



## Area Planning Committee (South and West)

**Date** Thursday 18 January 2018  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 14 December 2017 (Pages 3 - 14)
5. DM/17/03662/FPA - Land at Wordsworth Road, Chilton, Co Durham (Pages 15 - 28)  
Erection of 18no. bungalows
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
10 January 2018

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)  
Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,  
K Liddell, C Martin, A Patterson, G Richardson, J Shuttleworth,  
L Taylor, F Tinsley and S Zair

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 14 December 2017 at 2.00 pm**

**Present:**

**Councillor H Nicholson (Chairman)**

**Members of the Committee:**

Councillors J Atkinson, D Bell, L Brown, J Clare (Vice-Chairman), E Huntington, C Martin, A Patterson, G Richardson, J Shuttleworth, L Taylor and S Zair

**1 Apologies for Absence**

An apology for absence was received from Councillor Tinsley.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

Councillor Atkinson declared an interest in Agenda Item 5(b) – Garage Block, Armstrong Close, Newton Aycliffe and would leave the Chamber during consideration of this Item.

Councillor Richardson referred to Item 5(d) – Green View Lodge, Hamsterley and informed the Committee that he was a Member of South Bedburn Parish Council. He had been present at the Parish Council meeting when the application had been considered but had taken no part in the discussion.

**4 Minutes**

The minutes of the meeting held on 23 November 2017 were agreed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/17/00244/OUT - Land At Catkin Way, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding an application for outline planning permission for 101 residential dwellings and means of access (all other matters reserved) on land at Catkin Way, Bishop Auckland (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, views across the site and an indicative schematic layout.

The Senior Planning Officer informed the Committee that it was proposed to amend Conditions 3 and 4 in the report so that the trigger point for highways improvement works was prior to the occupation of the 10th dwelling rather than prior to the occupation of the 30th dwelling.

In **moving** approval of the application, Councillor Shuttleworth informed the Committee that it was a good redevelopment of a brownfield site.

In **seconding** approval of the application, Councillor Richardson agreed that it while it was good use of a brownfield site, the extra traffic generated could cause pinch points on the surrounding roads.

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- £241,000 for offsite highway mitigation works and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

and the conditions, as amended, contained within the report.

Councillor J Atkinson left the meeting.

**b DM/17/03602/FPA - Garage Block, Armstrong Close, Newton Aycliffe, Co Durham**

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of two dwellings, including the demolition of garages, at Armstrong Close, Newton Aycliffe (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation of the application which included a site location plan, photographs of the site, a proposed site plan and proposed elevations.

The Planning Officer informed the Committee that a previous application for the site, which was for 5 dwellings, had been refused by Committee in February 2017 and a subsequent appeal had been dismissed on the grounds of the loss of open space. This was a smaller application which would not result in the loss of open space.

Councillor R Fleming of Great Aycliffe Town Council addressed the Committee to object to the application. Councillor Fleming informed the Committee that he had represented the area of the application for 31 years as a County Councillor, District Councillor and Town Councillor and had represented local people earlier in the year

when the application for 5 dwellings had been unanimously refused by Committee and by the Planning Inspector on appeal.

Although the application was now only for two dwellings, other reasons for refusal of the application remained, including the unreasonable impact on amenity caused by an increase in on-street parking. Refusal of the previous application had also been reused on the grounds that the economic and social benefits of the development were outweighed by its adverse impacts, and this was still valid for this application. The current application would lead to increasingly difficult traffic conditions in the area and exacerbate the problem of parking on footpaths, which currently existed.

Ms C Walton of Great Aycliffe Town Council addressed the Committee. The Great Aycliffe Town Council had considered the application and objected to it. The previous application had been refused on the grounds of the loss of open space and the negative impact on the character and heritage of Newton Aycliffe. Although this application now fitted better, with only two dwellings proposed, the benefits of it still did not outweigh the detrimental impacts of it. The development would lead to the exacerbation of on-street parking problems and create very narrow streets for emergency vehicle access. Paragraphs 11 to 13 of the Planning Inspector's report on the previous application were still valid. There was concern that the selling off of small parcels of land such as the application site was the thin end of the wedge and set a precedent which would lead to further applications. Ms Walton asked that the application be refused.

The Planning Officer informed the Committee that the application would provide four off-street parking places and that the Planning Inspector had dismissed the highways argument for the previous application. The Highways Authority had raised no objections to the application.

Mr A Glenwright, Principal DM Engineer informed the Committee that the Planning Inspector, at paragraphs 19 to 28 of his decision, considered that the previous development of five dwellings would not be sufficiently detrimental to refuse on highways grounds. This application was now for only two dwellings and proposed parking provision which was in excess of the Council's parking standards. There would be no grounds to defend a planning appeal if the application was dismissed on highways grounds.

Mr A Lang, agent for the applicant, addressed the Committee. The Planning Officer's report considered that the amenity, access, car parking, scale and design of the proposed development was acceptable. The Planning Inspector in his appeal decision on the previous application, as well as highways officers, concluded that both this and the previous application were acceptable on highways grounds.

