



Area Planning Committee (North)

Date Thursday 27 February 2020
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 28 November 2019 (Pages 3 - 16)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/19/03091/FPA - Graham Court, Sacriston, Durham DH7 6LW (Pages 17 - 34)
Demolition of Graham Court and construction of 25 residential dwellings and associated landscaping.
6. Appeal Update
7. 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
19 February 2020

To: **The Members of the Area Planning Committee (North)**

Councillor I Jewell (Chair)
Councillor S Wilson (Vice-Chair)

Councillors A Bainbridge, A Bell, L Boyd, D Boyes, J Higgins,
A Hopgood, C Kay, O Milburn, C Martin, J Robinson, A Shield,
J Shuttleworth, K Thompson and T Tucker

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 28 November 2019 at 1.00 pm**

Present:

Councillor I Jewell (Chair)

Members of the Committee:

Councillors S Wilson (Vice-Chair), A Bainbridge, L Boyd, J Higgins, C Martin, J Robinson, J Shuttleworth and K Thompson

Also Present:

Councillors H Liddle, O Temple and A Watson

1 Apologies for Absence

Apologies for absence were received from Councillors A Hopgood, A Shield and T Tucker

2 Substitute Members

Councillor L Brown substituted for Councillor A Hopgood.

3 Minutes of the Meeting

The minutes of the meeting held on 31 October 2019 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest (if any)

Councillor Robinson declared an interest in Agenda item 5 (b) as he was a presiding Magistrate but would not withdraw from the meeting during the discussion of this item as he had no prejudicial interest in the application.

Councillor S Wilson declared an interest in Agenda 5 (e) as he lived at Davison Terrace, Sacriston and withdrew from the meeting during the discussion of this item.

Referring to Agenda item 5 (b), Councillor J Higgins also informed the committee that he was a retired Magistrate but had no prejudicial interest in

the application and would not withdraw from the meeting during any discussion.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/19/02169/FPA - Former Stanley Community Centre, Tyne Road, Stanley

Prior to consideration of the item the Senior Planning Officer confirmed that since the report had been published an update had been received on the financial contribution from the applicant of £53,130 towards health care. The contribution was now to cover both the Tanfield and Stanley Electoral divisions.

The Committee considered a report of the Senior Planning Officer which consisted of a hybrid planning application seeking outline planning permission for the erection of up to 110 dwellings, including means of access (all other matters reserved) and full planning permission for the formation of car park (s) (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout. Members of the Committee had visited the site the previous day and were familiar with its location and setting.

The Chair thanked the Senior Planning Officer for his presentation. As there were no speakers for this item the Chair asked the Committee for their comments and questions.

Councillor Brown was concerned with the working times on Saturdays during building works that would include the delivery of materials due to the close proximity of residents to the site.

The Senior Planning Officer confirmed that the hours of works for construction in the report were standard conditions that were placed in all applications. The hours could be amended if the application was approved.

Councillor Boyd was in favour of the development but recommended that the condition be changed for working times on Saturdays. She wished to know why the health care contribution money now included the division of Tanfield.

The Senior Planning Officer explained that the Tanfield division had to be covered in the health care contributions because Stanley Town Centre was in the division of Tanfield and not the division of Stanley as originally thought.

Councillor Wilson was also apprehensive about the working times for Saturdays. He requested assurance that Sport England had unquestionably withdrawn their objection to the application as he was aware that in previous planning applications Sport England had held up the process whilst awaiting their approval.

The Senior Planning Officer confirmed that Sport England a statutory consultee had withdrawn their objection to the planning application as they were happy with the submitted proposal.

Councillor Wilson was happy to move the planning application subject to a change in the condition for Saturday working hours.

Councillor Jewell requested clarity from the Committee on what they wanted changed in the condition for working hours on Saturdays.

Councillor Wilson proposed that working hours should be between the hours of 9am and 4pm on a Saturday whilst Councillor Brown suggested the hours should be from 8am until 2pm. As a local member Councillor Boyd was happy for the hours to be from 9am until 4pm.

The Senior Planning Officer explained that the condition for working hours was in two parts for Saturdays, one for external works and one for internal works. He noted that the standard condition for working hours for external construction works was between the hours of 7.30am and 2pm and for internal works it was from 8am until 5pm on Saturdays. He was happy for the condition for the combination of both internal and external works carried out on Saturdays be changed to be between the hours of 9am and 4pm.

Councillor Wilson **proposed** approval of the application and was **seconded** by Councillor Brown.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the completion of an internal transfer of funds to the Council, subject to conditions in the report and an additional condition included with regards to working times on Saturdays.

b DM/19/02141/FPA - Site of Former Magistrate's Court, Ashdale Road, Consett

Prior to consideration of the item the Planning Officer confirmed that since the report had been published an update had been received on the validation of costs for the development. She noted that additional abnormal costs would be incurred for grouting and tiling works following feedback from consultees.

She informed the committee that the applicant could not increase any financial contributions as it would make the development unviable but would in fact half the financial contributions that had been initially proposed.

The Committee considered a report of the Planning Officer regarding an application for the proposed 20 new build residential units – 2 and 3 bedroomed with associated infrastructure (for copy see file of minutes).

The Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout.

Councillor Temple, local ward member addressed the Committee to object to the planning application. He gave a detailed presentation regarding his issues as since the outline planning application had been submitted to a committee meeting 18 months ago and given approval for 20 units nothing had progressed. He informed the committee that in the outline application a tree survey had been requested but in the new application the trees were to be removed.

Councillor Temple stated that the police had objected to the new application as the proposed shared drives would create neighbour disputes that would place pressure on them to resolve. The police also felt that the proposed alley way that led to the rear gardens of some properties would give rise to anti-social behaviour and burglaries that would add further pressures on them to resolve. Councillor Temple noted that the nearby school had similarly objected as additional vehicles from the development would cause further obstructions on the footpath that was used by children.

