

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00101/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for residential development (Use Class C3) together with access, open space and landscaping with all matters reserved except for access.
NAME OF APPLICANT:	Theakston Estates Limited Ltd
ADDRESS:	Land South Of Dale Road Industrial Estate, Dale Road, Shildon, DL4 2RE
ELECTORAL DIVISION:	Shildon
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a largely rectangular shaped parcel of land located to the south eastern of Shildon to the south of the County. The site extends to approximately 12.47 hectares (ha) in area and comprises largely undeveloped land. There is a level change across the site, with the land falling approximately 9m in an easterly direction. The northern boundary of the site is partially bound by adopted highway which beyond lies the National Railway Museum, Locomotion and previously developed industrial land, the Bishop Auckland to Darlington Railway Line also lies to the north of the site. To the east of the site Hawthorn Grange Farm and Eden Fisheries are located. To the South of the site agricultural fields are and All Saints Industrial Estate are sited. The northern boundary of the site is bound by allotment gardens, residential dwellings and the access road leading onto Dale Road.
2. A public right of way (Footpath No.37, Shildon) crosses the south eastern portion of the application site in a north/south direction. There are informal pedestrian access paths extending across the site leading to the public right of way in an east/west direction.
3. The site is located approximately 40m to the south (separated by the Bishop Auckland – Darlington Railway Line) of Shildon Sidings Local Wildlife Site. Eden Grange Ponds, Local Wildlife Site lies approximately 270m to the east of the site. Midridge Quarry SSSI lies 530 to east of the site. Shildon Conservation Area which contains a number of listed buildings and structures lies approximately 60 m to the north west of the site. The Grade II Listed pedestrian railway bridge lies 30m to the north of the site.

The Proposal

4. This outline planning application seeks permission for the erection of up to 340 dwellings, including the means of access, with all other matters reserved. This permission would effectively replace an existing extant planning permission for 310 dwellings on the site and an adjacent piece of land. An illustrative masterplan has been submitted, which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off the existing highway infrastructure off Dale Road. It is indicated that there would be active frontages overlooking a central area of public open space which is arranged around the public right of way. The masterplan sets out that a landscape buffer would be created to the south and north western part of the site boundary incorporating landscaping and SUDs features. The dwellings would now be located on a previously proposed amenity area, with land to the north of the site proposed to be gifted to the Council for use in association with the Locomotion National Railway Museum.
5. The main vehicular access to the site would be retained off Dale Road which also serves the Locomotion Railway Museum. The existing junction would be widened and pedestrian footways installed. Pedestrian access routes would be provided in between the residential properties of 72 Dale Road and 7-9 Dale Grove, on to the public right of way crossing the site and onto an existing vehicular access track along the southern boundary.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

7. Outline planning permission (DM/14/03431/OUT) was granted in February 2017 for the erection of up to 310 dwellings with a 3.9ha community wildlife area. This permission is extant until February 2020.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore

at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Sedgefield Borough Local Plan (SBLP) 1996

22. *Policy E11 – Safeguarding of sites of Nature Conservation Interest* – Sets out that development which would be detrimental to the interests of nature conservation will not be normally permitted, unless it can be clearly demonstrated there are reasons for the development and that these would outweigh the need to safeguard nature conservation, there are no alternative sites and remedial measures are taken to minimise any adverse effects.
23. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
24. *Policy E18 – Preservation and Enhancement of Conservation Areas* – Sets out that that the character or appearance of conservation areas will be preserved or enhanced, by not normally allowing development proposals which would detract from their character and appearance and not allowing the demolition of buildings or structures. Applications are required to be supported by sufficient detail to demonstrate the impact of the proposal on such areas.

25. *Policy IB1 – Locations for Industry and Business* – Sets out that the Authority will normally approve applications that maintain in appropriate locations a range of land available for industry and business.
26. *Policy IB2 – Designation of Types of Industrial Estates* – Designates industrial areas though the Sedgefield Borough, including 4ha of land at Dale Road, Shildon as a General Industrial Estate.
27. *Policy IB6 – Acceptable uses in General Industrial Estates* – Sets out that within General Industrial Estates business, generally industry and warehousing will normally be considered acceptable. Whilst development proposals for other uses will be decided taking into account of the purposes of the areas as set out under policy IB1.
28. *Policy H19 –Provision of a range of house types and sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
29. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
30. *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
31. *Policy L5 – Safeguarding Areas of Open Space* sets out that the development of areas of open space will not normally be permitted unless for specific reasons. This includes the development of new recreational facilities, whether the site forms part of a small part of a larger area open space, an alternative area will be provided or a development will provide off street parking where there is a parking shortage. Should these requirements be met an assessment whether there is sufficient provision would be required
32. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
33. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
34. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
35. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.

36. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
37. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
38. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

39. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Sedgefield Borough Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Shildon Town Council* – Offer no objections to the applications, on the provision that there would be no adverse impact on Eden Grange Fishery in terms of surface water together with pollution from the development onto adjoining land. It is also advised that the Highway Authority look at traffic calming measures due to increased vehicular traffic from and to the development.
41. *Highways Authority* – Offer no objection advising that following a review of a revised Transport Statement the surrounding road network could adequately accommodate the development. The proposed access into the site is considered acceptable.
42. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
43. *Drainage and Coastal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme in support of any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

44. *Spatial Policy – Spatial Policy* – Advise the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). Policy IB2 designates a small part of the site for employment purposes, and Policy IB6 identifies appropriate uses in such areas. However, in line with advice in the NPPF (paragraph 120) the appropriateness of retaining sites for employment uses within the County has been tested through Employment Land Reviews (ELRs) in recent years, with the most recent version published in 2018. Given the extant planning permission for housing, the site was not assessed by the latest ELR as it was accepted at that point in time that the land was already lost to an alternative use (housing). Overall, the ELR identifies that there was sufficient employment land through the County to meet future needs without a contribution from this site. The ELR has informed the Preferred Options of the County Durham Plan (June 2018) and the allocation from the SBLP is not maintained within the emerging plan. This change in position, coupled with the more flexible approach promoted in the NPPF, leads to the conclusion that Policies IB2 and IB6 are out of date and the weight to be attributed to them in the decision making process reduced.
45. The remainder of the site has no allocation and is not afforded any protection in the SBLP, whilst housing policies within the SBLP are either absent or silent in how to assess housing proposals within Shildon. This is due to the expiry of policy H1 of the SBLP which set out general support for housing within Shildon, whilst other housing policies relate to development beyond settlement limits
46. The acceptability of the development proposal therefore rests within the planning balance test of paragraph 11 of the NPPF. As a result, the scheme should be granted planning permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of approving the development which would significantly and demonstrably outweigh the benefits.
47. *Assets* – Have reviewed the submitted viability appraisal and conclude that the assumed revenues, costs and residual land values are broadly acceptable.
48. *Design and Conservation* – Advise that given the outline nature of the application, with all matters reserved except for access the design considerations are limited. However the indicative layout is considered generally acceptable and would not harm the setting of the heritage assets adjacent to the site associated with the Stockton and Darlington Railway.
49. *Landscape* – Advise that the Indicative Outline Landscape Strategy shows that the layout and landscaping of this proposal are capable of delivering a good quality development in a pleasant visual environment.
50. *School Places and Admissions Manager* – Advise that a development of an additional 30 houses over and above the 310 approved could produce an additional 9 primary pupils and 4 additional secondary pupils. Based on the projected rolls of nearby schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
51. *Housing Delivery* – Advise that there is a policy requirement to provide 10% affordable housing units on the site. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.

52. *Ecology* – Raise no objection, advising that although there is no significant on-site delivery for biodiversity it is considered that the biodiversity impacts of the development can be mitigated through a financial contribution of £30,000 towards biodiversity enhancement off-site.
53. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is not in close proximity of an Air Quality Management Area, however, the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment >500 AADT LDV flows and 100 AADT HDV flows. Methods for the suppression of dust and particulates should be adopted during construction.
54. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure appropriate evaluation and mitigation where required.
55. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the proposed housing is in close proximity to existing industrial commercial noise sources, consideration should be given to whether there are noise and odour sources that could impact on the future occupants of the development.
56. *Archaeology* – Advise that the results of the geophysical survey should be tested on site through trial trenching before the submission of a reserved matters application, to be secured by condition.
57. *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent and crossing the development site. Officers consider that opportunities for improving links public rights of way network should be secured though the consideration of the reserved matters application or through offsite contributions through a S106 agreement.
58. *Sustainable Transport* – Advise that the site is large elements of the site are located within 400m of existing bus stops served by 2 buses per hour to a regional centre. A train service to Darlington and Teesside is also within an acceptable walking distance. Advice is offered of the indicative layout to ensure links to surrounding cycle and walking routes are achieved. A travel plan should be submitted in support of any reserved matters application to be secured by condition.
59. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.

NON-STATUTORY RESPONSES:

60. *Network Rail* – Offer no objection subject to ensuring that Network Rail infrastructure is protected from development. Further consultation is welcomed when detailed proposals are developed, particularly regarding the drainage system, landscaping of the site and relevant construction methods. Consideration should also be given to appropriate sound proofing for dwellings situated in close proximity to the railway.
61. *Coal Authority* – Offer no objections, subject to adopting a conditional approach to secure further site investigations and mitigation where required.