The application was not the thin end of the wedge and each application would be considered on its own merits. Approval of the application would therefore not set a precedent. The revised application addressed the issues raised in the Planning Inspector's decision letter by reducing the number of proposed dwellings to two and not resulting in the loss of any green space. There had been four local objections

to the proposed development and this was fewer than the number of objections to the previous application. Mr Lang asked the Committee to approve the application.

Councillor Martin informed the Committee that he was not comfortable with the application. Although he was grateful that the application would now lead to no loss of green space, it would lead to the loss of 14 garages which, in his view, were more of a community asset than the proposed two dwellings. Seven of the garages were still in use. Highways arguments were not an issue, and it was pleasing that the application would provide four parking spaces. Councillor Martin informed the Committee he would like to reject the application.

Councillor Patterson informed the Committee that she had been a member of the Committee which had rejected the former application for five dwellings. This application now proposed onsite parking and retained open space and parking opposite the garages. If the Committee was to refuse the application and an appeal followed which then overturned the decision of the Committee, the County Council would be liable for costs. There was very little available to reject the application. Councillor Patterson asked the current occupancy rate of the 14 garages.

Mr Lang confirmed that 7 of the 14 garages were currently occupied, the same as at the time of the previous application.

Councillor Shuttleworth informed the Committee that many people wanted a garage with their house and he did not consider it right that this be taken away.

Councillor Richardson informed the Committee that it was a new application which he could find no legitimate reason to refuse, and he was therefore leaning towards approval.

Councillor Clare informed the Committee that the application demonstrated the effectiveness of the Great Aycliffe Neighbourhood Plan (GANP). The previous application, which was dismissed by the Committee, was contrary to the GANP and this had been vindicated at appeal. This amended application for two bungalows would not lead to the loss of open space and provided four off-street parking places, which was in line with the GANP. A precedent had been set that the GANP must be adhered to if planning applications were to be approved.

Although the removal of garages would have a cumulative effect of increasing pressure to on street parking, this argument would not be considered at any planning appeal. Councillor Clare did not consider that the benefits of the application were significantly and demonstrably outweighed by the losses.

Councillor Nicholson reminded the Committee that, while the garages may be considered by some Members to be a community resource, they belonged to a private enterprise which could serve notice to terminate tenancies at any time.

Councillor Martin replied that garages could be used for storage purposes as well as for parking and were therefore a significant resource. Being privately owned did not mean they were not a community resource.

**Moved** by Councillor Richardson, **Seconded** by Councillor Patterson and

**Resolved:**

That the application be approved subject to the Conditions contained in the report.

Councillor J Atkinson re-joined the meeting

**c DM/17/02903/FPA - Plots 2 and 3, Dean Lane, Spennymoor, Co Durham**

The Committee considered a report of the Planning Officer regarding an application for two detached dwellings on Plots 2 and 3 Dean Lane, Spennymoor (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs, proposed site plan, plans and elevations. Members of the Committee had visited the site and were familiar with the location and setting. The Planning Officer informed the Committee that it was proposed, should the application be approved, to add a Condition to secure yellow line markings prior to the occupation of the two dwellings.

Councillor A Gardner, local Member, addressed the Committee to object to the application. Councillor Gardner informed the Committee that he was a long-standing resident of Green Lane. Initially it was thought that one house with large gardens was to be built on the development site in line with other properties on Green Lane. In 2014 planning permission was granted for the development of two properties on the site. The developer was now seeking to develop three properties on the site and this was an example of maximising profit with no social responsibility.

As a result of the proposed development, the residents of numbers 1, 2 and 3 Watson Park would face onto a 1.8 metre high fence, which was higher than the front windows of these properties and would be less than 6 metres away from them. Paragraphs 29 and 37 of the report refer to the proposed two dwellings being a continuation of Green Lane, yet they were to the rear of a property which faced onto Green Lane. Councillor Gardner also failed to see how the proposed two properties would be an effective intermediate between larger development to the south and smaller plots to the north, as referred to at paragraph 38 of the report.

Paragraph 35 of the report referred to the development site having good links to local amenities, however it was served by only one bus service which operated half-hourly between 8.30 a.m. and 5.30 p.m. This bus service took such a circuitous route to Spennymoor that it was often faster to walk. Councillor Gardner suggested that the site did not have good links to local amenities unless a car was used.

All Members of the Spennymoor Town Council objected to the proposed development as did all Ward Councillors, and the former portfolio holder for

economic regeneration on the County Council also objected. Councillor Gardner asked that the application be refused.

The Planning Officer replied that the previous planning application had been for two dwellings on the whole site, which was followed by an application to build the house which was currently under construction and another two. The principle for residential development had been established and was considered acceptable. The 1.8 metre fence lowered for visibility splays and to the front of the properties would be 0.9 metres high, as detailed at paragraph 47 of the report.

At the request of Councillor Richardson, the Planning Officer illustrated the vehicular access to the property currently under construction at the front of the site and confirmed that if this permission was approved the developer would be unable to build a second property.

