

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02947/OUT
FULL APPLICATION DESCRIPTION:	Outline application erection of 25 Dwellings with all matters excluding access and layout reserved for future consideration (Amended Description)
NAME OF APPLICANT:	Mr John Holmes, Witton Hall Farm, Coach Lane, Witton Gilbert
ADDRESS:	Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY
ELECTORAL DIVISION:	Witton Gilbert
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application is located on land adjacent to the property know as Snook Acres which is on Front Street Witton Gilbert. The site measures approximately 1.29 hectares and is currently used as a mix of paddock and agriculture. To the north of the site is Front Street highway with residential properties located beyond and to the south the site is framed by the A691 highway and associated structure planting. To the east the site is framed by land associated with a public house and to the west by a paddock which whilst benefits from planning permission for the erection of 14 dwellings. The site is located within the Sacriston Subglacial Channels Local Geological Site.

The Proposal

2. Outline planning permission is sought with all matters excluding access and layout reserved for future consideration for the erection of 25 dwellings at the site (reduced from 26 as originally submitted), on land adjacent to Snook Acres, Front Street, Witton Gilbert.
3. Full details of access and layout are submitted for review in this regard and matters relating to landscape, appearance and scale are all reserved for future consideration. Submitted details identify a layout which takes an access from Front Street to the north west of the site via a shared arrangement with 14 dwellings previously approved to the west of the site and follows broadly to route of the A691 once it enters the site with two short spurs of properties extending northwards off this.
4. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

5. There is no planning history relevant to the current application site although it is noted that planning permission was granted in 2015 at an adjacent site for 14 dwellings (Planning Permission Ref: DM/15/03779/FPA).

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 overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
8. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
9. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
10. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
11. *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.
12. *NPPF Part 12 Achieving Well Designed Places:* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *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.

14. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
15. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

16. The following policies of the City of Durham Local Plan (CofDLP) are considered relevant to the determination of this application.
17. Policy E7 (Development Outside Settlement Boundaries) advises that new development outside existing settlement boundaries will not normally be allowed. However, there are a number of exceptional circumstances where development outside existing settlement boundaries may be considered acceptable.
18. Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
19. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.
20. Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
21. Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

22. Policy H13 (Residential Areas - Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
23. Policy E23 (Listed Buildings) seeks to safeguard Listed Buildings and their settings from unsympathetic development
24. Policy T1 (Traffic - General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
25. Policy T10 (Parking - General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
26. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
27. Policy Q8 (Layout and Design - Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
28. Policy Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.
29. Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
30. Policy U12 (Development near Contaminated Land) states that development will only be permitted adjacent to
31. Policy U13 (Development on Unstable Land) states that development on unstable land will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users.
32. Policy R2 (Provision of Open Space - New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
33. Policy R11 (Public Rights of Way and Other Paths) states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative route is provided and the proposal accords with policy T21 where possible the existing network or public rights of way and other paths will be extended.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

34. Paragraph 213 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

The above represents a summary of those policies considered 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:

34. The Highway Authority has no objection to the application after the application was amended to revise the dispersal of visitor parking spaces across the site, provide a shared access arrangement with an adjacent site and appropriate service strips.
35. The Coal Authority has no objection to the application subject to the inclusion of a planning condition requiring the submission and agreement of a scheme of intrusive investigations which is adequate to properly addresses the ground conditions and the potential risk posed to the development by past shallow coal mining activity, the submission of a report of findings arising from the intrusive investigations and a scheme of proposed remedial works for approval and the implementation of those remedial works.
36. Northumbrian Water Limited offer no objection to the application subject to a planning condition which requires the submission and agreement for a scheme of foul and surface water disposal noting also that a public sewer crosses the site and may be affected by the proposed development.
37. Drainage and Coastal Protection Section offers no objection to the application after the applicant provided additional information with regard to means of foul and surface water drainage and disposal.