Councillor Temple emphasised that the area around the site had undergone major investment with the new academy and leisure centre complex being built. He deemed that the proposed high-density housing development would undermine those improvements as it had disregarded the attractive curved landscaped layout set out in the outline application for a bland alternative. He was disappointed that the section 106 monies the applicant had offered as compensation for loss of quality of life to the area had decreased by nearly half.

Councillor Temple concluded that the application should be rejected on three counts:

- It conflicted with the Derwentside plan on GDP1 as the design was not of a high standard and was detrimental to the vicinity;
- It conflicted with EN11 as existing trees would be removed; and
- It conflicted with TR2 given the police's objection regarding parking issues both now with shared drives and in the future with additional cars as teenagers start to drive.

Councillor Watson, local ward member addressed the committee as he similarly objected to the application. He noted that he shared the same concerns that Councillor Temple had raised but additionally was worried about vehicles accessing the busy main road from the site. He considered the road to be dangerous and had reported it on several occasions to the Council and thought it warranted a one-way system installed to ensure public safety.

Councillor Watson suggested a site visit should take place in peak times to show how busy and dangerous the road could be. He noted that there had been no fatalities but there had been several accidents and near misses on the road. Councillor Watson also felt that there would be insufficient parking for residents with a likelihood of four cars per household being required.

The Planning Officer stated that the application had been altered in order to satisfy the Durham County Council's parking standards and because the urban drainage was too close to the existing trees. She confirmed that the design of the scheme had been well received with affordable housing aimed at the younger end of the market.

The Planning Officer explained that the NPPF did not quantify density figures and the scheme's high density and shared drives were in keeping with other developments in County Durham. She confirmed that the footpath at the rear of the properties would be private and not easily accessible to the public. She acknowledged that the loss of trees would have a negative impact on the environment, but the trees were not protected by tree preservation orders (TPO) and no requests had been made to place TPO's on the trees. She explained that highways had raised no objections or issues with either access to the site from the main road or with parking around the school.

The Highways Officer notified the committee that the outline application had been granted approval with access to the site from Ashdale Road. He explained there were no issues with the standard access road into the new estate and it complied with Durham County Councils guidance. He informed the Committee that a one-way system had been explored as an option for the main road, but this was discounted as it would not reduce the speed but increase the speed of traffic as it tried to get through.

The Highways Officer noted that the parking standards were applied and the development was over and above the requirements with two spaces allocated per household and additional parking for visitors making a good parking ratio for the site.

Miss Howard, representative for Believe thanked the Committee for the opportunity to speak in support of the application. Miss Howard clarified that there had been abnormal additional costs identified with the development, but the properties once built would be 100% affordable. She explained that

there was a shortfall in the Strategic Housing Market Assessment (SHMA) and a need in this area for additional properties which would be owned and managed by Believe Housing who had a track record of providing a local housing service to fit local housing needs.

Miss Howard confirmed that there would be 3 bedroomed properties to rent or buy with 20% discount to get people on to the property ladder along with two bedroomed properties to rent. She acknowledged the concerns of local Councillors regarding the density of the development but the NPPF did not quantify density and she confirmed that the development would sensibly reflect other houses in the area with strong frontages on Ashdale Road giving respect to the war memorial. She also noted that the area would be highly sustainable with open spaces available to residents that would bring a disused site up to a high standard.

Councillor Shuttleworth commented that the Committee should listen to both the concerns of the two local members who had local knowledge of the area and those of the Police. He suggested that the application should either be deferred until a site visit could be arranged or refused.

Councillor Brown was disappointed that no elderly accommodation had been included in the application and wanted to know how many trees would be felled in the process of building the new properties.

Councillor Martin requested clarity on how density was measured within planning if there were no quantity measures given in the planning policies. He wanted to know if it was based more on a character or a design test.

The Planning Officer informed the Committee that there was a need for elderly housing and normally 10% was requested in most planning applications but elderly housing had not been requested or put forward in this application because the site was aimed at a younger clientele to get people on the property ladder. She explained that with regards to the density factor within the NPPF it did not prescribe a figure to apply but it did consider other factors that looked at the local market, sustainability and attractiveness of the area to see if density was appropriate.

Councillor Wilson wanted to know if there would be adequate parking with 2 spaces per dwelling making 40 spaces in the development with an additional five spaces for visitors with mixed drives.

The Highways Officer noted that there would be 43 parking spaces available in total with one space per unit and visitors requirements met with 25% additional parking on the site.

Councillor Wilson wanted to know what the capacity of the road would be.

The Highways Officer explained that with 20 units in peak times it would create an additional 12 trips which was moderate. He explained that highways would not normally assess anything under 32 trips.

The Planning Officer confirmed that there would be 30 trees removed after consultation with the arboriculturalist who objected to the removal of the trees but had not requested any TPO's to be applied to them.

Councillor Thompson wondered if there were any elements of the planning application that looked at climate change. He also commented that at every PACT meeting he attended the topic of debate centred around obstructive parking. He was aware the police had limited resources to stop people from parking obstructively and that the Police had a major concern with the design of the development. He felt that lessons should be learnt in the design process to eliminate these issues in the future.

The Senior Landscape Officer informed the committee that he was unaware of what was mentioned in the planning application but assumed it was in relation to the frontage trees that were important as the public saw them. He clarified the methodology that a tree officer looked at. He explained that in the assessment an Officer would look at the health of a tree, the life expectancy of the tree as to whether it would last 40 years and the visibility of the tree including the characters of groups of trees together. He was concerned about the loss of trees but accepted that this was a matter to be taken into account as part of the planning balance.