Councillor Shuttleworth informed the Committee that it should take consideration of the representations of local Member and Town Council.

Councillor Patterson sought clarity from the highways officer on the visibility splays. A Glenwright, Principal DM Engineer replied that visibility splays would be 2.4 x 45 metres and as such visibility would not be an issue.

Councillor Patterson asked whether any commercial traffic used the road. The Principal DM Engineer replied that all industrial traffic was routed via York Hill Road to the north.

Councillor Clare informed the Committee that it was difficult to approve an application when local Members were unanimously opposed to it. However, if the Committee was minded to refuse permission, it would need to find valid planning grounds on which to do so. The presentation made by Councillor Gardner was opinion, and more than this was needed to refuse an application. Referring to Councillor Gardner's presentation about links to local services, Councillor Clare informed the Committee that permission for all the houses currently in the street should have been refused were this the case. Councillor Clare did not consider that the proposed properties would be overbearing as they would be offset and side on to other properties, which themselves were large town houses.

Councillor Clare informed the Committee that he could find no grounds to refuse the application and **moved** approval. **Seconded** by Councillor Atkinson and

**Resolved:**

That the application be approved subject to the Conditions contained in the report, with an additional Condition that to secure yellow line markings prior to the occupation of the two dwellings.

**d DM/17/02967/OUT - Green View Lodge, Hamsterley, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding an outline application, all matters reserved except access, for the construction of 12

dwellings, including the demolition of farm buildings, at Green View Lodge, Hamsterley (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and indicative site layout plan. Members of the Committee had visited the site and were familiar with the location and setting.

The Senior Planning Officer informed the Committee that tree preservation orders had been recently served on some trees on the site.

Councillor H Smith, local Member, addressed the Committee in support of the application. The application was to build 12 houses, including 2 affordable homes, on a site that was currently a pig farm. The siting of a pig farm in the middle of a village, next to the primary school and the village Social Club was a most unsuitable site. However, it had been there many years, and was under new ownership in the last 2 years. If it was to continue as a pig farm the buildings and equipment required major expense to update them.

The pig farm was not popular with local people. Local residents complained about the smell from the farm, which they said had adverse effects on their health and lifestyle. The council's environmental health department had received complaints about the smell and had investigated. The smell varied from day to day, and at times had been so strong that the school children were unable to play outside. Councillor Smith lived in the village and on certain days the smell was very noticeable at her house some 500 yards away.

The prospect of the development on the pig farm was popular with local people. The applicants distributed a leaflet to residents and received almost universally positive responses, with several people asking if they could put their name down to buy one of the proposed properties. Councillor Smith had not spoken to anyone who was not in favour of it.

Rural communities needed new housing, especially affordable housing, to encourage local young people to stay in the village or new families to move there. Without that they risked atrophy.

Part 6 of the NPPF said that "Local Planning Authorities should seek to deliver a wide choice of high quality homes, and widen the opportunity for home ownership to create sustainable, mixed, inclusive communities." The proposed development would do just that. It also stated that "housing should be sited where it will enhance or maintain the vitality of rural communities". This would fulfil that too. Its proximity to an excellent primary school would be attractive to young families.

NPPF Part 7 required good design in new building and in Councillor Smith's view these houses would be sympathetically designed to fit into the village landscape.

Part 8 said that "Local Planning Authorities should create a shared vision with communities of the residential environment and facilities they wish to see". Local people wished to see this development built.

The Hamsterley Parish Council raised some concerns about the access road and the risk of accidents, but the Highways Officer did not consider the access detrimental to highway safety. They also raised a concern about parking congestion because of the proximity to the school. However, the proposed dwellings, which were adjacent to the school, would have designated parking spaces within the development so there would be no need for their cars to be parked outside the school.

The other local Parish Council, that of South Bedburn, was in favour of the development and indeed would like more affordable homes.

The site was stated to be of low ecological value.

The weight being placed on the saved Teesdale Policy ENV1 was an issue for debate. The report stated that the policy was considered out of date in relation to housing supply. The traditional settlement boundaries of Hamsterley were a linear village along the main road, but planning permission for several houses had been given for building behind the main line of housing along Saunders Avenue, creating a second row in a few places, so the precedent had been set.

If the secondary aim of the saved policy ENV1 was to “protect the value and character of the countryside” then this was a matter of interpretation. The area in dispute was the part of the field to the west of the pig houses which was currently overgrown and unutilised. The planning officer felt that the applicant had understated the value of this land in terms of visual amenity, while the applicant’s view was the opposite, and that the value of this piece of land was overstated in the planning report. Having visited the site this was for Members of the Committee to decide.

The creation of an access road into the development would require the loss of a very small portion of village green. The planning report said that the “effect on a section of the village green would have a materially harmful impact on the character and appearance of the village”. Having visited the village the Committee would have seen the extensive areas of village green on both sides of the road that would be completely unaffected by this access road and the loss of what amounts to a few square metres of grass.