INTERNAL CONSULTEE RESPONSES:

38. Spatial Policy Section confirms that the planning application should be assessed in the context of paragraph 11 of the NPPF as the policies which are most important for determining the application are out-of-date. In addition, they confirm that 25% affordable housing provision should be provided across the site and that a commuted sum payment of £43,477 is also required for open space contributions. In addition, the response also confirms that as there are no restrictive policies in the NPPF the tilted balance contained in paragraph 11 of the NPPF is engaged.
39. Housing Development and Delivery Team (Affordable Housing) has advised that 25% affordable housing provision should be provided across the site.

40. Education Authority has advised that existing school places within the locality could accommodate the anticipated increase in the demand for primary and secondary school places.
41. Landscape Section raises no objection to the application after the scheme was amended to remove what was previously identified as plot 18 on the proposed layout.
42. Council Arborist notes that some of the trees identified for removal could be retained and as such the applicant has amended the scheme accordingly. However, concern remains that as those properties across the southern part of the site are south facing structure planting to the north of the A691 would likely come under pressure for heavy pruning to which the Council would not agree as it would be against DCC Corporate Tree Management Policy. In addition comments of the Landscape Officer are also echoed which advise that plot 18 be removed from the scheme.
43. Public Rights of Way Section offers no objection to the application noting that accommodation for footpath 29 across the development site can be achieved either through the retention of the path on its current line and remodel the turning head so it stops short of the path, retain the path on its current line and incorporate into the turning head by, for example installing dropped kerbs and demarcating the route of the path by block paving or similar apply to legally divert the footpath around the turning head and note that a successful diversion could offer the opportunity to erect a physical barrier between the path and the development.
44. Environmental Health Section (Noise Action Team) has no objection to the application subject to the inclusion of planning conditions requiring the submission and agreement of noise impact assessment compliant with Professional Practice Guidance on Planning and Noise (ProPG) (2017).
45. Contaminated Land Section has no objection to the application subject to the inclusion of the standard planning condition relating to the need for a contaminated land risk assessment, intrusive site investigations and remediation and verification where need is identified.
46. Ecology Section raises no objection to the application as the applicant has confirmed that a commuted sum of £14, 880 would be provided for offsite biodiversity improvements to offset the net loss to biodiversity.
47. Archaeology Section has no objections to the application.
48. The Council's Drainage and Coastal Protection Section offers no objection to the application subject to a condition to ensure that all driveways are finished in permeable paving and that Suds are provided as per the proposed layout plan.

NON STATUTORY RESPONSES:

49. Police Architectural Liaison Officer raises no objections.
50. City of Durham Trust query the wisdom of development between the established extent of Witton Gilbert and the structure planting which frames the A691.

PUBLIC RESPONSES:

51. The application has been publicised by way of site notice, press notice and notification letters sent to neighbouring properties. One letter of objection has been received which raises the following points of concern;

Highway Safety

In addition, one letter of support has been received which notes the following benefits;

Boost to housing supply which would benefit the village.

A further letter of representation has also been received which although raising no objection to the application notes areas of concern. Those being summarised as;

The extent of the site boundary as shown appears to include land not within the applicants control although it is noted that the application boundary has been amended as a consequence.

Concern that some of the existing outbuildings within the site would be removed to accommodate the development.

Opportunity should be explored to provide additional car parking for three of the existing cottages at Front Street within the proposed development as residents of these units currently have to park on Front Street itself.

APPLICANTS STATEMENT:

52. Our consultant Ryder Architects has worked with planners and agents of Durham County Council and sought advice to establish a positive solution to proposed development at Snook Acres.

The application site is free from major constraints and is available to develop in the short term. The application site has never been the subject of a planning application, although we received planning approval for 14 residential properties on an adjacent site. Planning application DM/15/03779/FPA.

We are advised National Planning Policy framework [NPPF] has established a presumption in favour of sustainable development which means proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole, or specific policies in NPPF indicate development should be restricted. There are no policies in NPPF, which would preclude development at Snookacres Farm. The site is not located within the green belt.