PUBLIC RESPONSES:

62. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

Objection

63. 3 letters of objection from local residents have been received in relation to the development as summarised below.
- Concerns are raised regarding the impacts of the proposed highway access works on adjacent residents parking
 - Alternative access points should be explored that do not use Dale Road.
 - Traffic calming measures should be incorporated onto Dale Road.
 - Concerns are raised regarding the passage of water from the development site into the adjacent Eden Grange fisheries while additional flows into local watercourses could spill into adjacent sites during storm events impacting of activities and water quality.
 - Concerns are raised regarding the revised scheme in relation to possibility of complaints from future residents regarding the operation of the fishery and associated activities particularly regarding the use of the access track and noise generated by the development.
64. Friends of Stockton and Darlington Railway – welcome the proposal to enhance the existing public footpath between the south side of Thickley footbridge and the estate spine road for use by pedestrians and pedal cyclists. It will form a key link in the proposed Stockton and Darlington Heritage Trail.

APPLICANTS STATEMENT:

65. The principle of development at the site has long been established and the site has an extant permission for 310 dwellings. The site is also acknowledged as a housing commitment in the emerging County Durham Plan.
66. This outline application is for up to 340 dwellings, representing an increase of 30 dwellings from the total already approved. This represents a more effective use of the site which is consistent with chapter 11 of the revised NPPF (July 2018). The proposals will help meet the identified housing needs within the local area and County by delivering a high quality and sustainable residential community well integrated with Shildon.
67. The development will deliver wider benefits by providing land to help maximise the potential of Locomotion through enabling it to grow and attract further visitors to the benefit of the local and regional economy. The development will also deliver further economic benefits to the local area, including:
- 36 full-time jobs will be created during the construction period of the development;
 - 55 indirect and induced full time jobs would be supported in the supply chain and related services;
 - £3 million of net additional expenditure will be generated locally once the development is occupied supporting the creation of almost 45 new full-time jobs in the local area in the retail, leisure and hospitality sectors;
 - £1.9 million of 'first occupation expenditure in order to make each house 'feel like home';
 - £36.5 million total capital investment as a result of the development;
 - £1.5 million in new homes bonus (NHB) and £495,000 in additional council tax payments in addition to the NHB.

68. When assessed against the policies of the NPPF (July 2018) as a whole, and the saved policies of the saved policies of the Sedgefield Borough Local Plan, it is clear that there are no adverse impacts which could be considered to significantly and demonstrably outweigh the benefits of granting planning permission. It is therefore our view that this application should be approved.

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: five year housing land supply, locational sustainability of the site, heritage impact, landscape and visual impact, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, other issues, and planning obligations.

The Principle of Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The SBLP was adopted in 1996. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.
71. The application site already benefits from an extant planning permission for some 310 dwellings. The current proposals would involve housing extending further eastwards but no longer in the area to the west of the existing car park serving the Locomotion Museum. The extant planning permission is material to the consideration of the merits of this scheme.
72. The western part of the application site is designated as a general employment site under saved Policy IB2 of the Sedgefield Borough Local Plan (SBLP), while saved Policy IB6 seeks to restrict uses to business, general industry and warehousing to ensure that sufficient employment land needed across the plan period. The development of this part of the site for housing and, therefore, the loss of employment land, would conflict with SBLP Policy IB6.
73. However, in accordance with advice in paragraph 120 of the NPPF, the appropriateness of retaining sites for employment uses within the County has been tested through an Employment Land Reviews (ELRs) recent years, with the most recent version published in 2018. Given the extant planning permission for housing, the site was not assessed by the latest ELR as it was accepted at that point in time that the land was already lost to an alternative use (housing). Overall, the ELR

identifies that there was sufficient employment land through the County to meet future needs without a contribution from this site. The ELR has informed the Preferred Options of the County Durham Plan (June 2018) and the allocation from the SBLP is not maintained within the emerging plan. Due to this change in position, coupled with the more flexible approach promoted in the NPPF, it is considered that SBLP Policies IB2 and IB6 are out date and the weight to be attributed to them in the decision making process is diminished accordingly and paragraph 11 is also engaged as a result

74. The remainder of the site is not subject to any specific land-use allocation and nor is it afforded any protection in the SBLP. Housing policies within the SBLP are either absent or silent as to the assessment of housing proposals within Shildon. This is due to the expiry of SBLP Policy H1, which set out general support for housing within Shildon, and on the basis that other housing policies relate specifically to development beyond settlement limits
75. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- approving development proposals that accord with an up to date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
76. Having regard to the above, the development would conflict with Policy IB6 of the SBLP which safeguards part of the site for general industrial uses. However, for the purposes of Paragraph 11 of the NPPF, the Development Plan is considered to be out of date in respect of the part of the site covered by that policy and silent in respect of that part of the site not so covered, in relation to the principle of development. As a result, the acceptability of the development largely rests on whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance and if not, whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Five Year Housing Land Supply

77. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. In applying that methodology for County Durham, the Objectively Assessed Need (OAN) figure would be 1,368 dwellings per annum (dpa).
78. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs

revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.