Councillor Smith supported this development, not just as a county councillor, but also as a resident of Hamsterley, and she believed the vast majority of village residents did. Without new development villages withered. Without new housing local young people had to move away and local facilities, and especially the school, had an uncertain future.

This development was needed, was in the right place, the design was sympathetic to the village location, the effect on the visual amenity of the local, rural landscape was not detrimental, and the obstacles could be overcome. Councillor Smith asked the Committee to approve the application.

Mr Betney, applicant, addressed the Committee. The current location of the pig farm in the middle of the village was far from ideal. He and his two sons wanted to continue farming and the money which would be realised from the development would be re-invested in the farm.

Mr Lavender, agent for the applicant, addressed the Committee. Mr Lavender informed the Committee that the report on the application contained inaccuracies. The report referred to the settlement boundaries of Hamsterley, yet settlement boundaries were now outdated and not valid. There was no reference in the report to the public consultation exercise which had taken place, the response to which was highly supportive for the proposed development, and the Working Men's Club which was at the entrance of the development site also raised no objection.

Paragraph 70 of the report referred to the access road to the proposed development which it stated would be unlike any other residential access in the village. However, the access road would be the same as that to Bedburn Road some 100 metres away.

The benefits of the proposed development would outweigh any impacts of it, with an offensive pig farm being replaced by housing.

Mr Lavender was aghast to learn that a tree preservation order had been served on trees on the proposed development site. He had no knowledge of this and had not been informed of it some three days ago when discussing the application with planning officers. Tree preservation orders should not be used as a means of preventing development.

Mr Lavender informed the Committee that the applicant had no issue with the provision of two affordable dwellings at a price appropriate to the Local Planning Authority. The development of only the pig farm area of the site was not financially viable for Mr Betney's future farm plans and this was the reason for including part of the adjoining field in the application.

Councillor Nicholson asked whether the Council was aware of the public consultation exercise, the reason for the serving of tree preservation orders and whether the price of affordable housing was determined by the housing market in the area or a price determined by the planning authority.

The Senior Planning Officer informed the Committee that it was accepted the consultation exercise had taken place and this was for Members to consider. The tree preservation order had recently been served not with the purpose of preventing development but in an attempt to retain some of the existing planting to assist in bedding the development into the landscape. Hamsterley was an area of relatively high property values and there had been no formal indication that the developer would be willing to meet the County's maximum affordable price of £96,500 for the 2 affordable units.

Councillor Nicholson reminded the Committee that the loss of the village green was outside of the planning application and was not a planning consideration. The Senior Planning Officer confirmed that, while the application involved the loss of a

small section of village green, this would not be a reason to withhold planning permission and was a matter for the applicant to deal with.

Councillor Nicholson sought clarification from the applicant whether the provision of two affordable housing units at £96,500 per unit would allow the development to remain viable. Mr Lavender replied that the applicant had been advised of the County Council's calculation used to determine the price of affordable housing, and although the figure used in the viability statement had been higher than £96,500, the development would be viable using this price. Mr Lavender sought clarity on who the tree preservation order had been served on because his client was unaware of it.

The Senior Planning Officer replied that the tree preservation order had been served on the owner of the site, Mr Betney.

Councillor Shuttleworth informed the Committee that it had a duty to allow villages to expand. This development would be good for the village of Hamsterley, had attracted no objections and was supported by the local Member. Councillor Shuttleworth **moved** approval of the application.

Councillor Patterson expressed surprise that the consultation exercise had not been mentioned in the report. Land ownership was not an issue for the Committee to consider. There was also no mention of the tree preservation order in the report. The application would bring with it a s106 contribution of £20,665 as well as affordable housing. Councillor Patterson did not consider that the negative impact of the development was considered to outweigh the benefits of it and **seconded** approval of the application.

Councillor Richardson informed the Committee that he had good local knowledge of the area. The application was an opportunity for the pig farm, which currently had buildings in a bad state of repair, to move from its current location. Currently the location of the pig farm necessitated the moving of pig slurry on a daily basis through Hamsterley village using a large vehicle, which gave local people the perception of speed. The village green had been given its status in the 1950's/1960's and all green areas in the village had been thus designated. This had subsequently caused problems in the village. The current access to the farm buildings was across tarmac which was designated as village green. This application was a chance to improve the village and remove smells/flies which had, on occasion, caused pupils at the school to be kept indoors.

Councillor Atkinson informed the Committee that he was surprised at the recommendation that he application be refused, more so after visiting the site. The benefits of the application outweighed the disadvantages, the benefits being the provision of affordable homes and local support for the development. The development would be a benefit to the whole village.

Councillor Clare informed the Committee that he considered the officer's recommendation should be overturned and the application be approved. In agricultural villages it was not unknown for farms and housing to be near to each

other, however, settlements changed and local support could not be ignored. The current usage of the site seemed to be anti-social.

Although the loss of village green would only be of a few square metres, village green was very important and did not need to be grass. However, this was not a planning consideration. Councillor Clare expressed concern that the development, which was at right angles to the village, would break the linear pattern of the village. The application was in outline and Councillor Clare hoped that the applicant would listen carefully to officers regarding access at reserved matters.

