

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0021/DM
FULL APPLICATION DESCRIPTION:	Demolition of Rosewood Grange and erection of 25 bungalows
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Rosewood Grange, Chilton
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	David Walker, Senior Planning Officer 03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The northern section of the application site is currently occupied by Rosewood Grange and its associated amenity space and car parking area. Rosewood Grange is a two storey sheltered accommodation complex comprising 29 self contained flats. The current building, which is no longer fit for purpose, consists of 7 bedsits, 21 one bedroom flats and 1 two bedroom flat. A public footpath, which runs in an east – west direction, bisects the two halves of the site. The southern section of the site consists of an area of vacant land immediately to the north of the Chilton Working Men’s Club site. The total site area is just less than one hectare.
2. The site is located within Chilton and is bounded to the north and west by a mix of bungalows and two storey housing. A residential care home and two storey housing bound the eastern boundary, while Chilton Working Men’s Club is to the south.

The Proposals

3. Planning permission is sought for the demolition of Rosewood Grange and the erection of 25 bungalows. The bungalows have been designed around two courts. The northern court which consists of 12 bungalows would be located on the site of Rosewood Grange itself and this would consist of 6 pairs of semi-detached bungalows. The second court of 13 bungalows at the southern end of the site comprises a mix of 3 short rows of 3 bungalows and 2 pairs of semi-detached bungalows. Each bungalow would provide 2 bedroom accommodation.

4. Vehicular access would be provided by the existing access serving Rosewood Grange. The access road would be modified to service the enlarged site and 35 off street car parking spaces would be provided. The public footpath which bisects the site linking the existing residential areas to the west with the community facilities and public transport links on Durham Road has been retained, as has the pedestrian link across the site from Hollowfield.
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 planning history of relevance to this proposal.

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.
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 above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

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 protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.

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 when considering housing in backland or infill sites.
22. *Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing)* seeks to ensure that affordable housing is provided within developments of 15 dwellings or more.
23. *Policy H20 (Provision of special needs housing)* seeks to encourage the provision of housing for the elderly or disabled.
24. *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.
25. *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.
26. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
27. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
28. *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:

29. *The Highway Authority* has no objections to this application subject to provision of a 1.8m wide footpath link from Hollowfields.
30. *The Environment Agency* has no objection subject to the imposition of planning conditions requiring further site investigation works to be undertaken in relation to potential contamination of the site and potential risk posed to the principal aquifer.
31. *The Coal Authority* has no objection subject to the imposition of a planning condition requiring further site investigation works to be undertaken on site prior to the commencement of development in order to establish the precise location of recorded mine workings and to identify whether any further remedial measures are necessary to stabilise the area.
32. *Northumbrian Water* highlights that a public sewer crosses the site, however, a construction method has been agreed to safeguard it during construction.

INTERNAL CONSULTEE RESPONSES:

33. *Housing Regeneration Section* has stated that they have been working with the applicant regarding this proposal and fully support this proposal.
34. *Landscape Section* is broadly supportive but has suggested that the area of open space to the rear of Nos.6-18 Hollowfield be combined with an area of open space further to the south (to the rear of Nos. 2-4 Hollowfield and fronting Nos. 45a and 57 Millwood) so that public access to this amenity space can be retained in the future.
35. *Arboriculture Officer* has no objections to this application but has suggested that a detailed and sustainable planting scheme be implemented on site to compensate for the loss of existing trees on site.
36. *Ecology Section* has no objection subject to the imposition of a planning condition relating to the mitigation details outlined in the ecology reports and the arboricultural impact assessment.
37. *Sustainability Section* has no objection subject to a planning condition requiring further details of the emissions / energy breakdown being provided and agreed prior to the commencement.
38. *Environment Health and Consumer Protection Section* has no objection subject to the imposition of a planning condition requiring further land contamination surveys to be undertaken and requiring a dust control plan to be submitted detailing how residential amenity will be safeguarded during demolition/construction.

PUBLIC RESPONSES:

39. The application has been publicised by way of press and site notices, and individual neighbour notification letters. No written representations have been received.

