

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00463/FPA
FULL APPLICATION DESCRIPTION:	Construction of 9 bungalows
NAME OF APPLICANT:	Jade Homes Limited
ADDRESS:	Land at the South West of Pont House Farm Leadgate DH8 6JP
ELECTORAL DIVISION:	Leadgate and Medomsley
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 comprised of 0.34ha of open land between Main Road and Pont House Farm in Leadgate. To the north and north-west of the application site is an area of inter-war terraced bungalows and a recent modern development of modern detached and semi-detached dwellings built in 2015 on former industrial land. There is an equipped play area and beyond that Watling Street Bungalows to the south-east.
2. To the north west part of the site a detached bungalow known as Caberfeigh which has been constructed on the site of the former Co-op store. This dwelling has windows overlooking the site, very close to site boundaries. Site boundaries around this bungalow are defined by low wooden fences, but elsewhere by mature trees, shrubs and hedgerows, except on the north-east boundary where a post and rail fence separates the semi-improved grassland of the site from a grassed verge without footpath. Despite the lack of a path there is a bus stop with shelter on this roadside.

The Proposal

3. The application proposes erection of 9 bungalows in a small cul-de-sac arrangement accessed from the north of the site. Each bungalow has a small area of private garden. There is a total of 19 car-parking spaces within the scheme, including 4 visitor parking spaces, one of which is in the form of a on street parking layby at the site entrance.

4. This application is reported to Committee at the request of Cllr. Stelling, the Ward Member on concerns relating to the relocation of the bus stop, site drainage and the residential amenity of the existing bungalow adjacent the site.

PLANNING HISTORY

5. 1/2011/0234 Outline planning consent residential development all matters reserved - Application Refused, Allowed at Appeal.
DM/15/00760/OUT Outline planning consent residential development all matters reserved (Re-submission) – Approved.

PLANNING POLICY

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 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.
7. 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *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.
10. *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.
11. *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'.

12. *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.
13. *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'*.
14. *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.
15. *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.
16. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
18. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.
19. *Conserving and enhancing the historic environment* - Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
20. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of

development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

21. *Land affected by contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

22. *Natural environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

LOCAL PLAN POLICY:

23. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:

24. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, deterring crime and consideration of drainage.

25. *Policy EN11 – Trees and Development* – states that development will only be permitted which will not cause harm to or result in the loss of trees protected by preservation orders, or trees which contribute to the character and appearance of conservation areas. Throughout the district existing trees should be retained where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, which contribute significantly to the setting of nearby existing buildings or visual amenity.

26. *Policy HO5 – Housing Development on Small Sites* – Leadgate is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.

27. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

28. 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 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for

consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered 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:

29. *Highways* – have asked for some minor revisions at the estate entrance and suggested the relocation of the bus stop could be agreed by a condition. They offer no objection to the proposals.

STATUTORY RESPONSES:

30. *The Coal Authority* – On previous schemes the Coal Authority have set out requirements for a condition to ensure the Coal Mining legacy issues on the site are properly addressed. It is proposed to repeat this condition.

INTERNAL CONSULTEE RESPONSES:

31. *Archaeology* - The archaeological evaluation report has been provided and has shown that the potential for below-ground deposits is low and therefore no objection is raised on archaeology terms. It is requested that a copy of the report is sent to the Durham Historic Environment Record as set out in the written scheme of investigation.

32. *Landscape Officers* – confirm there are no landscape designations in the area. They note the proposal does not respect the established building line of the existing settlements, and that the existing hedge is not suitable for screening. The proposed development would represent a significant erosion of the open space that currently divides the two communities. Housing on the site would effect a considerable reduction in the character of the streetscape that defines the distinct settlements of Pont and Leadgate. The proposals would have some adverse landscape and visual effects.

33. *Tree Officers* - The tree constraints plan is satisfactory. Trees outlined within the proposed plan will require further thought in their planting, 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. Species of trees and shrubs must be identified within a landscape plan.

34. *Environmental Health, Contamination* - Due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should be imposed.

35. *Ecology* – request the applicants consider a revised layout to deliver net bio-diversity gains for the site.

PUBLIC CONSULTATION EXERCISE:

36. In response to a consultation exercise consisting of 24 letters, objection has been received from the residents of the bungalow bordering the site, and from Cllr. Stelling.

37. Three main concerns are offered –

- The effect of the development on the residential amenity, from the proposed relationship between the existing windows, doors and amenity areas, close to the site boundary and the proposed windows and vehicular movement arrangements.
- Development of the land will lead to flooding issues from a reduction of permeable area.
- Highway safety is a concern, exacerbating the additional traffic resulting from the recent residential development of the Lamplas site to the north.