Councillor Clare considered that when applying the planning balance, the application should be approved rather than refused. Councillor Clare referred to the following paragraphs in the report as reasons for approval of the application:

- Paragraphs 65 and 87 – more emphasis should be placed on the benefits of the removal of the pig farm;
- Paragraph 67 – the description of the field next to the pig farm was overenthusiastic;
- Paragraph 83 – the land was a low value site;
- Paragraph 36 – referred to trees on the site being of good value, yet Paragraph 68 reported they were category B and C.

C Cuskin, Planning and Development Solicitor informed the Committee that if it was to approve the application then details of the Conditions and the Section 106 agreement would need to be agreed, and sought authority for this to be undertaken by Planning Officers in consultation with the Chairman and Vice-Chairman of the Committee. The reasons for approving the application were that it would boost the supply of homes in the village and would remove the pig farm from the centre of the village. The benefits were considered to outweigh any detrimental impact.

Upon a vote being taken it was

**Resolved:**

That the application be approved and that details of the Conditions and the Section 106 agreement be delegated to Planning Officers in consultation with the Chairman and Vice-Chairman of the Committee.

**e DM/17/03278/FPA - Jacobs Lodge, Hill Top, Eggleston**

The Committee considered a report of the Planning Officer regarding an application for the temporary change of use of a dwelling to holiday accommodation (retrospective) at Jacobs Lodge, Hill Top, Egglestone (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation of the application which included a site location plan and photographs of the property and of neighbouring properties.

Ms K Bowers, applicant, addressed the Committee. Ms Bowers informed the Committee she was appreciative of the recommendation in the report and had worked closely with planning officers during the construction of the property. The

property would eventually become a family home and the application to let it as a holiday home was only for a temporary basis.

When it was decided to let the property as a holiday home Ms Bowers had been unaware of the need of permission for change of use. She had been verbally informed of this in May 2017 and when the planning issue was raised in August 2017 no further bookings for the property were taken. The property had taken over 50 bookings and positive feedback had been received from guests and local businesses who had benefited from the tourist spend.

The property provided total disability access. It was located on the top of a hill and the prevailing westerly wind meant that guests did not spend a lot of time outside in the garden. Over the last four months there had been no complaints about noise or nuisance, and family members lived within 20 yards of the property. Ms Bowers read the positive review received from the last guests at the house. The application had the support of businesses in the area as well as Egglestone Parish Council. Ms Bowers hoped the Committee could see the benefits of the application and grant approval.

Councillor Clare informed the Committee that the application was positive for attracting tourism to the County and had been impressed by the presentation by the applicant. He **moved** approval of the application. **Seconded** by Councillor Atkinson.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the Conditions contained in the report.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/03662/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 18no. bungalows
<b>NAME OF APPLICANT:</b>	Livin
<b>ADDRESS:</b>	Land at Wordsworth Road, Chilton, Co Durham
<b>ELECTORAL DIVISION:</b>	Chilton
<b>CASE OFFICER:</b>	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a previously developed strip of land (some 0.4Ha) located to the north of Wordsworth Road, Chilton which was formerly occupied by a row of terraced dwellings known as Dene Terrace. Given their age and deteriorating condition, these dwellings were demolished as part of a wider clearance scheme of derelict and uninhabitable properties within the Chilton settlement with the site left to grass. It was always anticipated that the clearance of these dwellings would assist in the provision of new housing stock which would be more attractive for potential occupants and meet current market needs.
2. The application site borders residential properties on West Chilton Terrace to the north and Wordsworth Road to the south. To the east lies the former Methodist Church with garages to the north of properties on Keats Road to the west. The site abuts public highway on all sides.
3. Permission is being sought to redevelop the site, constructing 18no. 2 bed bungalows across the full width of the site (9no. semi-detached pairs). All bungalows would be made available by Livin for affordable rent for the over 55s/disabled with 2no. to be secured as affordable in perpetuity through the completion of a S106 agreement. Draft heads of terms have been submitted by the applicant in this respect. Dwellings would front south onto Wordsworth Road, with off street parking provision in-between each pair of dwellings. Each dwelling would be served by private rear gardens to the north with front gardens occupied by the resident and visitor parking spaces.
4. The application is being reported to the Planning Committee in accordance with the Councils scheme of delegation relating to major applications.

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### PLANNING HISTORY

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5. An application for the prior approval of the Planning Authority for the demolition of 52no. dwellings on the site was agreed in February 2013 (ref: 7/2012/0446/DM).

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## PLANNING POLICY

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### NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7 – Requiring good design.* 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.
11. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

### LOCAL PLAN POLICY:

12. The development plan is the Sedgefield Borough Local Plan saved policies:
13. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
14. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
15. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.

16. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
17. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
18. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
19. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

20. Paragraph 216 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

21. *Town Council* – Has made no comment on the application.
22. *Highway Authority* – No objections, subject to the development being served by an adjacent footway, kerbing and improvement works.
23. *NWL* – No objections, subject to conditions controlling foul and surface water drainage from the site.

