement of the local planning authority.

No removal of limbs of trees or other tree work shall be carried out unless approval has been sought and granted by the local planning authority.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan, without the prior written approval of the local planning authority. Any agreed works must be undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and BS 5837:2005 'Trees in Relation to Construction'

The tree works hereby approved shall be carried out in accordance with BS 3998 : Recommendations (2010).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A and E of Part 1 of Schedule 2 of the said Order shall be carried out.

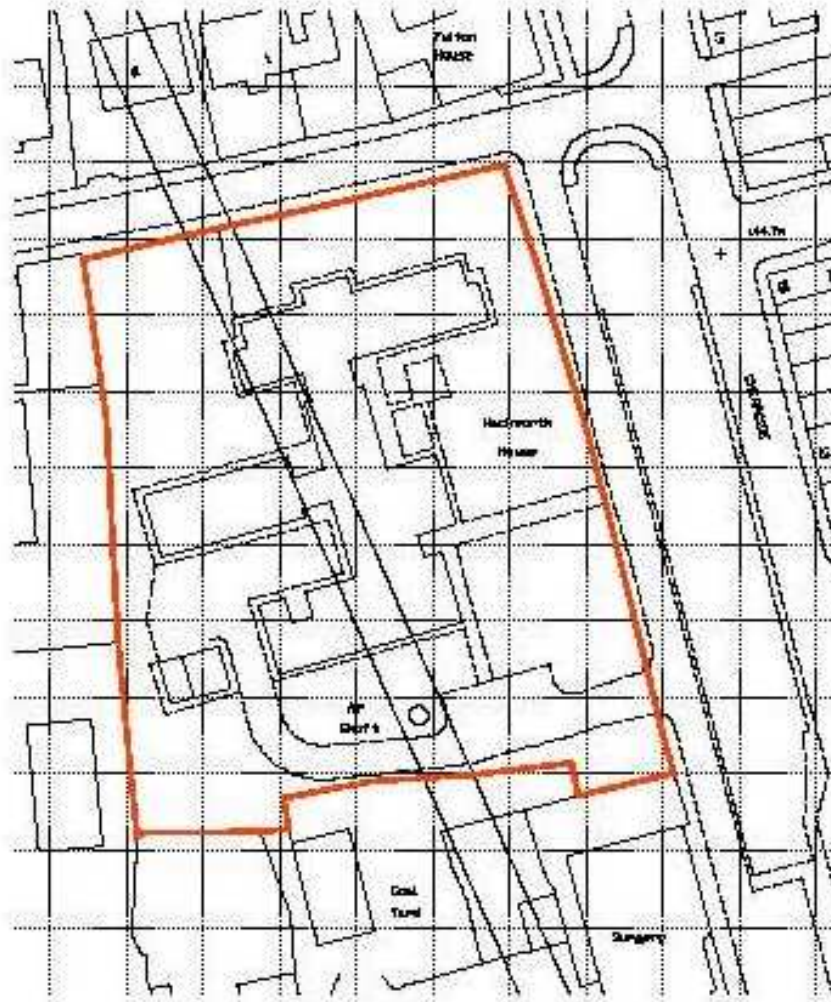
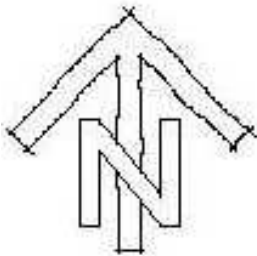
REASONS FOR THE RECOMMENDATION

13. The proposed residential development would represent the efficient and effective use of previously-developed land in a highly sustainable and accessible location, close to local amenities, public transport and educational facilities. The proposals are of an appropriate design, scale, layout and materials which would not result in significant adverse affects upon the residential amenity of adjoining residents, fauna, or detriment to highway safety. As such the proposals are considered to comply with of Policies D1, D2, D3, D5, E15, L1 and L2 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 2, 3, 4, 7, 8, 24, 38, and 39 of the North East of England Plan - Regional Spatial Strategy to 2021.

In particular those objections and concerns raised regarding the loss of tree cover within the site are not considered to be sufficient so as to justify refusal of this planning application bearing in mind the positive benefits of this scheme including the commuted sum which is to provide off site recreation provision and / or off site planting

BACKGROUND PAPERS

- Submitted Application Forms and Plans and supporting documents
 - Planning Policy Statement / Guidance Notes 1,3,9 13 and 22
 - Regional Spatial Strategy
 - Sedgfield Borough Local Plan 1996
 - Consultation Responses
 - Public Consultation Responses
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Application No:	7/2011/0301/DM
Location:	FORMER HACKWORTH HOUSE AGED PERSONS HOME CHEAPSIDE SHILDON CO DURHAM DL4 2HP
Proposal:	REDEVELOPMENT OF FORMER HACKWORTH HOUSE AGED PERSONS HOME TO CONSTRUCT 19 NEW HOUSES AND REVISED ACCESS AND ASSOCIATED WORKS