The Highway Authority is satisfied that an adopted highway can be provided for the development subject to the provision of a suitable access and have therefore offered no objection to the application. The final layout plan provides roads and footpaths and adequate parking for residents and visitor parking.

The Council's Arborist and Landscape Officer the Arborist has made a number of suggestions with regards to the development and these are incorporated into the final scheme design.

An element of affordable housing is provided as part of the development.

A planning obligation to provide a commuted sum for open space is accepted.

PLANNING CONSIDERATIONS AND ASSESSMENT

53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development, locational sustainability of the site, impact upon designated heritage assets including Grade II Listed Building at the former Smithy, landscape and visual impact (including the impact upon existing trees and hedgerows), residential amenity, highway safety, ecology, drainage, land contamination and planning contributions.

Principle of Development

54. 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 City of Durham Local Plan (CofDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.
55. The City of Durham Local Plan (CofDLP) was adopted in 2004 and was intended to cover the period to 2006. The NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.
56. On this basis, given the age of the CofDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, and the weight to be afforded to the policies reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.
57. Policy E7 of the CofDLP is relevant and seeks to restrict new development within the countryside and outside of existing settlements other than specifically permitted by other policies in the plan. In addition, Policy H5 is also relevant and states that in the countryside new housing development will be permitted only where there specific criteria is met including a requirement for the persons to live at or near their place of work, there is a functional need for this in association with a financially viable enterprise, it is of a size commensurate with the established functional requirement, adequate provision cannot be made in existing settlement boundaries and it respects the character of its landscape setting.

58. However, the out of date evidence base which underpins these policies and the application of settlement limits means that they must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight.
59. The site also lies within the defined Witton Gilbert Neighbourhood Area and Witton Gilbert Parish Council are in the process of developing a neighbourhood plan for the whole parish area. This neighbourhood plan has now completed its Submission draft [Neighbourhood Planning (General) Regulations 2012 (Regulation 16)] consultation and it will be forwarded to an independent Examiner who will shortly be appointed to consider whether this neighbourhood plan meets the specific tests set down by central government known as 'Basic Conditions'. The neighbourhood plan will be finalised having regard to the Examiner's findings and will then be the subject of a public referendum which will ultimately determine whether the plan should be made a part of the local development plan.
60. The neighbourhood plan is not yet at a stage which carries weight in determining a planning application. It is considered that this will change post examination.
61. Crucially in respect of this planning application the development of the neighbourhood plan is being informed by a comprehensive design brief commissioned by the Parish Council for the area of undeveloped land located between Front Street and the A691 bypass. The design brief, which will form an annex to the neighbourhood plan, sets out a cohesive vision / approach for this area to the south of Front Street requiring that any development has reference to the local vernacular in terms of local grain, scale, design and materials, to be characterised by traditional low density layout, public open spaces & large gardens, with appropriate landscaping to mitigate impact in the wider context. The proposal subject of this outline planning application is for a significant part of this area.
62. Notwithstanding the above, the proposal needs to be determined in accordance with the LP unless material considerations dictated otherwise including the National Planning Policy Framework 2018 (NPPF).
63. Consequently, there are no policies in the development plan or any adopted neighbourhood plan, against which the principle of development can be determined and as noted regard must therefore be had to Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

64. Having regard to the above, the Development Plan is considered to be silent and/or out of date with respect to this proposed development. As a result, the acceptability of the development largely rests on planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Five year Housing Land Supply

65. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
66. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
67. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
68. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this

Locational Sustainability of the Site

69. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. In this respect, whilst recognising that the development is located on the edge of Witton Gilbert it is nevertheless noted that the Witton Gilbert itself is a large town with access to a good range of shops, services, employment and education opportunities, and is well served by public transport. Consequently, the site is considered to represent a sustainable location capable of supporting additional residential development.