APPLICANTS STATEMENT:

40. The proposed redevelopment of the existing Rosewood Grange, which is no longer fit for purpose would transform this underused building and vacant land to the north of the Working Men's Club site into 25 much needed affordable homes.
41. Those remaining tenants currently residing at Rosewood Grange would be offered the opportunity to relocate to the proposed bungalows and all of the new bungalows will be let through the Durham Key options Choice based letting scheme which seeks to ensure that the needs of local people are met.
42. All of the new bungalows would be offered to elderly persons for affordable rent and the applicant is prepared to enter into a Section 106 agreement securing a minimum of 30% remaining at an affordable rent in perpetuity.
43. A community consultation was held at the site on 17th December 2012, attended by representatives from Livin, the architect and the development team, providing the opportunity for local residents to examine the scheme and discuss any questions. Letters were sent to nearby residents and local Councillors inviting them to attend this event. Feedback was received from 10 of those attendees and the respondents were positively disposed to the proposal to build this type of accommodation in this area. The applicant has also stated that internal layout of the properties will be amended in phase 1 of the scheme to take into account those comments received. If tenant feedback is positive this modification will be carried through to the second phase of this scheme.
44. The site is Brownfield, reducing pressure to develop Greenfield sites for housing, and would contribute to the local economy by accommodating new residents, helping to support local shops and businesses.
45. The layout of the bungalows has been carefully designed so that these provide a positive and active street frontage which relates well to the layout of the adjacent bungalows and housing.
46. The site is well located in terms of local facilities and public transport links and the layout of the development has been designed so that one of the main primary links within the village (which bisects the site) has been safeguarded and pedestrian access to and from the site and integrated into these existing linkages.
47. The new dwellings will achieve a Code for Sustainable Homes Level 3, thereby reducing energy consumption and CO2 emissions. All bungalows will be designed to Lifetime Homes Standards providing flexibility and improving access for people with impaired mobility.
48. It is intended to achieve Secured by Design accreditation for the development with the local Police architectural liaison officer having been consulted and involved in the design of the layout and boundary treatments.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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, design and the impact on the character of the area, residential amenity, highway safety, affordable housing, open space, ecology, arboricultural implications and ground conditions.

Principle of development

50. 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.

51. 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.

52. 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.

53. The application site consists of the site of the existing sheltered accommodation at Rosewood Grange and also the area of unused land to the north (and rear) of the existing Working Men's Club premises. The sensitive redevelopment of the existing brownfield site, as proposed, offers the opportunity to both provide modern purpose built residential accommodation for the elderly and also allows a vacant and unsightly area of land to be brought back into productive use. The application site is centrally located within Chilton and this is bounded by existing residential development to three sides. The site is located within close proximity to and has good pedestrian links to retail and community facilities within the village. The site is also well located in terms of public transport routes which serve the village.

54. It is therefore considered that the site is a sustainable location for new housing in accordance with the NPPF and RSS Policies 2, 4 and 24, and the provision of purpose built affordable accommodation for the elderly would also comply with RSS Policy 30 and Local Plan Policy H20.

55. The dwellings would be built to Code for Sustainable Homes level 3 with a fabric first approach to achieving the requirements basing the energy improvements into the fabric of the building. The sustainability credentials of the development are therefore significantly enhanced by such measures, and to ensure they are implemented, a condition would be appropriate, ensuring compliance with RSS Policy 38.

56. 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 and the RSS Policies regarding the location of residential development.

Design and Impact on the character of the area

57. The NPPF, RSS Policy 8 and Local Plan Policies H17, D1 and D5 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses. The scheme has been the subject of Design Review by the North East Design Review and Enabling Service, and has resulted in a scheme that has been sensitively designed so that the density and scale of the development would be consistent with adjacent housing and the character of the area.

58. The northern section of this site containing Rosewood Grange is already in residential use whilst the southern section adjacent to the Working Men's Club is unused and unkempt. The proposed development would see the demolition of the existing building and the construction of 12 bungalows on this part of the site. The remaining 13 bungalows would be constructed on an area of vacant land immediately to the north of the existing Club premises.

59. The northern court has been designed so that those properties on the north western edge of the site are westward facing to mirror the character of the appearance of the adjacent bungalows, to improve natural surveillance in the area and produce an attractive frontage onto the public footpath between the site and the existing bungalows at the north western edge of the site. This feature has also been repeated for the bungalows facing onto the public footpath which bisects the site.

60. In contrast the southern section of the site has been designed so that the new bungalows face onto the central parking court so as to provide a strong internal frontage to the development. The use of a single house type within the development also helps to provide a sense of continuity within the scheme.

61. The proposed bungalows would predominantly be constructed in red brickwork with a render finish being utilised to highlight specific detailing. Grey roof tiles are proposed for the bungalows at the northern section of the site with an antique red tile has been proposed for those bungalows at the southern section of the site. The variation of roof colours has been suggested in response to the variety of tile colours utilised on the adjacent housing in this area.