Councillor Jewell was aware of information that had been circulated to Members on climate change that would have answered the questions posed by Councillor Thompson on the wider scope of climate change.

The Solicitor - Planning and Development sought clarification from the Committee as to the reasons why the planning application should be refused. He noted that the conflict with GPD1 with the poor design and standard of the development and EN11 with trees being lost would be adequate reasons to refuse the application. He felt that the conflict with TR2 regarding parking and highway safety would not be upheld at appeal as the committee had heard extensively from the highways Officer that safety was not of concern.

Councillor Shuttleworth agreed that the application should be refused based on GPD1 and EN11.

Councillor Brown stated that it should also be refused based on the element of the NPPF regarding a crime free community.

The Solicitor - Planning and Development was advised that the Committee already had sufficient reasoning to refuse the application should the Committee wish to, so there was no need to add to those reasons.

Councillor Shuttleworth **proposed** the refusal of the application, **seconded** by Councillor Brown

Upon a vote

Resolved

That the application be **REFUSED**.

Councillors Bainbridge, Thompson and Shuttleworth left the meeting.

c DM/19/01992/FPA - The Crest, Beamishburn Road, Beamish, Stanley, DH9 0LR

The Committee considered a report of the Planning Officer which consisted of a planning application to demolish an existing garage and the erection of two 3 bed semi-detached dwellings (re-submission of application DM/17/03634/FPA) (for copy see file of minutes).

The Principal Planning Officer informed the committee that the application had been deferred from the North planning committee that was held in September 2019 as a more recent speed survey had been requested and members had asked for a representative from the Landscape Team to attend committee. She updated the committee with the results of the speed survey that showed that the daily traffic flow had decreased since the 2008 survey and there had been a marginal increase in the speed of the traffic by 1mph.

The Principal Planning Officer noted that highways had also looked at the significance of the footpath in the area. She explained that as no accidents had been recorded it was deemed that a footpath was not necessary. She clarified that there is landscaping between the application site and the South Causey Inn which is out of the applicant's control. She recommended that the landscaping condition would mitigate against the impact of the loss of trees which would occur as part of the development.

The Principal Planning Officer had relayed the results of the updated speed survey to Mr Kennedy, a local resident who had attended the September meeting as an objector to the application. She noted that in response Mr Kennedy was shocked at the results and thought the reduction in vehicles on the road was incredible. She clarified that the principle of the planning application had been accepted with the design and scale of the development being in keeping with the other properties in the area and therefore the application should be approved.

Councillor Thompson entered the meeting.

The Chair thanked the Principal Planning Officer for her presentation and as there were no speakers asked the committee for their questions and comments.

Councillor Martin noted that the planning application had been to committee on three occasions and it was clear the committee were not keen on it. He sensed that the Committee had exhausted their reasons for refusal. He proposed to accept the application even though he did not wish to.

Councillor Jewell asked Councillor Thompson who had missed part of the presentation from the Principal Planning Officer if he had heard enough information on the planning application to allow him to participate in the discussion. Councillor Thompson confirmed that he was able to contribute to discussions.

Councillor Wilson admitted that he was unable to attend the meeting in September when the application was heard for the second time but from the report could see that all issues had been addressed and would accept the application.

Councillor Martin **proposed** approval of the application **seconded** by Councillor Wilson.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions contained in the report.

Councillor Wilson left the meeting.

**d DM/19/01681/FPA - Former South Moor Greenlands
Community Infant School, School Terrace, South Moor,
Stanley**

The application was withdrawn and no consideration given to the report (for copy see file of minutes).

**e DM/19/03082/FPA - Land to The East of Davison Terrace,
Sacriston**

The Committee considered a report of the Senior Planning Officer which consisted of 8 new build bungalows and associated infrastructure (for copy see file of minutes).

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs and site layout. Members of the Committee had visited the site the previous day and were familiar with its location and setting.

The Chair thanked the Senior Planning Officer for his presentation and asked Councillor Liddle to address the committee.

Councillor Liddle thanked the committee for the opportunity to speak in objection to the application on behalf of the community. She thought the idea of building eight new bungalows in Sacriston was good as there was a demand and need for them but the community was concerned about the location of the site. She felt the layout of the scheme was archaic with the internal court yard facing inwardly and putting their backs to the rest of Sacriston. She noted that the surrounding buildings in the area had a lot of history which would be spoiled by the new building which would also impact on the privacy of the residents.

Councillor Liddle was worried about the proposed access to the development through two lanes which were narrow tracks of poor quality leading to the main road. She was apprehensive that the maintenance of the lanes would fall to the residents and the agricultural vehicles that would come would add undue stress to the roads. She thought there would be visibility issues near the church access making it difficult for veterans to access Shade.

Councillor Liddle explained that in the last 20 years there had been no development on the land. She had received numerous complaints from neighbours regarding Japanese Knotweed that was growing into their gardens from the site. She wanted a condition placed on the application should it be approved for the applicant to make good the highway and install street lights.

The Highways Officer explained that the access roads to the site had been investigated and it was found that access from the church to the cross roads had had only one minor accident. He noted that a speed survey showed that the speed of traffic was on average 32 mph illustrating no issues with the roads. He informed the committee that the track was not of a highway's standard especially near the church where the tree roots affected the surface but was wide enough for service vehicles to gain access. He noted that some street furniture would need to be relocated as part of the approved plan.

Councillor Jewell requested clarity on the visibility on both access sites to the development.

The Highways Office confirmed that visibility on both access points complied with Durham County Council's standards.

Mr Ashton, the applicant addressed the committee in support of the application. He informed the committee that only five out of the eight properties would potentially use the access near to the school but he felt the extra traffic would not affect the times when children were dropped off and collected. He noted that highways had approved the development highlighting no issues with the additional number of vehicles or speed of traffic in the area. He thought it was a good scheme with visibility being good in all directions.