Impact upon Designed Heritage Assets including the Grade II Listed building at the former Smithy

70. The application site is situated within the setting of a Grade II Listed building at the former Smithy, Front Street, Witton Gilbert (which is considered a designated heritage asset for the purposes of the NPPF). It is also noted that the dwelling to the west of the Former Smithy is visible on the first edition OS map circa 1860 and is considered a non-designated heritage asset as a consequence.
71. At greater distance but within 1km of the application site there are numerous designated heritage assets. Approximately 210m to the south-east is the Barn at Witton Hall Farm (Grade II), approximately 290m to the south-east is Witton Hall and adjacent wall (Grade II*), and 350m south-east is the Church of St Michael and All Angels (II) as well as 6no tombs (Grade II). Approximately 800m to the west of the site is Kaysburn House (Grade II).
72. There are also potential non-designated heritage assets visible on the first edition OS map circa 1860 within 1km of the site including numerous buildings adjacent to the boundary of the site and on Front Street. The Travellers Rest Public House is visible on the second edition OS map circa 1898 and is considered a non-designated heritage asset.
73. Policy E23 of the CofDLP is therefore relevant which states that development will not be permitted which detracts from the setting of a listed building. This approach displays a broad level of accord with the aims of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of paragraph 193 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
74. The application site lies to the south of Front Street at Witton Gilbert between existing buildings, their associated plots and the A691, and existing structure planting. Historic map regression shows that Witton Gilbert maintained its linear, east-west, single street medieval plan form until the late-19th century when several rows of terraces and other individual buildings were introduced. More significant expansion occurred from the mid-20th century onwards particularly to the north, which saw development against the historic plan form.
75. Whilst residents have raised concern at the loss of some of the existing farm buildings currently in situ at the site the Council's Design and Conservation Section has confirmed that the development would have no impact on the setting of the designated or non-designated heritage assets to the south-east and west of the development site and that there is no intervisibility between the site and the designated heritage assets due to existing vegetation, topography and plan form of the area.
76. The application is supported by a heritage statement which although focussing on the demolition of buildings to the rear of the Smithy, nevertheless demonstrates that the development would not have any adverse impact upon the setting of the Grade II Listed building in this regard, and this is a view accepted by the Council's Design and Conservation Section.

77. With regard to the proposed layout the Council's Design and Conservation Section raises no objection to the application but did advise that the applicant consider a reconfiguration of the proposed layout in order to remove/relocate plot nos. 24 to 26. Whilst the applicant has revisited the layout in this regard and the matter after detailed discussions with the Council's Design and Conservation Section it has not been possible to revise the layout to any fundamental degree. However, it is considered that sufficient control could be secured through the submission of reserved matters relating to scale and appearance to ensure that there would not be any adverse impact upon the setting of the Grade II Listed Building.
78. The development proposal would therefore cause no adverse harm to the special character, appearance or setting of any designated or non-designated heritage asset, particularly the Grade II Listed Building at the Former Smithy, and would relate acceptably to the surrounding built form in terms of layout. As such it is considered to accord with policies policy E23 of CofDLP, and paragraphs 193 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