62. In conclusion, it is considered that the layout and design has been sympathetically designed to provide an attractive setting which pays due regard to the character and appearance of the existing bungalows which abut the site. The redevelopment also allows the vacant site to the north of the Working Men's Club to be included, therefore, greatly improving the visual appearance of the area. As such, it is considered that the proposal complies with design principles set out in the NPPF, RSS Policy 8 and Local Plan Policies H17, D1 and D5.

Impact on residential amenity

63. Local Plan Policies H17, D1 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek adequate amenity and privacy standards for existing and proposed dwellings when assessing new residential development including separation guidelines. It is considered that careful regard has been given to the siting of the bungalows and their relationship with adjacent properties.

64. As the site is bounded on three sides by residential development careful consideration has been given to the positioning, design and means of enclosure for the proposed bungalows in order to ensure that adequate levels of privacy are retained between existing housing and the bungalows. In particular, those on the northern edge of the site are between 11.4m and 12.6m from the rear elevation of the existing bungalows. As such, these properties have been designed so those windows serving the living rooms and bedrooms face east and west and do not overlook the rear elevation and rear gardens of the adjacent bungalows.
65. At three plots in the north western corner of the site the separation distances between the habitable rooms of the proposed bungalows and the habitable rooms of the existing bungalows would be approximately 19.4m. Whilst slightly below the 21m separation distance cited in SPG3, it should be noted that the SPG3 does acknowledge that it is appropriate to accept reduced separation distances in cases where single storey development is proposed. The proposed separation distance is, therefore, considered acceptable bearing in mind the single storey nature of the proposal, the characteristics and layout of the existing properties and bearing in mind that the existing two storey sheltered accommodation on the site already faces several of the properties concerned.
66. As a result of the limited height of the bungalows and hipped roof design they would not have an over bearing impact upon any of the adjacent residential properties.
67. As such, it is considered that the proposed layout satisfactorily safeguards privacy between the existing and proposed housing will satisfactorily safeguard residential amenity and would, therefore accord with Local Plan Policies H17, D1 and D5.
68. The proposed demolition of the existing sheltered housing and construction of new housing will inevitably lead to some additional levels of noise and disturbance in the immediate area. However, these effects can be controlled and minimised via the imposition of a combination of planning and environmental health legislation and planning conditions. Because of the inter relationship between the bungalows at the southern section of the site and the adjacent Working Men's Club it has also been suggested that a planning condition be attached requiring a scheme for noise attenuation measures to be submitted to and approved by the Local Planning Authority. Subject to adherence to the conditions of approval, the proposals would accord with the provisions of the NPPF.

Highway safety

69. 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.
70. The layout provides for the creation of a small parking court to serve the northern section of the site with a larger central parking court serving the southern section with 35 spaces provided in total. The Highway Authority considers the level of parking to be acceptable given the demographics of the future occupants.
71. The proposed layout has been designed in such a way as to retain and feed into existing pedestrian linkages which intersect the site and provide easy access on foot from the site to the existing facilities available within the village.
72. The proposals therefore accord with Local Plan Policies H17 and D3 in this regard.

Affordable Housing

73. The provision of affordable housing where a need has been identified is encouraged through RSS Policy 30 and Local Plan Policy H19 and the County Durham Strategic Housing Market assessment (SHMA). In this area and for developments of this size 15% affordable housing would normally be required to be provided.
74. The proposed bungalows would constitute affordable housing having regard to the definition provided in the NPPF, and would be owned and managed by a Registered Provider (Livin), and would be available to eligible households whose needs are not met by the market, as the applicants have identified that there is a demand in the area for housing of the type and form proposed. The applicant has agreed to enter into a legal agreement to ensure that the affordable units are provided and retained in perpetuity for affordable rent, thereby ensuring that the aims of the relevant policies are met in this regard. In addition, and over and above any policy requirement, the applicants have voluntarily offered a further 15% affordable housing to be secured through the legal agreement.
75. This proposal would, therefore, accord with the aims of the NPPF, RSS Policy 30 and Local Plan Policy H19.

