



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | 7/2012/0151/DM |
| FULL APPLICATION DESCRIPTION: | Erection of 15no. dwellings |
| NAME OF APPLICANT: | Livin Housing Ltd |
| ADDRESS: | Garage site to the rear of 118-128 Sycamore Road, Fishburn, Co Durham |
| ELECTORAL DIVISION: | Trimdon |
| CASE OFFICER: | Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site covers an area of approximately 0.37 hectares located on the southern edge of Fishburn. For planning purposes, although the site is surrounded to the north and east by existing residential development, the site is outside the residential framework for Fishburn. There currently exists a tree belt to the south and west of the site, with open countryside beyond.
2. This site is previously developed, being presently used as a garage court serving neighbouring residential properties, with access taken from Stone Cross to the east. The garages are few in number and of a poor, deteriorating condition, with many having already been demolished. The site backs onto properties along Sycamore Road to the north, and has subject of fly tipping and antisocial behaviour.
3. Planning permission is sought to clear the site and erect fifteen dwellings, to be accessed via the existing site access to the east. Housing types would comprise two 2 bed bungalows located to the east of the site, six 3 bed houses along the southern

fringe of the site, and seven 2 bed houses along the south-western and western boundaries of the site. All dwellings would benefit from off-street parking provision with 23 spaces provided. An existing access through the southern boundary into the fields beyond is to be retained.

4. The proposed dwellings would all constitute affordable housing, being available for rent through the applicants, one of the largest Housing Associations in the local area. Consequently, the dwellings would all be constructed to Code for Sustainable Homes, Level 3.
5. The application has been referred to committee in accordance with the Councils scheme of delegation which requires that all major applications for ten or more dwellings be presented before the Planning Committee.

PLANNING HISTORY

6. There is no relevant planning history.

PLANNING POLICY

NATIONAL POLICY

7. In March 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. This means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed.
8. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
9. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 6 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 goes on to set out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

10. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

11. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:

13. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
14. *Policy 4 (The sequential approach to development)* requires a sequential approach to the identification of land for development.
15. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
16. *Policy 8 (Protecting and Enhancing the Environment)* seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.
17. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
18. *Policy 30 (Improving Inclusivity and Affordability)* sets broad requirements that, when considering development proposals, address the problem of local affordability in both urban and rural areas and have regard to the level of need for affordable housing.
19. *Policy 38 (Sustainable Construction)* sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY:

20. *Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
21. *Policy H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.
22. *Policy L2 (Open Space in New Housing Development)* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
23. *Policy D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
24. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.

25. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
26. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *The Highway Authority* has raised no objections to this application, subject to a minor modification to the scheme to include an additional footway. An amended plan to this effect has been provided by the applicants.
28. *Fishburn Parish Council* is supportive of the application and advise that starter homes are needed urgently in the community.

INTERNAL CONSULTEE RESPONSES:

29. *The Spatial Policy Section* has raised no objections to this proposal, advising that the material considerations provided in this case would override the normal presumption against development beyond the existing settlement envelope.
30. *The Ecology Section* has raised no objections to this proposal subject to the sensitive timing of works so as to avoid any impact on nesting birds.
31. *The Arboriculture Officer* has raised no objections to this application. Conditions are suggested in relation to the protection of trees to be retained.

PUBLIC RESPONSES:

32. The application has been advertised by means of site and press notice given the scale of the proposed development, and by neighbour notification letters.
33. Four letters of objection have been received in response to this exercise from local residents with concerns raised over a number of key areas. These include the proximity of the proposed units to existing neighbouring development which would reduce light to these properties, the loss of a Public Right of Way/access to fields to the south which provides a popular dog walking facility, the lack of existing public facilities in Fishburn village, and traffic congestion and highway safety issues resulting from an increased number of vehicles using the area. Concerns are also raised over the perceived disruption caused by the development, the density of the development, the lack of existing housing demand in the area and the loss of an existing play area.