Impact upon landscape and visual amenity

79. The site is located within the countryside to the north of the A691 between built development forming Witton Gilbert and structure planting framing the highway. Whilst not subject to any specific landscape designation the pasture to the rear of the Travellers Rest is located within an adopted *DCC Landscape Improvement Priority Area* where the spatial strategy is to 'restore or enhance'.
80. The site is overlooked principally from the proposed entrance on Front Street, a public footpath passing through the pasture, the Travellers Rest Carpark and filtered seasonal views through the Witton Park Structure planting tree belt which frames the A691. The latter has matured over 20 years to create an effective seasonal screen although there appears to have been little management of this beyond the initial establishment period. Therefore, in the absence of any thinning exercise following establishment, the deciduous trees and hedging are becoming extended in form, as crowns become higher. Both the Council's Landscape Section and Arborist note the importance of this planting and raise concern with regard to its relationship with plot 18 as originally proposed, particularly that it would overshadow the rear garden of this unit.
81. Whilst matters relating to landscape and appearance are reserved for future consideration, the application has amended the proposal to remove this unit. The revised layout plan therefore shows a total of 25 dwellings spread across the site in predominantly linear form following the route of the A691. The scheme would occupy an area of open space occupying an area of undeveloped land between Witton Gilbert and the A691 and as such be visible in the wider locality but nevertheless viewed in the context of built development immediately to the north, and a site which benefits from planning permission for 14 dwellings to the west. Witton Gilbert has a variety of different house types, particularly along Front Street, and it is considered that the proposed houses would not have an adverse impact on the visual appearance of the street scene or the surrounding area in this context.
82. The Council's Landscape Section and Arborist have been consulted on the revisions and both offer no objection to the application. Detailed matters relating to external materials and means of enclosure could be appropriately secured through planning condition alongside other reserved matters including landscape and appearance, and in this regard the submission of a tree protection plan is also considered necessary to be secured through planning condition.

83. Subject to the inclusion of planning conditions in this regard the development is considered to accord with the requirements of policies E14, E15, H13, Q5 and Q8 of the CofDLP and paragraph 127 of the NPPF.

Impact upon Residential Amenity

84. Policies H7 and H13 of the CofDLP relate to city centre housing and the character of residential areas respectively. Together they seek to protect the amenity of adjacent users by resisting development which would have a significant adverse effect on the amenities of residents. This is considered to display a broad level of accordance with the aims of the NPPF at paragraphs 127 and 180 which require new development to function well and add to the quality of the overall area and prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution respectively. Therefore, significant weight can be afforded to these policies.
85. Whilst it is noted that detailed matters in relation to scale are reserved for future consideration full details of layout have been submitted for consideration and show a total of 25 dwellings set in a linear street arrangement. The nearest existing residential properties would be those located at Front Street to the north and rear elevation of No. 25 Front Street would be located approximately 17 metres from the gable elevation of plot number 26 which exceeds the minimum distance of 13.5 metres required by policy Q8 of the CofDLP. With regards to the proposed development to the west a distance of between 15 metres and 20 metres would be achieved between the principal elevations of Plot Nos. 1 to 6 and the gable elevation of those units previously approved through planning permission DM/15/03779/FPA which again exceeds the required minimum.
86. Within the development minimum separation distances have been achieved and each plot is served by adequate private amenity space in accordance with the requirements of policy Q8 of the CofDLP.
87. It is noted that the site is within close distance to the existing A691 bypass and therefore noise impacts from traffic could be a potential issue on future occupants of the site. A noise survey has been submitted with the application which is a resubmission of the noise survey provided in support of the residential development to the west which indicates that subject to specific mitigation measures in relation to building construction, there would be no adverse impacts on the amenity of future residents.
88. The Council's EHO has been consulted and notes that although 2yrs old and not specific to the application site, the noise monitoring levels stated within the report are indicative of the likely noise climate at the application site with particular regard to traffic. Whilst the noise climate is led by traffic the proposed site is also in closer proximity to the travellers rest public house than the site referred to in the assessment. As such the potential for noise arising from this element should be considered and the measures stated in the report on not relevant to this site. Consequently the Council's EHO considers that further work is needed in relation to specific noise levels and proposed mitigation works.
89. Notwithstanding the above the EHO nevertheless considers that any impact could be appropriately mitigated through planning condition requiring the submission and agreement of a noise assessment compliant with ProPG 2017 and that where the dominant noise identified relates to commercial activities/process/plant, a further detailed noise impact assessment be carried out compliant with the appropriate British Standard.