#### **INTERNAL CONSULTEE RESPONSES:**

24. *Ecology* – No objections.
25. *Environmental Health (Contaminated Land)* – No objections, subject to condition.
26. *Environmental Health (Noise)* – The information submitted demonstrates that the application complies with the thresholds stated within the TANS and would not lead to an adverse impact. However, the development relates to a significant amount of

demolition and construction work with potential for noise and dust to impact on existing residents. A dust management plan and a general construction management plan (outline only) has been provided which the applicant advises will be further updated once a contractor has been appointed. The granting of planning permission for the development may potentially result in a statutory nuisance being created, with submitted detail insufficient to prevent a significant impact. However, there are no objections subject to a condition requiring the submission, prior approval of and adherence to a construction management plan.

27. *Drainage* – No objections, subject to adherence to approved plan ref: C-GA-100 rev P3 (Proposed engineering layout), received 06 December 2017.
28. *Education* – No objections. Based on the projected rolls of the 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.
29. *Affordable Housing* – No objections. The affordable housing statement included with the application details that all the units delivered within this development will be affordable. This by far surpasses the requirement to build 10% affordable. 2 bed bungalows will meet the needs of elderly and disabled residents of the county.
30. *Sustainable Development /Energy* – Has made no comment on the application.
31. *Spatial Policy* – No objections. Officers are unable to identify any policy related adverse impacts in relation to this scheme. Given the information provided in respect of the challenges associated with bringing the site forward, this represents evidence in the context of paragraph 173 of the NPPF to waive the open space contribution.

#### **PUBLIC RESPONSES:**

32. The application has been publicised by way of site notice and notification letters to neighbouring residents. No comments have been received in response to this exercise.

#### **APPLICANTS STATEMENT:**

33. The proposed scheme will provide 18no. bungalows for older persons and/or disabled and will be available for affordable rent. The proposed scheme compliments the adjoining residential areas and is conveniently located close to local amenities. The linearity of the site determines the scheme layout and as such we feel the arrangement of semi-detached bungalows provides the benefit of side gardens with parking provision to all units. The boundary enclosures to frontages are designed to provide an open feel whilst the rear gardens are provided with a secure boundary.
34. We understand that the site was formerly terraced two storey housing, which was cleared by Durham County Council. As such we feel this proposed development is less imposing than the previous terrace housing and will provide an open and attractive development.

*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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, scale/design, privacy/amenity, open space, arboricultural impact, highways, ecology, land contamination and planning obligations.

The principle of the development:

36. The application site is located within the Chilton settlement which is classified as a smaller town/larger village within the County Durham Settlement Study. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn, where a five year supply of deliverable housing sites cannot be demonstrated, then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. Paragraph 14 of the NPPF explains that for decision making, this means granting permission for housing proposals unless any adverse impact would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
37. The overarching principles of the NPPF seek to secure development in sustainable locations. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
38. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
39. The application site lies in an established residential environment and has good links to the local amenities and services in the town and surroundings. The site until recently was occupied by residential development prior to its clearance, with the principle of 18no. bungalows in this sustainable and accessible location therefore considered acceptable.

Scale / Design:

40. Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. The application site is not located within a Conservation Area or area of special control.
41. Set within residential surrounds the site was formerly occupied by a long terrace of two storey dwellings. The proposed redevelopment of the site would comprise 18no. 2 bed bungalows that would be made available at affordable rent for the elderly and disabled. Such provision would support the aims of part 6 of the NPPF which seeks to deliver a wide choice of high quality homes across the County. The semi-detached building form relates acceptably to surrounding semi-detached properties to the south whilst integrating with adjacent terraces to the north. The proposed single storey height would not appear out of place or incongruous to the setting.

42. All dwellings would be of fairly basic design, comprising Ibstock red Alnwick blend brick construction with a grey Marley modern tile roof and upvc fenestration, fascia's/soffits and gutters. Such materials would be considered to integrate well with their surrounds.
43. The proposed dwellings would be of a scale and design which respect their surroundings, thereby satisfying the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Privacy / Amenity:

44. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
45. The proposed dwellings would face south towards properties on Wordsworth Road. These would be a minimum distance of 18m away although given their staggered layout, only a small number would fall under the 21m separation normally expected of the opposing front facing elevations. The current scheme for bungalows would be located to the north of these neighbours, avoiding any resulting overshadowing or loss of sunlight and would have less impact than the former two storey terraces that occupied the site.
46. To the north the bungalows would achieve a separation of only 10m from the rear elevations of properties on West Chilton Terrace. Once again the current scheme would represent an improvement on the previous terraces being of single storey height and semi-detached building form with open areas of greenery between the dwellings. Although located to the south of these neighbours, the less dense development form and reduced height would again ensure no unacceptable levels of overshadowing or loss of sunlight.
47. A 1.8m high timber close boarded fence would be erected to the sides and rear (north) of each dwelling maintaining privacy between existing and proposed dwellings.
48. Each dwelling would benefit from modest private amenity space which given the intended occupants (elderly and disabled) is considered acceptable to their basic needs. Garden areas and intermediate amenity areas are to be landscaped with such detail to be controlled by condition in the interests of amenity and visual impact. Furthermore, permitted development rights for extensions and outbuildings are to be removed by condition given the limited space available around each dwelling so as to ensure the existing separation distances are not unacceptably reduced in the interests of residential amenity.
49. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of sensitive site operations and operational hours so as to ensure the limitation of noise emission from the site during more sensitive hours. The views of the Environmental Health section have been sought who consider that any planning permission should be subject to a condition requiring the submission, prior approval of and adherence to a detailed construction management plan.

50. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

#### Loss of open space:

51. Saved policy L5 of the Sedgefield Borough Local Plan seeks to ensure the retention of areas of open space unless special circumstances apply. Although the site was grassed over following the removal of housing and may have been used since for informal amenity purposes, the site is privately owned and does not form an area of designated open space. Given its narrow width and shape, it has limited functional value and there exists sufficient areas of designated open amenity space within the surrounding settlement, within a short walking distance. New dwellings would include an element of private garden landscaping to the rear, with small landscaped open amenity areas to be provided at both ends of the site, maintaining some of the green aesthetic in this area. Having regard to the above, it is considered that the loss of open space is acceptable in this case.

#### Arboricultural impact

52. Saved policy E15 of the SBLP seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. The application site is brownfield in nature, formerly occupied by a linear row of terraced dwellings. Following their recent demolition the land was left to grass with a small number of incidental trees and landscaped areas planted. None of these specimens are protected with their installation onto the site always intended for a temporary period until an alternative site use was agreed.
53. The proposed development would see the removal of these trees and incidental landscaped areas to facilitate the development which would occupy the full width of the site. No objections are raised over the removal of this landscaping with plans to include replacement tree planting in-between dwellings and at both ends of the site in smaller grassed amenity areas. The application is considered to satisfy the provisions of saved policy E15 of the SBLP.

#### Highways:

54. Saved policies H17 and D3 of the Sedgefield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
55. The 18no. 2 bed bungalows would be supported by 28no. on-site car parking spaces, which complies with the minimum requirements outlined in the DCC Residential Car Parking Standards 17.7.13., and as such the proposed car parking provision is deemed acceptable. No highway objections are raised to the proposals with no perceived conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and NPPF paragraph 32. The applicant is to be reminded by informative of the requirement to ensure the necessary junction radii improvements, public utility excavations and replacement of footways and vehicular access crossings.

#### Ecology:

56. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The views of the ecology section have been sought who raise no objections to the proposals. There

would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 11 of the NPPF.

#### Contaminated Land:

57. Part 11 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application has been submitted alongside a Geoenvironmental Appraisal (Sirius, October 2017) confirming gas monitoring of the site to be ongoing with remedial works necessary in relation to soils. No objections are raised over the proposals subject to the imposition of a condition. Subject to the above, the application would satisfy the provisions of Part 11 of the NPPF.

#### Planning obligations:

58. Open Space provision - The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy L2 of the SBLP and paragraph 73 of NPPF. Para 173 of the NPPF is clear that to ensure viability, the costs of any requirements to be applied to development, should provide competitive returns to a willing land owner and willing developer to enable the development to be delivered. Given the scale of the proposals the LPA would normally expect S106 open space contributions. However the applicant has provided supporting information indicating that the viability of the scheme could be threatened if the LPA were to pursue additional fees to offset any absence of open space provision. The views of the Councils Spatial Policy section have been sought in this regard who agree that in this instance, given the information provided in respect of the challenges associated with bringing the site forward, this represents evidence in the context of para 173 of the NPPF sufficient to waive the open space contribution.
59. Affordable Housing - The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. The 2016 SHMA County Durham identifies an annual need for approximately 378no. additional affordable units across the County. The applicant is a social housing provider who has stated that all of the 18no. units would be made available at affordable rent levels, with two if these to be offered for affordable rent in perpetuity. The provision of 18no. affordable rent units with 2no. of these to be retained in perpetuity is welcomed with any approval subject to the satisfactory completion of a s106 agreement securing this provision.

#### Planning balance:

60. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. In cases where existing policies for the supply of housing are out of date, paragraph 14 of the NPPF is engaged and the acceptability of a proposal needs to be considered in the context of the planning balance test. This requires that applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.
61. It is acknowledged that the redevelopment of the site would lead to some temporary disturbance to local residents. However such concerns can be managed through condition to control working hours and construction activities to minimise the adverse impacts relating to site development.

62. The development of 18no. dwellings which are to be provided for affordable renting for the elderly/disabled would contribute to meeting housing need in the area whilst providing a mix of housing types, delivering a minor economic benefit arising from developing the site, utilising local workforce, and through the economic activity of those future residents.
63. The proposed dwellings are of a scale and design sympathetic to their surrounds without impacting the amenities of neighbouring properties or the wider character of the street scene with associated parking provision to be provided off the main highway.
64. The loss of an area of privately owned, informal open amenity space with limited ornamental landscaping is regrettable although it was never the intention to retain this land for this use, with submitted plans detailing compensatory planting and small landscaped areas.
65. Having regard to the above, it is considered on balance that the adverse impacts of the development are significantly outweighed by the overall benefits.