Mr Ashton confirmed there would be a management plan in place prior to the commencement of any building works to control the noise of the development and to reduce the impact of traffic on the nearby school. He had accepted the standard restrictions on the days and hours of work and indicated there would be a sympathetic fence erected to provide privacy for residents of Davison Terrace.

The Chair thanked Mr Ashton and asked the committee for any questions or comments.

Councillor Brown was concerned about the potential presence of Japanese knotweed on the site. She informed the committee that she had written a thesis on the subject and it was a notifiable and hazardous weed where care was required to dispose of it correctly.

The Senior Planning Officer noted that Environmental Health and Ecology had not highlighted any presence of Japanese knotweed in their reports.

Councillor Jewell notified the Committee that upon the site visit the previous day he had not noticed any obvious sighting of the weed.

The Senior Planning Officer stated that Durham County Council kept records of any reports of the weed and was not aware of the weed being on the site until it was mentioned on the day of the planning meeting.

Councillor Jewell wanted to know if this needed to be investigated and whether a condition should be added to the application for the careful removal of any Japanese knotweed that may be present.

The Senior Planning Officer requested clarity on where the concern of Japanese knotweed had come from as if the site was potentially affected then the applicant would need to carry out a survey to mitigate its presence.

Councillor Liddle informed the Committee that over several years the site had been a blight with fly tipping. She explained that she had reported the issue to the Council to have it removed but was told by Clean and Green that they could not remove the fly tipping as it was on private land and the land had

Japanese Knotweed present. Councillor Liddle told the Committee that the site had been cleared and the top soil removed two months ago.

The Senior Planning Officer stated that the site had been visited over several years and it had not been detected. He noted that if Clean and Green had investigated then it should be recorded with Durham County Council.

Mr Ashton informed the Committee that Durham County Council took Japanese knotweed very seriously and have good records. A full ecology survey of the site that formed part of the planning application had been undertaken and Officers had not made the applicant aware of its presence.

The Solicitor - Planning and Development explained that condition six of the report required a scheme to carry out remedial work to see if the land was contaminated. He stated that the condition could be expanded to include Japanese Knotweed in order to cover its presence, should Members feel that it was necessary to do so.

Mr Ashton noted that condition seven of the report also required remediation works to be undertaken in relation to contaminated land.

Councillor Thompson was concerned that if the top soil was contaminated and removed then it would transfer the contamination to another area. He felt there should be a condition in the application to disclose where the soil had been taken in order to address the situation properly.

The Senior Planning Officer noticed on the site visit the previous day that a large pile of rubble had been scrapped to one side of the site that made him believe the top soil had not been removed. He explained that further investigations would highlight this.

Councillor Martin **proposed** approval of the application **seconded** by Councillor Higgins.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions contained in the report.

Councillor Thompson left the meeting

6 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of a recent appeal (for copy see file of minutes).

An appeal was submitted against the refusal of planning permission by delegated powers for the erection of two stables with tack rooms with forecourt, dolomite gravel parking area, creation of new vehicular access and closure and re-instatement of existing access and change of use of land to equestrian purpose at Ebchester Hill, Ebchester.

The Inspector agreed with the Council's decision and dismissed the appeal stating it would harm the character and appearance of the area contrary to saved policies.

Resolved

That the report be noted.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03091/FPA
FULL APPLICATION DESCRIPTION:	Demolition of Graham Court and construction of 25 residential dwellings and associated landscaping
NAME OF APPLICANT:	Karbon Homes Graham Court
ADDRESS:	Sacrison Durham DH7 6LW
ELECTORAL DIVISION:	Sacrison
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.55ha of land east of the village centre crossroads formed of the B6532 and B6312 in Sacrison. Sacrison is a large, well connected village offering a good range of services, facilities and employment opportunities. The village has schools, a community centre, a range of shops and cafes including a small supermarket, and small employment areas. The site and the village are 1.8 miles west of the Pity Me area of Durham where a large edge-of-settlement retail centre provides extensive large-scale retail opportunities and the A167 dual carriageway that connects to the A1(M) motorway.
2. The site is currently occupied by Graham Court, proposed demolished, which has provided sheltered accommodation for older residents. The current buildings are formed of three inter-linked blocks, one and two storeys in height, cut into the slope of the hill. An ancillary entrance block on the north elevation is flat-roofed. The building complex is of a tired and dated appearance. The facility is mainly communal open-plan with scattered mature specimen planting around it. There is a car park accessed from the B6312 north of the buildings within the site.
3. The site, and the development around it are cut into the slope, which drops to the north-west. Two of the boundaries are formed by the aforementioned classified roads – facing across to a public house with a small industrial estate behind it to the north and a Medical Health practice, with a two storey detached dwelling set within a large garden surrounded by a high stone wall to the west. South is the site of a cleared public house which has an existant consent for a residential accommodation block, and a small car park and bus turning area with shelter. A pair of extended semi-detached local authority

built two storey dwellings are sited adjacent the turning area, their rear elevations and gardens facing towards the site, being separated from the private housing development to the east by a garage and parking courtyard. The private development forms the east boundary of the site and consists of large detached dwellings. These face back towards the site with the exception of that on the north-east corner that faces the main road, this being an older house that pre-dates the estate.

The Proposal

4. The application proposes erection of 25 dwellings, described by the applicant as, 'entry-level, family and older-person 'empty nester' homes'. In detail there would be ten 2 bed 4-person split level houses nominally three storeys in height but with those on the south part of the site cut into the slope, thirteen 2 bed 4-person houses two storeys in height facing the Plawsworth Road (north) elevation and two 3 bed 5-person two storey semi-detached houses which present a gable end to existing dwellings in Fynway. The scheme proposes a contemporary form of architecture at the prominent crossroads location.
5. This application is reported to Committee as a 'major' planning application.