79. The development site forms part of the council's 5 year housing supply calculation, estimated to deliver 25 units within years 4 and 5 in recognition of the outline nature of the application and the market area.
80. Accordingly, the weight to be afforded to the boost to housing supply over and above the extant consent as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Locational Sustainability of the Site

81. The County Durham Settlement Study June 2018, ranks Shildon 11th out of 230 settlements (including clustered settlements) throughout County Durham. This is due to the presence of a range of employment sites, public transport hubs, including a train station, schools and health facilities. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. The site is 1850m to Shildon Town Centre which provides retail options and community facilities, 735m to the nearest Primary School, and 2200m to the nearest GP practice. The walking routes into Shildon Town Centre are also on adopted well-lit highways with no significant topographical restrictions.
82. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Shildon has a range of public transport options with the nearest bus stop 400m from the centre of the site, and the train station approximately 600m away.
83. Overall, it is considered that the proposed connections, walking distances and the frequency of the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with SBLP Policies T1 and D3, both of which are considered consistent the NPPF in this respect.

Heritage Impact

84. SBLP Policy E18 seeks to protect or enhance the character or appearance of conservation areas by not normally allowing development proposals which would detract from their character and appearance. The SBLP is silent in relation to the impact on listed buildings with policies E19 and E21 not forming part of the SBLP Secretary of State saving direction. Policy E18 is considered broadly consistent with the NPPF in this respect, which sets out at Part 15, that LPAs should recognise that heritage assets (including conservation areas and listed buildings) are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. This approach reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that

special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

85. The heritage assets in this instance are identified as the Shildon Conservation Area which contains a number of listed buildings and structures lies approximately 60 m to the North West of the site and a Grade II Listed pedestrian railway bridge which lies 30m directly to the north of the site. The applicant has submitted a heritage statement which appraises the impact of the development on the significance of these heritage assets.
86. In reviewing the submitted heritage assessment and considering the potential impacts of the development the Design and Conservation Officer advises that indicative layout is considered generally acceptable and would not harm the setting of the heritage assets adjacent to the site associated with the Stockton and Darlington Railway. In relation to the Shildon Conservation Area, which lies to the northwest of the site, it is considered that there is limited inter-visibility between the development site and the conservation area and therefore no harm would arise.
87. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. A geophysical survey of the site has been undertaken and tested with trial trenching with the majority of the site. However, this needs to be extended to the western quarter of the site, with a conditional approach recommended, including that the result are submitted before any subsequent reserved matters application.
88. Overall, it is considered, that the development would not adversely impact on heritage assets with the finer details to be secured through a reserved matters application. In this respect, the development is considered to comply with Policy E18 of the SBLP and Part 15 of the NPPF. Accordingly, the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been discharged.

Landscape and Visual Impact

89. SBLP Policy D1 requires developments to take account of the sites natural features and adopt appropriate landscaping. SBLP Policy E15 sets out that landscape features, including trees and hedgerows, should be retained in the layout of the developments. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. These policies are considered consistent with Parts 12 and 15 of the NPPF which seeks to promote good design, whilst protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies E15, D1, D2, D3 and D5 in this respect.
90. The application has been submitted in outline form, however, based on the indicative masterplan, it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout developed, which utilises active frontages, creates character areas and that would respond appropriately to the sites setting, while retaining the limited mature vegetation on site. These matters would be reviewed in detail in a subsequent reserved matters application.

91. Overall, subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies E15, D1, D2, D3 and D5, and Parts 12 and 15 of the NPPF.

Highway Safety and Access

92. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF sets out at Paragraph 108 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition, Paragraph 108 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over the safety of the surrounding road network and location of the access has been raised by local residents.
93. It is proposed that the main vehicular access to the site would utilise the existing T-junction vehicular access onto Dale Road, with some minor highway widening and alignment. A Transport Assessment (TA) has been submitted in support of the application that considers the impact of the development on the surrounding road network and concludes that the development would have an acceptable impact on relevant junctions.
94. In reviewing the proposals, the Highway Authority note that the original scheme for the development of the site did proposed a roundabout in lieu of a T-junction. However the principle of accessing the development by a T-junction was established in application 7/2013/0279/DM which has now lapsed. Notwithstanding this, it is advised that the T-junction to provide access into the site remains acceptable, as considered in the revised TA. Subject to a condition to agree the finer detail of the access works, provision of the visibility splays and ensure implementation. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application.
95. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP Policy D3 and Part 9 of the NPPF in this respect.