APPLICANTS STATEMENT:

34. The applicant is one of the largest Housing Associations in the area and has identified a high demand for affordable housing in Fishburn. In particular 2 and 3 bedroom family homes and bungalows for rent. The design brief was to identify a suitable site that could be developed to meet these requirements.
35. The site is located within an established residential area. There are a range of local facilities within walking distance and there are excellent road links.
36. The proposed layout includes 15 dwellings all of which are for affordable rent and meet the criteria for lifetime homes. All properties would be provided with parking including a number of visitor's spaces.
37. The design layout was developed to make most efficient use of the land, enhance both the built and natural environment, and respect existing privacy and amenity.
38. The site presents an opportunity to replace underused garaging with new homes on an infill site that would contribute toward the councils own targets of utilising Brownfield land. A number of garages are empty and in a dilapidated state of repair, with the concealed nature of this layout having contributed to anti social behavior on the site. The new development aims to design out crime by providing natural surveillance and through careful detailing of buildings and enclosures.
39. The existing garages would be demolished by a specialist contractor with emphasis on health and safety and minimum disruption to local residents.
40. New homes would be designed to achieve a level 3 rating under the Code for Sustainable Homes scheme.
41. Access to individual dwellings would comply with building regulations. The proposed layout would utilize the existing site access. Vehicle and pedestrian routes would be well lit.
42. There are a number of trees on the site and these are identified in the Arboricultural Impact Assessment.
43. Prior to making this application, a consultation event was held to demonstrate the proposals to the local community. The event was staged at Fishburn Community Centre on 7th March 2012 at a location carefully selected within walking distance to the development area. Residents were notified and an advert placed in the local press.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

44. 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 key issues are the principle of the development, impact on the character of the area, impact on residential amenity, highway safety, open space provision, and ecological and arboricultural implications.

Principle of development

45. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications.

46. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, providing it is not of high environmental value.

47. RSS policies 2, 4 and 24 set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, in achieving sustainable development objectives. Local Plan policies H17 and D5 support new residential development on backland and infill locations where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

48. The application site is located just outside of the defined settlement limits, which borders the site to the immediate north and east. The main character of this area is residential, with this particular site having previously been used for garage development associated with adjacent housing. This site may therefore be classed as infill and previously developed or Brownfield land.

49. As explained, the existing southern and western boundaries of the site comprise dense vegetation, demarking a distinct and established boundary between the residential area and the surrounding countryside. Development of this site would not encroach beyond these boundaries into the rural area, maintaining a distinct settlement pattern for the village without harming the adjacent rural character.

50. Being located adjacent to an existing settlement, this site is also located within close proximity to the commercial centre of Fishburn village as well as nearby key access routes and employment opportunities. Although existing public facilities within the settlement are limited, access to neighbouring settlements remains good and within easy walking distance from the site.

51. It is therefore considered that the proposed development would be located in a sustainable location with regard to the NPPF and RSS Policies 2, 4 and 24, which establish sustainable housing objectives. Furthermore, the sustainable nature of this centralised site within an established settlement would satisfy RSS Policy 7 in relation to connectivity and accessibility in new development.
52. The dwellings would also be built to Code for Sustainable Homes level 3. The Code seeks to bring about a step change in sustainable building practice for new homes, and is used to guide the design and construction of properties and covers issues of energy/CO₂, pollution, water, health and well-being, materials, management, surface water run-off, ecology, and waste. In this case, as a minimum, this would include: measures to improve the thermal efficiency of the walls, windows, and roof; installing a high efficiency condensing boiler; providing more energy efficient lighting; and providing cycle storage. The sustainability credentials of the development are therefore significantly enhanced by such measures, and to ensure that they are implemented, a condition would be appropriate, and ensures compliance with RSS Policy 38.
53. The proposed dwellings would not be for sale on the open market and would constitute affordable housing having regard to the definition provided in the NPPF. In particular, the dwellings would constitute social rented housing, owned and managed by a registered provider, available to eligible households whose needs are not met by the market. The applicants have identified that there is a demand in the area for housing of the type and form proposed, and would have control over the occupation of the dwellings in perpetuity, and this combined with the numbers of units being below the level where affordable housing is ordinarily required, is such that it is considered that it would not be necessary to control the tenure of the properties by way of a legal agreement.
54. In summary, the redevelopment of the site for residential purposes to provide affordable housing represents a sustainable form of development which accords with the NPPF's presumption in favour of sustainable development. On balance, such considerations are considered to outweigh any presumption against the development in terms of the location of this site just beyond the existing settlement boundary and its conflict with Policy H8 of the Local Plan.

Impact on the character of the area

55. The NPPF and Local Plan Policies H17 and D1 both seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities. Where necessary, landscaping should be incorporated into a scheme of this nature.
56. The existing use of the site is for private garage accommodation associated with the surrounding residential area. This site is not designated open space and is currently in a poor and neglected condition, with many of the garages having been removed. Remaining structures are of poor quality and appearance, in varying states of repair, and significantly detracting from the character of the area. The redevelopment of the site for residential purposes would enhance the character of the area.