PLANNING HISTORY

6. The planning history of the site relates to the development of the sheltered accommodation, and changes to that facility.

PLANNING POLICY

NATIONAL POLICY

7. 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 NPPF was updated in July 2018. The overriding message remains 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 dependant.
8. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. 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 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.
12. *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. It should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, 'so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.
13. *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.
14. *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.
15. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including, 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
16. *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.
17. *NPPF Part 15 - 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.

NATIONAL PLANNING PRACTICE GUIDANCE:

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. These documents provide planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and

economic land availability assessment natural environment; noise; open space, sports and recreation facilities, planning obligations; use of planning conditions and; water supply, wastewater and water quality.

LOCAL PLAN POLICY:

19. The following is a summary of those saved policies in the Chester-le-Street District Local Plan 2003 (saved policies) relevant to the consideration of this application:
20. *Policy HP6 – Residential within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
21. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
22. *Policy HP13 – Affordable Housing* - the Council will seek to negotiate affordable housing within windfall sites.
23. *Policy HP15 – Community Provision* – On developments of more than 10 units a contribution will be sought for the provision and subsequent maintenance of social, infrastructure and/or recreational and leisure facilities in the locality where directly related to the development being proposed.
24. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, the Council will require provision of open space or contributions for such, within developments.
25. *Policy BE22 – Planning Obligations* – Where necessary the Council will seek to enter into planning obligations to either enhance the quality of a proposal, or to enable a development to proceed that may otherwise be refused.
26. *Policy T6 – Provision for public Transport, General* – requires development to be consistent with a safe and accessible public transport network, encouraging its use by all members of the public in order to reduce reliance on the private car.
27. *Policy T8 – Car Parking Provision* – The design and layout of new development should seek to minimise the level of parking provision.
28. *Policy T15 – Access and Safety Considerations in Design* – sets a range of criteria including that: a safe access to the site and the classified road system should be provided, the development should not create levels of traffic which would exceed the capacity of the local road network or create a road safety hazard, make adequate provision for service vehicle turning and allow effective access at all times for emergency vehicle access.
29. *Policy T17 – General Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.
30. *Residential Amenity Design Standards SPD* – In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential

development layouts. This application was significantly advanced when these were introduced and it is considered unreasonable to assess it against them.

RELEVANT EMERGING POLICY:

31. Paragraph 48 of the NPPF states 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 Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 6th February 2020. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highways* – The scheme has been redesigned to provide additional visitor parking and meet the detailed requirements of Highways. A part of the adopted highway verge that extends into the site at the crossroads will need to be stopped-up to facilitate the development.

33. *Northumbrian Water* – have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled ‘Below Ground Drainage Layout’ secured by an appropriate condition, and an informative.

EXTERNAL CONSULTEE RESPONSES:

34. *The Coal Authority* – concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site, secured by condition.

35. *NHS* – indicate there is sufficient space to accommodate any increase in patient numbers from the development.

INTERNAL CONSULTEE RESPONSES:

36. *Spatial Policy* - The site is located within the defined settlement of Sacriston and well located in relation to local services and sustainable transport routes. The principle of development on this site appears acceptable in principle in respect to Policy HP6 of the Local Plan (LP). Nevertheless, the housing delivery strategy in the LP has expired and therefore Paragraph 11 of the NPPF would be engaged. Providing there are no overriding issues, in accordance with criteria (d)ii, the decision-maker should grant permission unless there are any adverse impacts of doing so which would significantly outweigh the benefits of the scheme (when assessed against the NPPF as a whole).

Additional relevant LP policies can still be afforded some weight should the scheme progress ahead of further developments with the County Durham Plan.

37. Open space may be expected within the site for schemes of more than 20 dwellings. While the site is within the threshold for providing a small area of amenity green space it appears that a pocket park is also proposed. Off-site contributions would be required for the remaining typologies. Working to a projected population of around 55 people, indicative calculations suggest these offsite contributions would amount to £37,015. Separate negotiations would determine whether maintenance contributions would be required.
38. Evidence suggests that a requirement of 10% affordable housing would be expected on this site (tenure mix of 70% affordable rented housing to 30% immediate products) - this would equate to 2-3 units. Two units would be expected as specialist dwellings.
39. *Affordable Housing* - Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The site at Graham Court is proposing to provide a 100% affordable housing scheme. The Housing Development Team are committed to continuous partnership working with Registered Providers and maximise the affordable housing offer of the county.
40. Information provided in the application indicates that Rent to Buy products will be delivered on this scheme. The Housing Development Team are happy that these proposals meet the affordable needs of the area in relation to bedroom requirements and affordable demand in the area.
41. *Design* - The proposal positively addresses Plawsworth Road and Durham Road, following the layout and form proposed as part of the pre-application enquiry. In addition, the gables of plots 1, 11, 12 and 15 have been detailed to ensure they turn the corner and avoid blank gables on publicly visible elevations. The orientation of Plots 24 and 25 now allow for a stronger gateway into the site with active frontage to the street. In addition, the applicant has ensured that units 23 and 24 turn the corner, allowing passive surveillance of the proposed public open space.
42. The internal layout of the site is of concern. In particular, the ability of the street to function as a social space is impacted upon by resident and visitor parking, and the green space indicated appears small and therefore its use may be limited. Should additional parking bays be required, the dominance of parking and hardstanding will be increased. In addition to the issues relating to public space, the private rear gardens of plots 12-19 are particularly small. Therefore, the opportunity to use external private or public space is limited.
43. The proposed house-types reflect those indicated in the pre-application documents and are considered to be of otherwise distinctive design which will contribute positively to the street.
44. *Drainage* – Officers require further information and agreement to ensure that the scheme goes through the sustainable drainage hierarchy to meet the required surface water run-off rates to ensure NPPF compliance. These requirements are under detailed debate as this report is written but appear capable of resolution.
45. *Environmental Health (contamination)* - agree with the submitted reports and conclusions for gas protection measures to be installed and that further site investigation is required when the building footprint is demolished, requesting a contaminated land condition should apply to any approval.