Residential Amenity

96. SBLP Policies D1 and D3 requires that the design and layout of development should have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These policies are considered compliant with Part 12 of the NPPF, which seeks to secure a high standard of amenity for existing and future users.
97. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances, whilst

recognising their outlook would change, it is considered that there would not be a significant reduction in the amenity of existing occupiers in terms of overlooking, privacy and outlook. Further scrutiny of this matter and the internal site layout would be given at the subsequent reserved matters stage.

98. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be mitigated to an appropriate degree.
99. The Environmental Health and Consumer Protection Officer does identify that the proposed dwellings are located in close proximity of a number of noise sources which have the potential to reduce the amenity of future residents and potentially creating issues around statutory Noise Nuisance. The main noise sources relate to industrial premises on the Dale Road industrial Estate, Locomotion Museum and the Bishop Auckland-Darlington railway. No Noise impact assessment has been submitted with this application appraising the impact of these noise sources. However, mindful of the applicants fall-back position of an implementable scheme for 310 dwellings and that no dwellings would be located any closer to the Industrial Estate or Locomotion Museum, a conditional approach can be adopted as previously secured. It is considered likely that mitigation measures such as acoustic fencing and/or improved glazing could be adopted to minimise any impact without adversely affecting the layout. In relation to the Bishop Auckland-Darlington railway, the indicative layout submitted with the application shows that dwellings could be located in closer proximity than previously approved, however, a conditional approach and agreement through the submission of reserved matters is considered appropriate, particularly as potential restrictions under statutory nuisance would not apply to transport infrastructure.
100. Concerns have been raised from Eden Grange Fisheries regarding a potential impact associated with activities on the site and the coming and going of vehicles along an access track to the south of the site. However, this disturbance would be similar to the approved scheme, while recognising that development would extend further to the east. A buffer is also proposed to the eastern site boundary of approximately 13m, to the gardens of residential properties.
101. Overall, the scheme subject to the above conditions would comply with SBLP Policies D1 and D3 and Part 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing residents whilst mitigating any impact on future residents.

Ecology

102. Part 14 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located approximately 40m to the south (separated by the Bishop Auckland – Darlington Railway Line) of Shildon Sidings Local Wildlife Site. Eden Grange Ponds, Local Wildlife Site lies approximately 270m to the east of the site. Midridge Quarry SSSI lies 530 to east of the site.
103. An ecological impact assessment has been submitted in support of the planning application. It is concluded that no species specially protected by law would likely be adversely affected by the proposals. Mitigation planting is proposed in the landscaped areas and areas of open space along with controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes. It is, however, identified that there is the potential for an adverse impact on the Shildon Sidings Local Wildlife Site as a result of an increased number of residents using the area for

recreational purposes particularly, as this scheme does not propose an amenity/habitat creation area. In order to address this the applicant proposes a £30,000 off site contribution for the Council to deliver mitigation and management initiatives in the area to offset the impact of the development.

104. Subject to delivering this mitigation and subject to further review of the reserved matters application the Ecology Officer raises no objections to the application. The development is therefore considered to conform to SBLP Policy E11 (consistent with the NPPF) and Part 14 of the NPPF in this respect.

Flooding and Drainage

105. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
106. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a high level drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) to capture and treat surface water in 1 and 100 year flood events to discharge at greenfield run off rates. In line with the extant permission subject to securing the detail of this approach once a layout in a reserved matters application is developed, Drainage and Coastal Protection Officers raise no objections to the development or the overall drainage strategy. Northumbrian Water also advises a conditional approach to managing surface water discharge. A conditional approach would allow Network Rail the opportunity to review and comment to safeguard their assets.
107. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water drainage system. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
108. Objections have been raised from Eden Grange Fisheries to the east of the site regarding the passage of water from the development site into the adjacent Eden Grange Fisheries, while additional flows into local watercourses could spill into adjacent sites during storm events impacting on operations and water quality. The scheme would likely discharge to an existing railway line to the north of the site as existing, however, by restricting the discharge rate to greenfield runoff across all storm events equates to a 43% reduction over the 30-year storm event and a 52% reduction across over the 100 year storm event providing a betterment.
109. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

110. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended.

After reviewing the submitted report, Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.

111. The site lies within the Coal Authority High Risk Area of previous mine workings, the applicant has prepared a geo environmental appraisal which identifies the likelihood of previous coal workings under the site. On review of this assessment the Coal Authority offer no objections but advise a conditional approach with site investigations and detailing appropriate mitigation where required.