38. Other issues mentioned are the hours of the Construction Management Plan – 7am being proposed instead of the usual 8am. The differences between the previous consent, the status of that approval and the current scheme are queried.

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=PMT9A6GD0CF00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

39. 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 and issues of residential amenity.

The Development Plan

40. 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 Derwentside 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.

41. The Local Plan was adopted in 1997 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. Policy GDP1 seeks a high standard of design in keeping with the character and appearance of an area, with form, mass, layout and materials appropriate to a site's location. This Policy aligns with the Design section of the NPPF. Policy HO5 allows for windfall development on sites within established settlements, which is in resonance with the Housing section of the Framework but seeks to restrict the extent of settlements, which is advised as not compatible with that document.

The NPPF

42. Paragraph 11d)ii. of the Framework sets out that where the policies which are most important for determining the application are out-of-date, granting permission 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. The lead Policy for assessing the application would have been HO5, however, as a settlement boundary

policy, this is out-of-date. On this basis, the presumption in favour of sustainable development and the 'tilted balance' as set out in paragraph 11 of the Framework is engaged. The relevant advice set out in the Framework, particularly at Parts 5 – Delivering a sufficient supply of homes and 12 – Achieving well-designed places, have been given special attention, as have the relevant elements of Policy GDP1.

Site Use and Layout

43. The planning history of the site is significant to the consideration of the application. An Outline planning approval was granted in August 2012 by a Planning Inspector for the residential development of this site. That consent was extended and finally lapsed unimplemented in April 2018. Whilst there are elements of the Inspector's assessment of the Policy context that have changed, the principle considerations against the Derwentside District Local Plan and the NPPF remain consistent.
44. To quote from the Inspector's report, 'the ... site is within the defined development limits of Pont and Leadgate and appears to be relatively well located for access to local facilities. In view of this... the site's greenfield status does not in this instance warrant refusal of the scheme'. The site is therefore once again concluded as in a sustainable location, with good access to bus routes, reasonable access to local facilities and a good relationship to the greater offer of Consett, 1.8km to the south-west.
45. The Inspector noted the role of the site in conjunction with the adjacent children's play area in separating the built-up parts of Pont and Leadgate but concluded that the open views across the play area contributed most to this, with the potential for retaining the site's boundary landscaping mitigating the visual impact of the two storey dwellings then proposed. The Inspector was not persuaded that development of the site would cause significant harm to the landscape or to the character or appearance of the area, and noted that 'the play area, albeit a feature with urban connotations, would continue to be a visual and physical divide between Pont and Leadgate'.
46. Officers see no reason to come to a different conclusion at this time. Indeed, with a single storey form of development now proposed, the proposed scheme will have a lesser visual effect than that previously approved. Landscape Officer's suggestion to maintain the existing building line would undermine this approach. With existing modern development in the immediate vicinity of the site on the former Lamplás industrial site, the single storey form of the development in a modern layout is argued to pick up on existing elements of the surrounding urban form and is concluded acceptable.

Design, Layout and Residential Amenity

47. In terms of residential amenity, only one dwelling is directly affected by the proposals – the bungalow named Caberfeigh. It is from this dwelling that the objections to the scheme have come. The bungalows to the north of the site all present blank gables towards the site.
48. Whilst residential amenity impacts are principal concern of the resident of the existing bungalow, it must be acknowledged that that dwelling derives much of its residential amenity from land not in its control – i.e. the application site – having built main living room windows close onto site boundaries. The new development has been designed so that the rear elevation of the existing bungalow faces across the open frontages and drives of the western part of the proposed development. The nearest new dwelling, plot 8 has been redesigned to take the main living room window away from the boundary, leaving a bedroom window nearest. The two living room windows have a separation of 8.3m at an angle of 25 degrees. The development plan sets out guidelines for facing separation distances but gives no advice for those at oblique angles. The proposed site

sections also show the new dwellings constructed at a slightly lower level, falling away from that existing. Examining this arrangement in detail, the arrangement is not unusual (from 'square' type developments) results in part from the existing dwelling 'borrowing' amenity from adjacent land. On balance, the proposed arrangement is considered acceptable.