46. *Environmental Health (noise)* - The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. The granting of planning permission for the development may potentially result in a statutory nuisance being created, but this can be mitigated by the imposition of appropriate conditions.
47. *Environmental Health (nuisance)* – A road traffic emission impact assessment is not required.
48. *Education* – 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.
49. *Ecology* – confirm there are no ecology issues.
50. *Trees* - Majority of trees within the site are healthy, all mature specimens add value to the site in its current usage, existing trees were most likely part of the original planting for Graham Court. The proposed has not retained any trees within the central, front or north east boundaries. For construction, removal of all mature trees will be required. The one ash tree to be retained will receive various degrees of infringement within its root protection area and most likely perish within 5/8 years of completion. Newly planted trees within new hard standing urban situations normally do not last more than 10 years due to lack of rooting and soil volume available.
51. *Landscape* - The development fails to acknowledge the individual and collective value of mature trees with long safe useful life expectancies near the entrance to the site. An opportunity to contribute to this townscape character has not been taken at the Durham Road/ Plawsworth Road junction and village focal point. No tree or shrub hedge planting has been included in the landscape scheme within the area facing the road junction and against the proposed acoustic fence.
52. *Durham Constabulary* – have provided no comments.

PUBLIC CONSULTATION EXERCISE:

53. A public consultation exercise consisting of 38 direct letters was undertaken. Site notices were posted around the site boundaries adjacent footpaths. The application was advertised in the Northern Echo. This resulted in no responses.

The above is not intended to list every point made and 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/applicationDetails.do?activeTab=documents&keyVal=PYFV2NGD0BK00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

54. 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 principle of development, design, highway safety, residential amenity and trees. Other issues in the application process will also be considered.

The Development Plan

55. 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 Chester-le-Street District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
56. This Local Plan was adopted in 2003 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
57. This is an application for housing development. The most important Policies within the Development Plan relating to this topic are considered out of date either because their evidence base is too old, or because they are contrary to the advice in the NPPF – i.e. where they relate to overly restrictive planning restraints such as settlement boundaries and restricting windfall development to previously developed sites. Consideration of the development must therefore be led by paragraph 11 of the NPPF.

The NPPF

58. Paragraph 11 advises in the first instance to grant permission for sustainable development unless there is specific advice in the Framework that protects areas or assets of particular importance that gives a clear reason for refusal. The affected policies are listed (footnote 6). There are no topic areas that affect this site. Paragraph 11 then goes on to advise that permission should be granted unless 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. This application therefore benefits from this 'presumption in favour'.

Sustainability

59. In terms of locational sustainability, the proposed development is at the crossroads which forms the southern extent of the village centre which has a range of commercial, leisure, social and retail facilities including a community centre, a small supermarket and playing fields. The village is well served by public transport. There is a range of schools in the area. The site is brownfield. A residential development in this location is considered to have strong resonance with the three overarching objectives set out at paragraph 8 of the NPPF.

Housing

60. The application proposes erection of 25 new dwellings by Karbon Homes, a registered not-for-profit social landlord, regulated by Homes England. The developer's Affordable Housing statement, submitted with the application, sets out, 'the development will consist of 23 no 2 bed houses and 2 no 3 bed houses, which will be available for Rent to Buy. This means that the new homes will be let at an affordable rent (which for reference is currently 80% of open market rent) for an initial 5-year period, after which tenants are able to purchase the property, should they wish to do so. The new homes will be allocated by Karbon Homes, in accordance with Homes England requirements for

grant funded affordable housing schemes. Karbon Homes will manage and maintain the new homes. The developer has indicated that the development would not be viable without funding from Homes England’.

61. The proposals have been assessed by both Spatial Policy and Housing Officers. Policy note that that in light of the Council’s positive housing land supply position, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. The Housing Development Team are happy that these proposals meet the affordable needs of the area in relation to bedroom requirements and affordable demand in the area.
62. Members will be aware that there is a complex relationship between the planning requirements to secure policy compliant affordable housing within schemes, difficulties in securing apparent overprovision through legal agreements and developer’s requirements to meet Homes England (HE) criteria. Acknowledging the nature of the applicant, and that the scheme is presented as 100% affordable, The wording of the recommendation has been discussed and agreed as meeting the requirements of all parties – applicant, Homes England, Local planning authority – to ensure that the scheme will provide the policy required level of affordable housing (10%), and that it meets the requirements of HE for the not-for-profit social landlord to build and administer it.
63. It is the imperative of the Government through the NPPF and the wider corporate aims of the Council to drive economic growth and provide housing, and this is of positive material weight. For the purposes of this planning assessment, the proposal meets basic requirements, and benefits from the ‘tilted balance’ at paragraph 11 of the Framework.

Highways

64. The scheme has been redesigned to better meet the requirements of Highways Officers, with additional visitor parking at the expense of gardens and open space the main reflection of this. There are still some detailed discussions taking place as this report is written on small issues such as an awkward drive access and a flight of stairs not considered capable of adoption. It is expected these issues will be resolved, and any implications for conditions or matters of note will be reported verbally to Members. Highways have noted that part of the scheme overlaps onto the adopted highway, and a mechanism is required to resolve this. This is a legal process, the need for which has been passed to the developer.
65. Providing the requirements of Highways Officers are met, the scheme can be reasonably concluded to meet the requirements of policies T8, T15 and T17 of the development plan and paragraph 109 of the Framework. A Highways Engineering condition is proposed to ensure the development is constructed to adoptable standards.