Other Issues

112. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. It is however advised that the development should be screened against the Stage 2 Indicative criteria for requiring an air quality assessment of >500 Annual Average Daily Trips (AADT) Light Duty Vehicles flows and 100 AADT Heavy Duty Vehicles flows. In this instance it is considered that an additional 30 dwellings over and above the extant scheme would not exceed the stage 2 criteria. Methods for the suppression of dust and particulates should be adopted during construction, which would be secured by planning condition.
113. The School Places and Admissions Manager advises that a development of an additional 30 houses over and above the 310 unit extant scheme could produce an additional 9 primary pupils and 4 additional secondary pupils. Based on the projected rolls of nearby schools, taking into account the likely implementation of the development, build out rates and other relevant committed development (including the approved scheme) it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
114. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. However, the NPPF is silent on art, and as such, Policy D9 is considered to not be consistent with the NPPF and therefore limited weight should be afforded to the policy. In this case, it is considered that public art provision is not necessary to make the development acceptable.

Planning Obligations

115. SBLP Policy H19, in accordance with Part 5 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment 2018 and equates to a minimum of a 10% provision on site.
116. SBLP Policy D8 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore SBLP Policy L1 and L2 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are be expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018 which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.

117. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
118. In this instance the indicative site layout indicates that around 1.5ha of open space would be provided on site. This would exceed the requirements of 2018 OSNA in respect of Amenity open space (0.75ha required) and Natural Green Space (0.75ha required) typologies. However in order to meet the Allotment (0.67 ha), Parks and Gardens (1ha) and play space (0.07ha) an off-site contribution of £535,194 would be required.
119. The NPPF at paragraph 57 sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. This matter has been considered in the extant consent where requirements for affordable housing were reduced and no off site contribution for open space was secured (although recognising there was an onsite provision)
120. Advice has been sought on this matter from the Council's Assets and Spatial Policy Sections in this matter who have considered in detail a revised viability appraisal including baseline costs against industry standards and reviewing the likely income generated from the development. Having tested these assumptions once development costs are taken from expected sale values, and factoring in an appropriate rate of return for the land owner the viability of the site is considered marginal and could not bear the costs of affordable housing provision or offsite contributions towards recreation provision. This is due to the land acquisition costs, abnormal costs in relation to land stability and relatively low anticipated sales revenues in the area. Having regard to the advice within the NPPF and NPPG, it is accepted that the development could not mitigate its impacts in relation to open space and recreation provision or deliver affordable housing provision whilst remaining viable. These are adverse impacts that would need to be considered in the planning balance.
121. The Employability officer requests that Targeted Recruitment and Training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and no weight should be afforded to it in the decision making process.
122. As highlighted above the applicant proposes to transfer approximately 1.5ha of land to the Council to be used for the expansion of the Locomotion National Railway Museum on the grant of planning permission. However, as set out above, planning obligations secured by way of a S106 legal agreement should be; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The transfer of land is not necessary to make the development acceptable and therefore, this must be viewed as a voluntary arrangement and no weight should be afforded to it in the decision making process.

Planning Balance

123. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11 of the NPPF. No policies that protect areas or assets of particular importance have been identified therefore in order to justify the refusal of planning

permission any adverse impacts must significantly and demonstrably outweigh any benefits.

Benefits

124. On the basis of the extant planning permission, the site currently contributes towards the Council's identified housing land supply; however, given that the currently supply is in excess of 5 years when measured against the Governments Standard Methodology the benefit of the increase of 30 dwellings is limited, particularly considering the outline nature of the scheme.
125. The scheme would deliver housing in a sustainable, accessible location, within one of the County's main towns with good transport links.
126. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.

Adverse Impacts

127. The development would not contribute to the supply of affordable housing in the County contrary to SBLP policy, it is, however, recognised that a large proportion of the houses would be offered at the lower end of the market, whilst there is large supply of houses within Shildon which would fall below the Council's defined affordable level.
128. The development would increase pressures on allotment, parks and gardens and play space typologies within Shildon without any onsite provision or offsite mitigation.

CONCLUSION

129. The development would conflict with Policy IB6 of the SBLP representing housing on an allocated employment site. However, as SBLP IB6 is out of date and the SBLP is silent in relation to housing supply policies in Shildon, the presumption in favour of sustainable development is engaged. The residential development is, therefore, required to be considered in the context of Paragraph 11 of the NPPF, which states that planning permission should only be refused where there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development which would significantly and demonstrably outweigh the benefits. There are no policies identified that protect areas or assets of particular importance in this case.
130. The development would increase pressures on open space and recreational facilities in the area and would not deliver affordable housing. However, due to the viability position of the site and the benefits of maintaining housing land supply in a sustainable location for the purposes of Paragraph 11, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with relevant SBLP policies.
131. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards offsite ecology mitigation is

considered necessary for the development to be considered acceptable and therefore meet the relevant tests.