90. The application provides sufficient information in order to demonstrate that the site is capable of accommodating residential development proposed without adverse impact upon residential amenity. In this regard the agreement of precise detail in terms of appearance and scale could be subject to detailed consideration at reserved matter stage. It is also considered appropriate given the proximity of residential development to include a condition which requires the submission, agreement and implementation of a construction management plan which includes restriction to the hours of construction.
91. Overall, the scheme would therefore comply with CofDLP Policies H13 and Q8 of and paragraph 180 of the NPPF in that it would not lead to a significant reduction in residential amenity for existing or future residents.

Access, Highway Safety and Public Right of Way

92. As already noted the application relates to outline planning permission with full details in relation to access submitted for consideration. The submitted detail shows an access from the adopted highway to the north of the site which would be shared with the adjacent residential development. Residents have raised objection to the application citing concerns in relation to highway safety.
93. Policies T1 and T10 of the CofDLP require new development to provide safe and adequate access and sufficient car parking and this approach displays a broad level of accordance with the NPPF at paragraph 108.
94. The proposed layout shows a linear arrangement which follows broadly the route of the A691 with two spurs extending northwards. The Highway Authority considers the layout to be acceptable from a highway safety perspective and after revision now meets minimum parking standards with reasonable distribution across the site and a footway to one side of the carriageway. The applicant has also amended the layout to confirm that all roads would be constructed to an adoptable standard and ensure that adequate service verge is provided along with a hardened step off at parking bays where no footway is provided.
95. In summary, it is considered that sufficient information has been provided to demonstrate that the development would be served by a safe and sufficient means of access in accordance with the aims of policies T1 and T10 of the CofDLP and paragraph 108 of the NPPF.
96. The site is intersected by a public right of way (Footpath No. 29) to the eastern part of the site which does so from north to south connecting the centre of Witton Gilbert to the footpath network to the south of the A691.
97. Policy R11 relates to public rights of way and states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative route is provided and the proposal accords with policy T21 where possible the existing network or public rights of way and other paths will be extended.
98. The proposal has been amended and plot 18 removed from the development which has allowed the retention of the PROW in situ to the satisfaction of the Council's Public Right of Way Officer. As such the proposal would accord with the aims of policy R11 of the CofDLP.

Ecology

99. Policy 16 of the CofDLP seeks to protect and enhance the nature conservation assets of the County through requiring development proposals where appropriate outside of sites specifically protected for their nature conservation importance to avoid any unacceptable harm to nature conservation interests as a result of the development, and provide mitigation measure to offset any harm. This is considered to display a broad level of accord with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests.
100. The development includes the demolition of existing buildings and as such the application is supported by a Preliminary Ecological Appraisal and associated Bat Risk Assessment. The latter identifies a roost of 2 Common Pipistrelles and as such a Bat Low Impact Licence is required for the demolition of the affected building.
101. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended). Natural England has the statutory responsibility under the regulations to deal with any licence applications for works affecting European Protected Species. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
102. Having regard to the Habitats Regulations and derogation tests it is considered that i) It is in the public interest that the development scheme can be implemented to deliver associated economic, environmental and social benefits; ii) and therefore there is no satisfactory alternative; iii) the proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the bat population as a whole. It is therefore considered that Natural England would be likely to grant a license. Accordingly, the LPA can discharge its duties under the Habitats Regulations.
103. The Ecological appraisal also identified several habitats on site and notes that the development will result in the loss of species rich hedgerow, grassland and scrub of which the species rich hedgerow meets the criteria for Priority Habitat which needs to be taken into account in determination of the application and as present it does not appear that sufficient mitigation is proposed within the site to offset any loss in this regard and this is a position confirmed by the Council's Ecologist.
104. Paragraph 175 of the NPPF requires that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
105. Consequently, the applicant has agreed to make a commuted sum payment of £14,880 to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy Document. This sum could be adequately secured through appropriate Legal Agreement and in this context the Council's Ecologist raises no objection to the application.