Scale, Character and Residential Amenity

66. The application proposes a modern and contemporary architect designed scheme of dwellings that derive additional character for how their design relates to the site’s slopes. Part 12 of the Framework advises that great weight should be given to outstanding or innovative design which helps to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Officers consider this to be the case in this instance. The modern elevational design and massing is integrated into the local vernacular by a strong and carefully chosen palette of materials.

67. However, the design suffers from some particularly small private garden areas, exacerbated by redesigns to meet highway requirements. Policy HP9 requires that new development proposals will, 'provide adequate privacy in the rooms, gardens and other outdoor areas' of proposed dwellings, with the Framework requiring 'a high standard of amenity for existing and future users'. The development would not meet the layout standards set out in the Council's new design guidance document, but this application pre-dates this advice. The applicant contends that the dwellings worst affected are those aimed at older-person and 'empty nester' occupants, whose expectations of and desire for external garden areas are reduced, this bringing variety into the scheme. Officers consider that these groups would use external private amenity space in different ways but would still require it. It is concluded that this part of the proposals is deficient, but in the absence of a direct policy that can reasonably be applied to it, this is an adverse impact to be weighed in the planning balance.
68. The development bounds existing development on two sides. South of the site two extended local authority-built semi-detached dwellings sit higher than the site, separated from it by rear gardens 17.8m in length. One of these dwellings faces the gable end of plot 22, but because of the layout of that unit, this gable has living room windows in it, looking over its side garden. This side garden is 7m long (in addition to more gardens to the rear – plot 22 being a corner unit. The cumulative garden lengths exceed the usually expected 21m separation distance for facing elevations including living rooms. A levels condition is also proposed to ensure the expected relationships are implemented on-site.
69. Facing back towards the modern detached houses in Highfield, on the north east boundary, plots 22/23 have gardens nearly 15m in length, which cumulatively with the existing dwellings' 12.5m gardens, exceeds the requirements to a degree that compensates for the existing development's lower elevation. The existing dwelling potentially most affected by the proposed development is 18 Highfield, which currently sits below the ground levels of the site and the existing building. That dwelling has a 4.6m single storey rear extension, the length of the garden being 13.4m from the main rear elevation (measured on the Council's GIS mapping system). Inside the site, 1.5m is the proposed separation between the fence and the gable of plot 25, with the finished floor level of the new dwelling 1.2m higher than that of the existing. Plot 25 has a ground-floor wc window and a first-floor landing window facing towards the existing dwelling, both of which can be made subject to a planning condition to be obscure glazed to ensure the privacy of both dwellings. The proposed separation distance of 14.9m between the proposed dwelling and the main elevation of 18 Highfield, at 14.9m exceeds the required 12.5m separation to a degree that mitigates the 1.2m rise in elevation and is concluded acceptable subject to the aforementioned condition. It is noted that there has been no representation from any neighbour.
70. In terms of scale, character and residential amenity, the proposals are concluded on balance compliant with the requirements of Policies HP6 and HP9 in so far as those policies are compliant with the NPPF and with part 12 of that document.

Open Space

71. Whilst the development does provide small areas of open space within it, it's residents will generate demand for a wide range of open space types far in excess of this – especially where some private open space provision is limited. The village is well provided with a range of existing facilities – well equipped playgrounds and formal sports pitches are evident 250m to north-west. Unfortunately access to these involves crossing two main roads – albeit with zebra and pedestrian traffic-light controlled crossings available. The scheme cannot be considered sustainable development without

mitigating this demand, the importance of which is set out in parts 8 and 12 of the Framework.

72. The development plan also drives this requirement with the partially NPPF consistent policy RL5. Policy BE22, the NPPF and the NPPG allow for the imposition of planning obligations to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms, subject to a number of tests: they must 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 developer has offered the £37,015 identified by Spatial Policy as the figure necessary to mitigate the open space provision deficit. Officers consider the scheme would be unacceptable without this mitigation. The legal agreement can make sure the financial mitigation is directly related to the development, and its imposition meets all the tests set out in legislation.

Other Issues

73. Both colleagues in Education for school places and the NHS for local health provision have confirmed that for their respective requirements, there is sufficient capacity in the Village. A demand for additional mitigation would not meet the required tests.

74. The NPPF requires schemes to be implemented with sustainable drainage systems to ensure the development does not result in wider flooding issues. Agreement has not yet been reached in the technical detail required for the surface water drainage scheme, with discussions on-going as this report is written. Members will be advised of any requirements for additional conditions or plan changes to achieve the required surface water discharge rate. The requirements are considered capable of resolution to ensure the scheme meets the requirements of the advice in part 14 of the Framework.

75. The brownfield site, in an area with coal mining legacy issues requires stabilisation and remediation for new residential development to be built. Conditions are proposed attached to any approval to ensure these issues are comprehensively mitigated and required by part 15 of the Framework.

76. Environmental Protection Officers have further suggested working hours and noise conditions to ensure reasonable expectations of residential amenity to meet the requirements of part 15 of the Framework. These are appended.

77. Ecology Officers are content with the information provided and have no further requirements. Part 15 of the Framework is again satisfied.

78. Landscape and Tree Officers note the matured planting scheme planted around the existing development and regret this is to be lost. There is however no suggestion in their advice that the existing trees justifies formal protection. The submitted landscape plan extends beyond the site boundary and is based around a superseded site layout. Officers are confident that an acceptable landscape scheme can be achieved, however this will have to be discussed via imposition of a condition in light of the inaccurate plans submitted.