57. Surrounding existing residential dwellings are of two main types, with properties to the north being older properties, predominately characterised by two storey, semi-detached dwellings set in reasonably sized gardens, while to the east are more modern two storey dwelling houses which retain the semi-detached nature of the wider area. The proposed dwellings do not seek to replicate either of type, but introduce a more contemporary design which would breathe new life into the area. The density and scale, however, is generally consistent with the predominant character of the area, with the exception of the proposed bungalows, which have been included, both to address demand, but also to reduce the impact on properties to the immediate north of the site.
58. Although this proposal would also include some terraced development, the overall footprint of this element would not be dissimilar to existing semi-detached properties in the area. Furthermore, although surrounding houses are of brick and tile construction, the proposed dwellings would also feature timber cladding to principle elevations in an attempt to break up expanses of brickwork. Such design features would not detract from the character of the area and would provide a more modern appearance to this street scene.
59. The proposed dwellings are therefore considered to respect surrounding development in terms of siting and scale, and not appearing incongruous to their setting, being of a high standard of design, and together with a soft landscaping scheme any impact caused by the development in terms of its visual impact, would be mitigated and softened. As such the proposals comply with design principle set out in the NPPF, Policy 8 of the RSS and Local Plan Policies H17 and D1.

Impact on residential amenity

60. Local Plan Policies H17 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek to make provision for adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development through establishing minimum separation guidelines. It is considered that careful regard has been given to the placement of the proposed dwellings, showing consideration to existing properties which surround the site, particularly to the north.
61. Submitted plans show all proposed dwellings to benefit from sufficient levels of front and rear garden private amenity space which would not encroach into or detrimentally impact existing neighbouring amenity space in terms of overlooking. Furthermore, owing to the orientation of the dwellings, there would be no primary elevations directly overlooking neighbouring property within short distances.
62. Owing to the proposed layout, orientation and positioning of the dwellings, it is considered that proposed unit no.1 would be in close proximity to the rear of 128 Sycamore Road to the north. Plans show a distance of approximately 6m (increasing to 8m) to be retained between the rear elevation of the existing dwelling and the side gable elevation of the proposed dwelling. However, given units 1 and 2 are both bungalows, with a maximum hipped roof ridge height of only 5.3m and an eaves height of 2.5m compared to the two storey nature of existing development to the north, the perceived impact of the proposed development is vastly reduced, and as such, it is considered that the proposal would be neither overbearing or cause

significant loss of light to habitable rooms. Furthermore, only one window is proposed in the north facing elevation of the proposed dwelling, serving a bathroom area. Any permission would be conditioned to ensure that this window is obscured, with means of enclosure also to be controlled to ensure a satisfactory height which would prevent any privacy loss.

63. In terms of the remaining dwellings proposed, no objections are raised over their siting or perceived impact on adjacent existing dwellings. Careful consideration has been given to the placement of windows and roof designs with plots 12 to 15 to the west of the site also benefitting from hipped roofs to minimise the impact on properties to the north in terms of dominance and overshadowing. No windows are proposed in the side facing elevation facing 120 Sycamore Road to the north. Furthermore a separation in excess of the minimum 14m prescribed in SPG3 will be retained between the gable of plot 15 and 120 Sycamore Road to the north.
64. To the east of the site, all existing dwellings are considered to be satisfactorily separated from neighbouring properties, none of which directly overlook this site.
65. As such, the proposal satisfactorily achieves sufficient private amenity space to the front, rear and sides and accords with Local Plan Policies H17 and D5, as well as SPG3.
66. Whilst there would be an inevitable increase in levels of traffic associated with the site than that which exists in its present use for garaging, it is considered that the levels of traffic associated with fifteen dwellings of predominantly two bedrooms would not be likely to lead to such significant levels of traffic that it would have an unacceptable affect in terms of noise and disturbance for existing occupiers of adjacent properties. The scheme is therefore considered to accord with Policy D5.
67. Although concerns have been raised by objectors regarding antisocial behaviour arising as a result of the development, it is considered that this objection is unfounded. The clearance of the site and redevelopment for residential use should reduce any existing antisocial behaviour on the site.

Highway safety

68. Local Plan Policies H17 and D3 both seek to ensure new development achieves a satisfactory means of access and adequate parking provision, showing regard to highway safety principles. The Highway Authority has raised no objection to the proposal, having regard to the levels of traffic that would be associated with the development and finding that the twenty three off street parking spaces to be provided for the fifteen dwellings proposed to be adequate. The proposals are therefore considered to accord with Policies H17 and D3 in this regard.