106. Subject to the commuted sums being made available and secured through S106 Legal Agreement, it is considered that the proposed development would accord with saved policy E16 of the CofDLP and part 15 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Contaminated Land

107. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
108. It is noted that the site is currently used for agriculture and as the proposal relates to a more sensitive use. Consequently, The Council's Contaminated Land Section raises no objection to the application subject to the inclusion of a planning condition requiring the submission and agreement of a Contaminated Land Risk Assessment (including intrusive site investigation and the implementation of remediation and verification where need is identified).
109. In addition the site is located within an area identified by the Coal Authority as being at high risk of previous mine workings and in this regard the application is accompanied by a Phase 1 Desk Top Study Report dated 27 September 2018 which concludes that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigations should be undertaken to establish the exact situation regarding coal mining legacy at the site and inform any remediation measures required. The Coal Authority has been consulted and concurs with this view offering no objection and advising that a condition be included in this regard.
110. Subject to the inclusion of planning conditions in this regard the development is considered to accord with the requirements of policy U12 and U13 and paragraph 178 of the NPPF.

Drainage

111. The application proposes the disposal of surface water to onsite Suds arrangement in the form of a drainage basin shown in indicative form across the south eastern part of the site. This has been informed by an appropriate drainage assessment and is considered acceptable, drawing no objection from the Council's Drainage and Coastal Protection Section subject to the inclusion of a planning condition to ensure that all driveways are finished in permeable paving and that the Suds arrangement as shown is installed. As such it is considered appropriate to include a planning condition in this regard. Subject to the inclusion of such a condition the development is considered acceptable in principle in accordance with the requirements of policy 1 of the EDLP.

Planning Obligations

112. Policies R1 and R2 of the local plan seek to ensure that the provision of open space for outdoor recreation is evenly distributed and is maintained at a level which meets the needs of its population. While this policy is consistent with the general aims of NPPF, the NPPF requires standards to be based on up to date assessments, therefore the last published OSNA (2018) will need to be taken into consideration rather than the standards set out in this policy. The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. This is a relevant material consideration in conjunction with Policy R2 of the CofDLP and paragraph 96 of NPPF.

113. Based on the OSNA and an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census), a development of 25 dwellings would generate a population of 55 people. A Section106 contribution to improving existing facilities would amount to **£43,477** (55 x £790.50) to be secured by legal agreement.

Affordable Housing

114. In order to deliver a suitable amount and variety of homes, local need should identify, among other things, affordable housing requirements for their area, whereby Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. The up-to-date evidence in the Strategic Housing Market Assessment establishing a requirement for 25% provision in perpetuity, equating to 7 affordable units across this development and the viability evidence for this area establishes that 25% affordable housing (with a tenure split of 70% affordable rented housing to 30% intermediate products affordable housing should be capable of being delivered without adversely affecting viability.
115. The applicant has agreed to provide the affordable housing requirement as described above which could be secured through Section 106 Agreement.

Planning Balance

116. As the relevant policies of the CofDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

117. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered limited at 25 dwellings in the context that the Council's ability to demonstrate a 5 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
118. To a limited degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area supporting existing facilities in Witton Gilbert. As such this can be afforded some limited weight.

Adverse Impacts

119. In all other respects the applicant demonstrates that there would not be any adverse impact to which weight could be attached in determination of this application that could not be adequately mitigated through inclusion of planning conditions.

CONCLUSION

120. When applying the planning balance contained in paragraph 11 of the NPPF it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and as such planning permission should be granted.