79. The developer undertook a public consultation exercise at the Fulforth Centre, Sacriston, encouraged by the Council and the Government as good practice. It was noted that this was not well-attended, but what response there was positive.

80. Whilst there is no assessment of the potential benefits the scheme will bring either through the economic activity generated by the build process, neither of that of the economic activity of prospective residents in the occupation of the scheme in adding to

the local economy, and in principle positive weight is added to the planning balance form this.

The Tilted Balance

81. The policies most important for determining the application in the Development Plan, i.e. the housing policies, are out-of-date and as a consequence, the 'tilted balance' set out in paragraph 11 of the Framework and the resultant presumption in favour of sustainable development is engaged.
82. The application site is considered a sustainable location. The application proposes housing, in a form that adds variety to the local housing supply and market and includes the necessary affordable element. The proposals provide a high-quality scheme in a prominent location on a brownfield site. These elements are of significant positive weight.
83. The scheme mitigates shortfall in public open space provision through off-site mitigation. Without the contribution this element would be of negative weight – the agreement renders it neutral. Restricted private open space provision is one of the issues that must be considered as one of the weak points of the layout. As this application is assessed, this issue falls between the out of date policy requirements for such in the Development Plan and the emerging requirements for amenity standards emerging in the County Plan. Tree and Landscape Officers comments on the tree's loss and restricted opportunities for meaningful replacement must also be weighed as negative – replacement landscape planting to be secured through condition could only mitigate this issue by degree. These issues are not such that they outweigh the positive elements of the proposals.
84. Officers consider that the adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits.

CONCLUSION

85. The proposals represent sustainable development and therefore benefit from the Framework's 'presumption in favour'. Some weaker elements of the scheme, such as landscaping can be addressed post decision via condition, some – such as the private open space restrictions are accepted within the planning balance assessment. The quality of the elevational design has been attributed positive weight in the assessment.
86. The scheme has been assessed for implications to residential amenity, notwithstanding the lack of response to the consultation exercise – apparently mirroring the developer's pre-submission efforts. Amenity issues have been concluded acceptable (subject to a condition addressing a specific relationship).
87. Conditions can address technical implications and ensure an acceptable form of development. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.

RECOMMENDATION

88. That the application be APPROVED, subject to the applicant entering into a legal agreement consisting:

- Securing 10% of the scheme as affordable housing.
 - A contribution to secure open/ play space mitigation of £37,015,
- and the conditions detailed below:

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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy NE11, HP6, HP9, HP13, HP15, BE22, RL5, T6, T8, T15 and T17 of the Chester-le-Street Local Plan 2003 (saved policies) Local Plan.

3. Notwithstanding any details of materials submitted with the application no erection of dwellings hereby approved shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies).

4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies) and Parts 12 and 15 of the National Planning Policy Framework.

5. No development of plots 22/23 shall commence until detailed drawn sections, showing the existing and proposed site levels and the finished floor and garden levels including any garden retaining structures of the proposed development and the boundary marker and existing dwelling at 15 Fynway, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy HP9 of the Chester-le-Street District Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. All windows on the gable elevation of plot 25 must be obscure glazed to a level meeting Pilkington Standard level 3 or greater before that dwelling is occupied, being thereafter retained as such in perpetuity.

Reason: In the interests of residential amenity as required by policy HP9 of the Chester-le-Street District Local Plan 2003 (save policies) and the advice of part 12 of the Framework.

7. Before development of the approved highways layout commences, full engineering details of the roads and footpaths within the scheme must be submitted to the Local Planning Authority and agreed in writing. The layout must thereafter be implemented to an adoptable standard in full accordance with said agreement and be completed in full before occupation of any dwelling hereby approved.

Reason: In the interests of highway safety and Policy T15 of the Chester-le-Street Local Plan 2003 (saved policies)

8. Current British standards/relevant guidance shall be used to set appropriate levels to minimise noise, vibration, light and dust nuisance or disturbance to local residents resulting from construction/demolition site operations.

Reason: In the interests of residential amenity in accordance with part 15 of the Framework.

9. Before any dwelling is occupied, all sound attenuation measures detailed in the noise assessment [Professional Consult noise assessment dated 4/12/19 ref 19.081.1.R2] relating to that dwelling must be implemented in full and permanently retained thereafter.

Reason: In the interests of residential amenity in accordance with part 15 of the Framework.

10. No new building work shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. A Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

11. Remediation works shall be carried out in accordance with the full approved remediation strategy. No part of the development shall be occupied until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

12. To secure the implications of coal mining legacy, before new building works commence, the developer must undertake an appropriate scheme of intrusive site investigations (noting the need to secure agreement with the Coal Authority's Permitting Team), submit a report of findings arising from the intrusive site investigations, and where identified submit a detailed scheme of remedial works and schedule for implementation for the written approval of the Local planning authority and thereafter implement those approved remedial works in full.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

13. Development shall be carried out in line wholly with the drainage scheme contained within the submitted document entitled "Below Ground Drainage Layout" dated "26/06/18". The drainage scheme shall ensure that foul flows discharge to the combined sewer upstream of manhole 1004 and ensure that surface water discharges to the surface water sewer upstream of manhole 1005. The surface water discharge rate shall not exceed the available capacity of 5.3l/sec that has been identified in this sewer.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan, based details of the following:

- Trees, hedges and shrubs scheduled for retention and details of RPAs.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.
- Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003(saved policies).

15. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period

of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies).

- 16.No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with part 15 of the Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>Demolition of Graham Court and construction of 25 residential dwellings and associated landscaping Application DM/19/03091/FPA</p>	
<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>	<p>Comments</p>	
	<p>Date 27th February 2020</p>	<p>Scale NTS</p>

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