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## **CONCLUSIONS**

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66. Paragraph 14 of the NPPF details how Planning Authorities should approve development proposals which accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date; Planning Authorities should only grant permission where any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits.
67. The proposal for 18no. affordable bungalows on the site would represent a sustainable form of development within an established residential setting that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. The development would result in a scheme that can be appropriately integrated within the surrounding street scene without compromising highway safety, residential amenity, open space provision, landscaping, ecology or land contamination. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgfield Borough Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*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.*

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

C-GA-100 P3 (Proposed engineering layout), received 06 December 2017

SK-701 (Proposed site layout, sheet 1 of 2), received 07 November 2017

SK-702 (Proposed site layout, sheet 2 of 2), received 07 November 2017

SK-703 (Plans, elevations and sections), received 07 November 2017

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*

4. 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 (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*

5. Prior to the commencement of the development details of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken only in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies H17 and D1 of the Sedgefield Borough Local Plan.*

6. Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwellings hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.*

7. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan 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:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction;
2. Details of methods and means of noise reduction;
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;

9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic;
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
13. 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 shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgefield Borough Local Plan.*

8. In undertaking the development that is hereby approved:

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 0800 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 0800 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: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgefield Borough Local Plan.*

9. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF.*

10. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF.*

11. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the

Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses. The Local Planning Authority wishes 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 in accordance with NPPF Part 11.*

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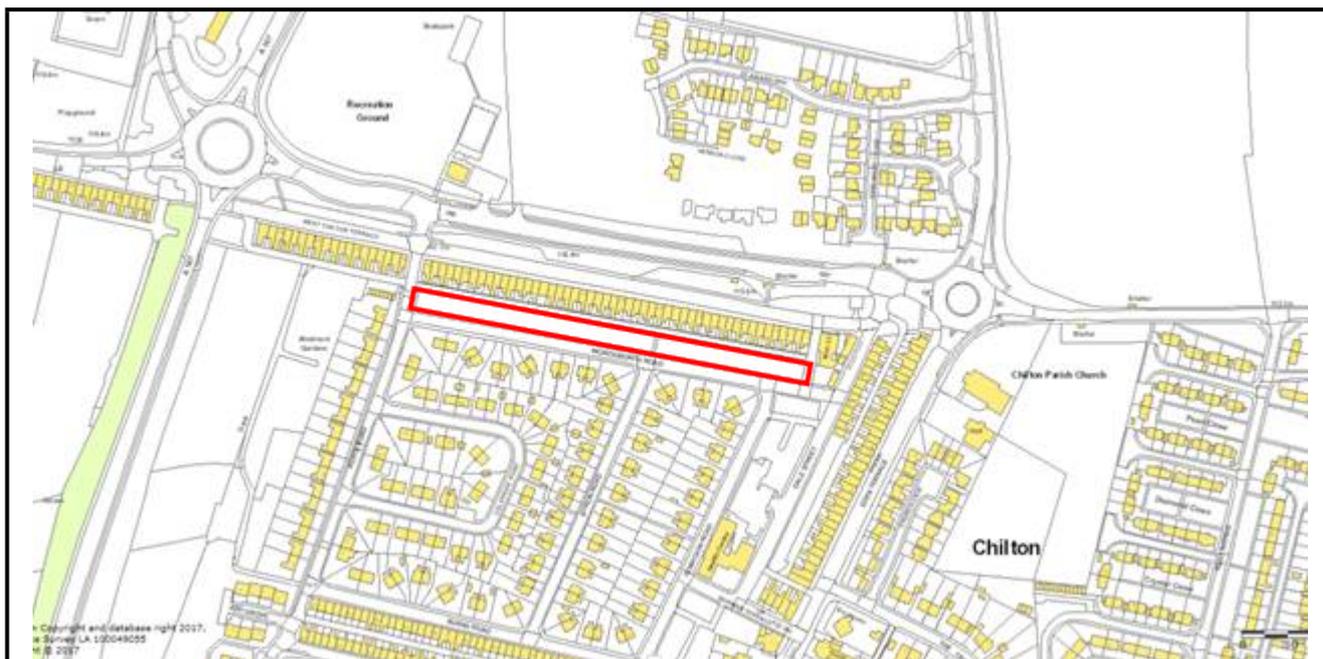
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

## BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 Sedgefield Borough Local Plan  
 Statutory response from the Highway Authority and NWL  
 Internal responses from Ecology, Environmental Health and Contaminated Land, Drainage,  
 Education, Affordable Housing and Spatial Policy



 <p><b>Planning Services</b></p>	Erection of 18no. bungalows	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<b>Comments</b>	
	<b>Date</b> 18 January 2018	

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