49. Objection is also raised to the relationship of plot 9 to the east, and the relationship to the front door and the front seating area of the existing bungalow. Officers do not consider the concerns and impact on the door and seating area on the south elevation to be an unusual or an unreasonable relationship. The privacy guidelines in the development plan suggest a 7.5m separation where the main rear elevations of dwellings face boundaries that may be developed. There is no specific guidance for the relationship proposed between a side gable with bedroom windows overlooking a main garden towards the side elevation of an existing bungalow with a secondary window in it. It is noted that whilst the existing dwelling has a rear sitting out area on its south-east boundary, its main garden is to the west, between the bungalow and its garage. There is an 8m separation between the bedroom windows on this side elevation – that look over the new dwelling's small garden area – and the side window of the existing bungalow, with a small green-house in that gap. The new garden itself is 5.7m long. Given the detailed nature of the relationships between dwellings, boundaries and the private outdoor spaces, it is considered that the proposals meet reasonable expectations of amenity for existing and new residents.
50. The submitted sections show the proposed dwellings at a lower level than the existing bungalow. To ensure the built development properly reflects this stated relationship and given it formed part of the detailed assessment, a condition requiring submission of detailed site levels and finished floor levels, including those of the existing bungalow, is proposed as part of any approval, in the interests of clarity and the amenity of the existing dwelling.
51. In terms of design and layout, the site is laid out around a simple hammerhead cul-de-sac accessed from the north of the site. An extended private drive arrangement serves the four dwellings on the western part of the site. There is a mix of detached, semi-detached and mid-link bungalows proposed. The proposed brick-built bungalows are simple in form, with some elevational detailing, including brick heads over openings. The bungalows are smaller than that existing. The predominant form of the surrounding area is single storey – both in traditional form in the bungalows to the north and in the modern form of the existing bungalow adjacent the site. The redeveloped Lamplas site is formed of a series of cul-de-sacs. The application can therefore be argued to pick up on various elements of the surrounding urban environment.
52. The gardens proposed for the new dwellings are small but do offer a private area for each dwelling. To ensure that this area is not further reduced in an unplanned manner it is proposed to remove permitted development rights for extensions from the development.

Highway Safety

53. County Highways Engineers have raised no objection to the layout – subject to some detailed alterations being pursued as this report is written, or the proposed parking levels – 19 spaces to serve 9 dwellings including 4 visitor spaces. Likewise, no objection is raised to the traffic that will be generated by the development in terms of highway safety effects on the surrounding highways network.
54. The proposals are acceptable in respect of the highways implications considered against policies TR2 and GDP1(h).

55. The new site entrance requires re-location of the existing bus stop. This can be achieved by a small movement of a few metres that will not affect users. Revised drawings to reflect this arrangement are being prepared as this report is written, hence the suggested approved plans list is not filled in at this time and will be described at the Committee Meeting.

Other Issues

56. The surface water drainage of the site has been raised as of concern by the local resident and the Councillor. On a 'minor' planning application, there is no role for the Council's Drainage and Coastal Protection Team, and this technical issue would be dealt with through the requirements of the separate Building Regulations Process.

57. As the land is proposed used for a 'more sensitive receptor', a standard land contamination condition is requested attached to any approval by Environmental Protection officers.

58. The land is within an area shown as having Coal Mining legacy issues. Consistent with previous approvals, a condition is suggested to address this issue.

59. The Construction Management plan can be amended to reflect the Council's standard suggested appropriate hours for noisy site works.

60. The proposal will bring material benefits to the Council's housing supply – albeit this benefit is not significant given both the numbers of dwellings proposed, and the Council's healthy housing supply position. The development is notable however in proposing new open-market bungalows, a housing option that is generally considered in short supply.

61. There are also material benefits from both the construction process and the introduction of new residents into the local economy, albeit the weight that can be attributed to this is not significant, again given the size of the development and in that these benefits have not been quantified in the application.

62. The layout shows that the proposal will avoid the existing trees on and adjacent site boundaries. The Inspector in 2012 noted the value the existing hedges on the west and south boundaries to the character of the area. The retention of these features included in a proposed landscaping plan will bring both visual and ecology benefits. A suitable condition is suggested. Ecological issues are not such that a redesign is considered justified.

The Tilted Balance

63. The Development Plan is out-of-date and as a consequence, the 'tilted balance' addressed by paragraph 11 of the Framework and the presumption in favour of sustainable development is engaged.

64. Any limited harm to the countryside and arguments relating to calescence of settlements are argued as ceded by the previous approval and the site planning history.

65. The potential provision of additional dwellings to the local housing market, particularly in the form of bungalows, would be an undoubted benefit of the proposed development. The local economy would also have the potential to have some limited benefit during the construction period and from any expenditure from future occupiers going forward, as would the vitality of the existing community be further bolstered.

66. Where there are adverse impacts of granting permission, these are not such that they would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

CONCLUSION

67. This site has benefitted from an outline consent for a number of years, and despite this having lapsed officers consider the principle of developing the land has been established. No arguments have been offered that would contradict the 2012 Planning Inspector's conclusions on this matter, reached on the basis of the policies in the current Development plan and a slightly earlier version of the Framework.