132. However, the transfer of land and the provision of Targeted Recruitment and Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of: £30,000 towards offsite biodiversity enhancement; voluntary obligations in respect of the Transfer of land to the Council; voluntary obligations in respect to Targeted Recruitment and Training clauses; and subject to the following conditions:

Approval of reserved matters

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") for the relevant phase shall be obtained from the Local Planning Authority in writing before any development is commenced on that phase other than investigation and remediation works.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Time Limit of reserved matters

2. Application for approval of reserved matters for the first phase of the development 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 first reserved matters for that phase. In case of approval of reserved matters for subsequent individual phases on different dates, development of each phase must be begun not later than the expiration of two years from the approval of the first reserved matters for that phase. All reserved matters shall be submitted within a period of 10 years from the date of this permission.

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.

Phasing

3. Prior to the application for approval of reserved matters for the first phase of the development a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase or part thereof submitted pursuant to Condition 2 above shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition.

Reason: To define the consent and ensure a satisfactory form of development is obtained.

No. of dwellings

4. The development hereby approved shall comprise a maximum of 340 dwellings

Reason: To define the consent and precise number of dwellings approved.

Design Principles

5. Application for approval of reserved matters for the relevant phase of development shall be in general accordance with the design and layout principles set out in the Design and Access Statement dated January 2018.

Reason: In the interests of visual amenity and good design and in order to secure biodiversity enhancements in accordance Policies D1, D2, D3, D5 and T1 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Highway Improvement Works

6. Prior to the occupation of the first dwelling the highway improvement works including visibility splays set out in Fore Consulting Drawing: Proposed Access Arrangement From Dale Road – 2026 SK001 01 shall be fully constructed and visibility splays laid out.

Reason: In the interests of highway safety in accordance with Policies D1, and H24 of the Sedgefield Borough Local Plan and Part 9 of the National Planning Policy Framework.

Ecology

7. The development of any phase shall be carried out in accordance with the mitigation outlined within the Ecological Impact Assessment version R09 dated January 2018 compiled by E3 Ecology.

Reason: To ensure retained habitat is protected and to conserve protected species and to secure biodiversity enhancements in accordance with Part 15 of the National Planning Policy Framework.

Lighting Scheme

8. No dwelling shall be occupied in any phase until a lighting scheme for all external areas has been submitted to and approved in writing by the Local Planning Authority for that phase. The lighting scheme shall include:
 - 1 A layout plan showing the location of proposed lighting;
 - 1 A schedule of the equipment, levels of illumination and beam orientation to minimise the effect on local wildlife; and
 - 2 The proposed hours of illumination.

Thereafter, the approved lighting scheme shall be implemented in accordance with the approved phasing scheme and be retained for the life time of development.

Reason: In the interests of nature conservation, visual and residential amenity, having regard to Policies D1 and D5 of the Sedgefield Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Travel Plan

9. Prior to the occupation of the first dwelling of the relevant phase a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 8 and 9 of the National Planning Policy Framework.

Final Travel Plan

10. Within a period of six months of the first occupation of the first dwelling of the relevant phase, a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Parts 8 and 9 of the National Planning Policy Framework.

SUDS

11. Reserved matters application for the relevant phase shall include a detailed scheme for the disposal of foul and surface water for that phase for approval by the Local Planning Authority. The submitted scheme shall be based on sustainable drainage principles set out in Queensberry Design Limited, Drainage Statement, September 2018 and the "Surface Water Principles" contained within the County Durham Surface Water Management Plan 2011 (or updated) and shall include:-

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained.

The development there after shall be carried out in accordance with the approved scheme.

Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 14 and 15 of the National Planning Policy Framework.

Noise Mitigation

12. Reserved matters applications for the relevant phase shall include a scheme of noise mitigation measures for that phase, in accordance with an up to date noise impact assessment which considers the impact of surrounding land uses on the development. The development shall thereafter be carried out in accordance with the approved noise mitigation measures.

Reason: To protect the residential amenity of future residents from potential adjacent noise sources to comply with policy D1 of the Sedgfield Borough Local Plan and Part 15 of the NPPF.

Noise Mitigation

13. No dwelling 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.

Reason: To protect the residential amenity of existing and future residents from the development having regard to Policy D1 of the Sedgfield Borough Local Plan and part 15 of the NPPF.

Working hours

14. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Construction Management Plan

15. No development shall commence until a Construction Management Plan covering that phase shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is

required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Land Stability

16. Prior to the submission of any reserved matters application for the relevant phase a scheme to stabilise the site in relation to former coal mining activity for theta phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:

- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
- The undertaking of that scheme of further intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated 'no-build zone' for the recorded mine entry which may be required and a time frame Implementation of those remedial works.