Open space provision

69. Local Plan Policy L2 seeks to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring every 10 dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is expected. Where this level cannot be provided, either fully or in part, an in lieu commuted sum

equivalent to £1000 per dwelling, would be required. The applicant has, by way of S106 unilateral undertaking, offered to provide a commuted of £15,000 towards the provision of or improvement of open space elsewhere in Fishburn. Accordingly, the scheme is considered to comply with Policy L2.

Ecology

70. The Ecology Section has raised no objections to the proposal, subject to a condition ensuring the sensitive timing of works to take place outside of the bird nesting season. Officers note that although the application site is located within 500m of a known Great Crested Newt pond, the intervening habitat offers poor connectivity for crossing newts. It is considered that subject to adherence to the proposed ecology condition, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of the NPPF in this regard.

Arboricultural implications

71. The Arboriculture Section has raised no objections to this proposal, noting existing tree cover on the site to be poor quality. Concerns have been raised over the impact of development on existing landscaping along the southern boundary of the site which needs to be protected, and this can be controlled by the imposition of an appropriate planning condition. Accordingly, the proposals would satisfy the provisions of Local Plan Policy E15 which seeks to ensure the retention and protection of trees and hedgerows.

CONCLUSION

72. The principle of infill residential development on the boundary of an existing residential settlement, and on previously developed land is considered acceptable given its sustainable location and compliance with the aims of the NPPF and relevant development plan policies. The proposed scale, layout and density of the development is considered sympathetic to surrounding development and the local setting, without detracting significantly from the local street scene or character of the area. Furthermore, with no detrimental impact upon highway safety, ecology, trees, or neighbouring privacy/amenity, this proposal is considered acceptable, whilst giving particular regard to open space provision.

73. The proposed development is therefore considered to accord with relevant national, regional and local plan policies, and subject to the imposition of appropriate planning conditions, approval of the application is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the payment of a commuted sum in lieu of on site open space provision and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: Required to be imposed pursuant to

Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- 2222-D-00-03 rev C (Proposed site plan), *received 9 July 2012*
- 2222-D-00-04 rev B (2 bed bungalow type: Plan and elevations), *received 16 April 2012*
- 2222-D-00-05 rev B (2 bed house type plots 9 to 11: Plans and elevations), *received 16 April 2012*
- 2222-D-00-07 rev B (3 bed house type plots 3 to 8: Plans and elevations), *received 16 April 2012*
- 2222-D-00-06 rev B (2 bed house type plots 12 to 15: Plans and elevations), *received 16 April 2012*
- EXI-A (AIA, Existing trees shown on existing layout), *received 16 April 2012*
- TPP-A (AIA, Retained trees shown on proposed layout with protective measures indicated), *received 16 April 2012*
- AMS-A (AIA, Retained trees shown on proposed layout with protective measures indicated), *received 16 April 2012*

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details. Reason: In the interests of the appearance of the area and to comply with Policy D1 (General principles for the layout and design of new developments) of the Sedgefield Borough Local Plan.

4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate. Reason: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

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: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

7. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3, in accordance with details that shall be submitted to and approved by the local planning authority showing that: prior to the commencement of development, the development has been registered for formal assessment by a licenced Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and, prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3, or alternative. Reason: In order to minimise energy consumption and to comply with RSS Policy 38.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the north facing gable elevation of approved plot number 1 serving the proposed bathroom area adjacent to number 128 Sycamore Road shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority. Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.
9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, 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.5837:2005.

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: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgefield Borough Local Plan.

10. A site specific Arboriculture Method Statement for areas of the development that require special construction measures shall be submitted to and approved in writing prior to the commencement of construction activities on site. The heads of terms for this statement are as follows: Construction method/sequence, products used, levels, and scaled construction drawings. Works shall only be carried out in accordance with the approved details. Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgefield Borough Local Plan.
11. Any on site vegetation clearance and soil stripping works shall take place outside of the bird nesting season (March to July inclusive), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no nesting birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird nesting season. Reason: To conserve protected species and their habitat in accordance with the NPPF.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable infill housing development in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 4, 7, 8 and 24 of the RSS for the North East and Policies E15, H17, L2, D1, D3 and D5 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, all objections and other views expressed have been considered, however, on balance, they are considered to not be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans
National Planning Policy Framework (NPPF)
Regional Spatial Strategy
Sedgefield Borough Local Plan 1996
Consultation responses from the Highway Authority,
Internal responses from the Arboriculture, Planning Policy, Ecology Sections
Public responses from neighbouring residents



Planning Services

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Detailed application for the erection of 15no. dwellings on land to the rear of Sycamore Road, Fishburn

Comments

Date 20 July 2012