68. Consideration of the application is led by the 'presumption in favour of sustainable development', and there are neither policies in the Framework that protect assets of particular importance, nor adverse impacts that would significantly and demonstrably outweigh the benefits of the benefits to housing supply, especially where market bungalows are proposed.

69. A detailed assessment of the residential amenity implications, led by the guidance in the development Plan has been carried out, with Officers coming to the conclusion that the relationships proposed meet reasonable expectations of amenity as required by Policy GDP1(h) of the Development Plan.

70. Detailed drainage requirements will be addressed by the Building Regulation system.

71. Highways Engineers have raised no objection to the proposals and suggest the detailed relocated position of the bus-stop is being agreed as the report is being written. Members will be updated with regard to this at your meeting.

72. Other technical requirements can be addressed by condition and no other issues have been raised that, in Officers' opinion would preclude the granting of consent. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.

RECOMMENDATION

95. That the application be APPROVED, subject to 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 Policies GDP1, EN11, HO5 and TR2 of the Derwentside District Local Plan 1997.

3. Notwithstanding any details of materials submitted with the application, before erection of the dwellings hereby approved commences, details of the make, colour and texture of all walling and roofing materials must be submitted to and approved in writing by the Local planning authority. The development shall be constructed in full accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.
4. Construction of the highways hereby approved must only commence once a scheme of engineering details for the proposed adopted highways has been submitted to and approved in writing by the Local planning authority. The 3 visitor spaces next to plot 8 and plot 2 should be constructed in a contrasting material.
Reason: In the interests of highway safety to comply with Policy TR2 of the Derwentside District Local Plan 1997.
5. No plot hereby approved may be occupied until a detailed scheme for relocation of the bus stop to an agreed specification has been agreed in writing by the Local planning authority in discussion with the County Highway Authority and then implemented.
Reason: In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan 1997.
6. Before construction of any of the dwellings hereby approved commences, detailed levels plans showing the proposed finished floor levels of all new dwellings and that of the existing dwelling must be submitted to, and approved in writing by the Local planning authority, the scheme being thereafter implemented in full accordance with said approval.
Reason: In the interests of residential amenity as required by Policy GDP1 of the Derwentside District Local Plan 1997.
7. Before any site clearance or construction works commence tree protection fencing to a specification matching that set out in BS 5837:2012, 'Trees in relation to design, demolition and construction', must be erected in the positions shown as root protection zones on plan 'Batson Groundworks 0008839P1', said fencing being retained for the full duration of construction works.
Reason: In the interests of the appearance of the area and to comply with Policies GDP1 and EN11 of the Derwentside District Local Plan 1997.
8. Before erection of the dwellings hereby approved commences a detailed landscaping scheme, including the retention of the existing hedges and retained trees identified on plan 'Batson Groundworks 0008839P1', including a schedule for implementation and maintenance for a period of 5 years from implementation must be submitted to and agreed in writing by the Local planning authority. The development shall be carried out in full accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.
9. Before any of the dwellings hereby approved are implemented details of all boundary markers (in particular where these relate to boundaries with retained hedges) must be submitted to and approved in writing by the Local planning authority. The development shall be constructed in full accordance with the approved details.
Reason: In the interests of residential amenity and the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.

10. Agreement in writing with the Local Planning Authority must be reached before development commences as to whether a scheme of site investigation works is required in relation to Coal Mining legacy issues. In the event that intrusive site investigations are required and these confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development scheme to a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and Implementation of those remedial works, must be agreed and implemented in full within an agreed timescale
Reason: To ensure Coal mining legacy issues are addressed with the approved development.
11. Contaminated Land (Phase 1-3): No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a further Phase 2 site investigation and risk assessment. 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.)
12. Contaminated Land (Phase 4): Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use 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.
13. Before any dwelling hereby approved is occupied a hard copy of the Archaeology Written Scheme of Investigation must be submitted to Local HER.
Reason: to ensure the historical interest of the site is properly recorded and accessible, in accordance with part 16 of the Framework.
14. Construction works on the site must be carried out as set out in the Construction Management Plan element of the Design and Access Statement (dated 8th Feb. 2019) except for operating hours which must be within 0800hrs – 1700hrs Monday to Friday, 0800hrs – 1230hrs Saturday and no works on Sundays or Bank Holidays. *Reason:* In the interests of residential amenity and the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997.
Reason: In the interests of existing residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan 1997.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) development falling within Schedule 2, Part 1, Classes A, B, C, D, E shall be submitted to and approved in writing by the Local planning authority.
Reason: Reason: In the interests of existing residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan 1997.

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
Derwentside District Local Plan 1997 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Construction of 9 bungalows.
Application Number DM/19/00463/FPA

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Comments

Date 16th May 2019

Scale NTS