121. The site occupies a sustainable location to the south of Witton Gilbert which itself is served by some shops, services, employment and education opportunities. The introduction of additional residential development in this location would help support these facilities and as such is acceptable in principle being considered sustainable development in accordance with guidance contained within the NPPF.
122. The proposal presents some benefits in terms of a limited boost to housing supply and the local economy both in the short term, through the creation of construction jobs, and more long term through increased spending in the local economy from future residents.
123. It would achieve adequate separation distances between existing and proposed dwellings, ensuring that there would be no adverse impact in terms of residential amenity in accordance with policies H13 and Q8 of CofDLP and paragraph 180 of the NPPF subject to conditions requiring a noise impact assessment.
124. Safe and sufficient access to the site could be provided and the internal layout and parking provision is considered adequate to serve a residential development to this type and as the proposal is considered to accord with the aims of policies T1 and T10 of the CofDLP and paragraph 108 of the NPPF.
125. Concern has been raised by the Council's Landscape Officer that the development would have some adverse visual impact and whilst these have been fully considered, it is not considered that these issues are sufficient to outweigh the benefits of the scheme which are considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the City of Durham Local Plan.
126. The scheme would therefore comply with all relevant saved local plan policy, general aims of the NPPF and in the context of paragraph 11, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and to the completion of a Section 106 Legal Agreement to secure the provision of:

- i) £43,477 contribution towards enhancement or provision of play provision in the Esh and Witton Gilbert Electoral Division.
 - ii) £14,880 contribution to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy Document
 - iii) 25% affordable housing to be provided on site.
1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced other than remediation works and site access works.

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

2. Application for approval of reserved matters of the development shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawing No.	Description	Date Received
	Location Plan	15 January 2019
	Proposed Layout Plan	03 April 2019

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

4. Notwithstanding the detail submitted with the application all private drives shall be finished in permeable paving.

Reason: In the interests of flood risk protection in accordance with the aims of policy U8A of the City of Durham Local Plan and Part 14 of the NPPF.

5. The development hereby approved shall comprise a maximum of 25 dwellings.

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

6. 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: To protect existing trees and the character and appearance of the surrounding area in accordance with the aims of policies E14 and H13 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

7. No construction work shall take place, nor any site cabins, materials or machinery be brought onto the site until all trees and hedges, as indicated on an approved tree protection plan to be submitted to and agreed in writing by the Local Planning Authority, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012. The plan shall be accompanied by a method statement which clearly demonstrates how the development will be constructed without damage to existing trees.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: To protect existing trees in accordance with the requirements of policy E14 of the City of Durham Local Plan.

8. No development shall commence until such time as a detailed scheme for the disposal of foul and surface water from the development hereby approved (including full details of all Suds) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

9. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority.

The agreed plan shall include as a minimum (but not necessarily be restricted to) the following:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

The management plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations. The approved Construction Management Plan(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

10. No development shall commence until such time as a scheme of intrusive site investigation, (adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow mine coal mining activity) has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include a report of findings arising from the intrusive site investigation and a scheme of appropriate remediation. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure the site is capable of accommodating the proposed use in terms of ground stability in accordance with the aims of policy U12 and paragraphs 178 and 179 of the NPPF.

11. No development shall commence until such time as an assessment compliant with the Professional Practice Guidance on Planning and Noise (ProPG) (2017), has been submitted to and approved in writing by the local planning authority. The assessment shall include:

An acoustic design statement (ADS), proportionate to any risks identified and the scale of the development. This must include all relevant elements as defined in the ProPg guidance, to include demonstration of good acoustic design, adherence with the internal and external guideline values and full details of any mitigation measures found necessary.

Where the dominant noise identified relates to commercial activities/processes/plant then the following assessment should also be carried out:

A detailed noise impact assessment, compliant with the methodology stated in BS 4142: 2014, demonstrating the noise rating level from nearby commercial noise sources. Should the assessment demonstrate that the rating level of existing commercial operations/ fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be proposed.

Reason: In the interests of residential amenity in accordance with the aims of policy 35 of the EDLP and paragraph 180 of the NPPF.

12. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

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

Completion

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

(e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

13. 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 requirements of policy Q8 of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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. Regretfully, a positive recommendation has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

City of Durham District Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Outline application for residential development with all matters excluding access and layout reserved

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Comments

Date 11 June 2019