The scheme thereafter shall be implemented in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 15 of the NPPF.

Archaeology

17. No development within the land identified within Figure 2 of the Geophysical Survey Report ref NAA 17/17 Dated May 2017 shall take place until a scheme of archaeological work in accordance with a written scheme of investigation for that area has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

The archaeological mitigation strategy for that phase shall be carried out in accordance with the approved details and timings.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

Land Contamination

18. The development of any phase shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 15 of the NPPF. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information

The National Planning Policy Framework

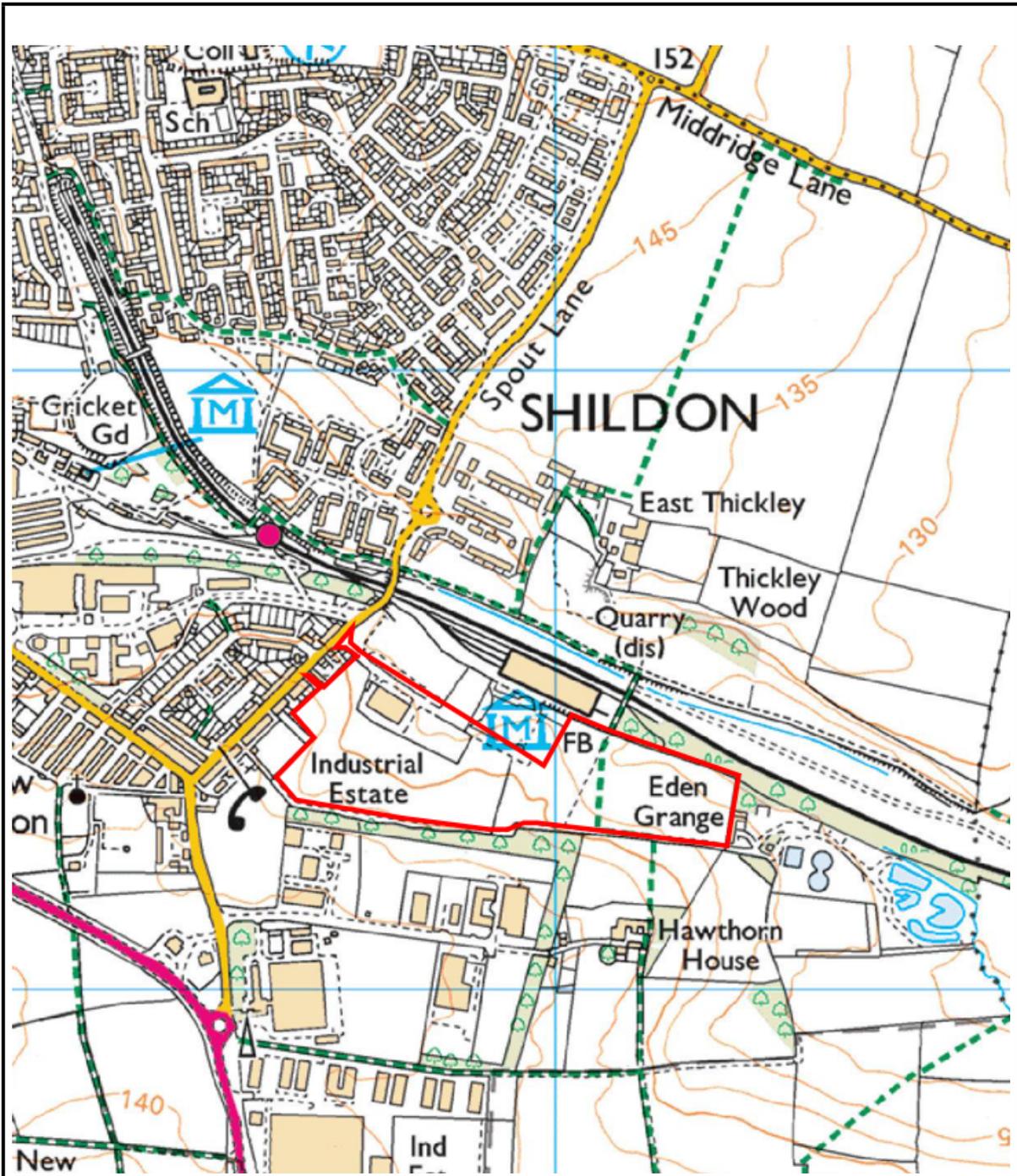
National Planning Practice Guidance Notes

Sedgefield Borough Local Plan

The County Durham Plan (Preferred Options)

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



Planning Services

Outline planning application for residential development (Use Class C3) together with access, open space and landscaping with all matters reserved except for access.
DM/18/00101/OUT

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Comments

Date September 2018

Scale Not to scale