Open space provision

76. Local Plan Policies L1 and L2 seek the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring a minimum of 100m² of informal play space and 500sqm of amenity space per 10 dwellings. The aim of these policies is to ensure that any additional demand for leisure and recreational facilities arising can be satisfactorily met within the area and also to ensure appropriate levels of amenity open space are provided on site.
77. It has been considered that bearing in mind that this proposal will necessitate the demolition of the existing sheltered accommodation which contains a total of 29 properties and replacement with 25 bungalows for the elderly, that any net increase in demand for recreational provision arising from this scheme, would be minimal, and there is therefore no requirement to provide informal play space within the scheme or elsewhere.
78. The proposed layout would provide some retained amenity space, primarily located adjacent to the footpath link which bisects the site and an area of open space which flanks the western boundary of the existing Working Men's Club site. These areas of land equate to approximately 1300 sqm, and exceed the required level of 1250sqm.
79. Accordingly, given that this scheme would not result in a net increase in demand for recreational facilities and the amount of amenity open space to be retained within the site exceeds required levels, the proposals are considered to comply with Local Plan Policies L1 and L2.
80. The Landscape Section notes the redevelopment of the site would prohibit informal pedestrian access from Hollowfields to an area of land which flanks the western boundary of the Club site, and it was suggested that an alternative means of pedestrian access be incorporated to this area from the open space to the side of No. 2 Hollowfields and fronting Nos. 45a and 47 Millwood. Whilst this suggestion is noted, this has not formed part of the submission and this may lead to concerns from existing householders in the vicinity of the new access point. The matter has been brought to the applicant's attention, but it is not considered necessary to require these works in order to secure planning permission.

Ecology

81. The application is accompanied by an extended phase 1 survey, bat risk assessment and Arboricultural impact assessment. These surveys advise that there were no field signs, internally or externally, that the building was being used by bats. There may be some risk that occasional use by individual non-breeding bats may use the building, and accordingly there is some, albeit low risk that protected species could be affected. The Ecology Section has no objections subject to conditions requiring adherence to the mitigation and recommendations set out in the bat risk assessment, phase 1 survey and Arboricultural report. It is considered that subject to adherence to the proposed ecology conditions, the proposals would not have significant effects on protected species, such that a licence would not be required and consideration of the derogation test set out in the Habitats Regulations is not required. The proposals are considered to satisfy the provisions of section 11 of the NPPF in this regard.

Arboricultural implications

82. An Arboricultural Impact Assessment has been carried out and identifies existing trees and hedges within the site, how the development affects these features and how to manage the development to safeguard those trees to be retained. The assessment has identified that the development of the site would require the removal of a section of hedgerow and several trees located within the site.

83. The most prominent landscape feature is the existing hawthorn hedge which runs alongside the pedestrian link which bisects the northern and southern sections of the site. It had originally been intended to remove a large section of this hedgerow in order to facilitate access to the land to the north of the Working Men's Club site. However, the importance of this feature was identified during the both the Design Review and the pre-submission public consultation exercise. As a result, the access arrangements have been amended so that only 10m of hedgerow is to be removed, with the retained section protected during construction.

84. Several trees are located within and adjacent to the site and a number of those trees situated along the perimeter of the site are to be retained and protected during construction. Although a number of trees are to be removed to facilitate development, the Arboriculture Section has raised no objection, subject to a condition requiring the submission of a detailed landscaping scheme. The proposals would accord with the provisions of Local Plan Policy E15.

Ground conditions

85. The NPPF seeks to prevent new and existing development from contributing to or being adversely affected by unacceptable levels of pollution or land instability. As such, where a site is potentially affected by contamination or instability issues, appropriate site investigation works are required in order to identify risks and, where necessary, ensure suitable remediation measures are implemented. The application has been accompanied by a Phase 1 Desk Top Study which has identified that an old coal mine entry shaft is located within the centre of the site and that some remedial work has previously been carried out. The presence of contamination from historic land uses and principal aquifer beneath the site has also been identified.

86. Based upon these findings, a Phase 2 intrusive investigation has been recommended to identify the exact location of the mine shaft and to inspect the remedial works carried out. It has also been recommended that gas / ground water monitoring pipes also be installed. Samples of both the made ground and natural strata are to be tested for chemical contamination and geotechnical testing.

87. The Environment Agency, Coal Authority and Environmental Health and Consumer Protection Section have reviewed the findings of the Phase 1 study and have recommended that planning conditions be imposed in order to ensure that the additional investigation works identified are carried out and any necessary remediation works are suitably implemented. It is considered that subject to conditions, the proposal is considered to satisfy Section 11 of the NPPF.

CONCLUSION

88. The principle of infill residential development on the site and on land that is already partly developed is considered acceptable given its sustainable location within the existing settlement and compliance with the aims of the NPPF and relevant development plan policies. The scale, layout and density is considered sympathetic to surrounding development and the local setting and would not unacceptably detract from residential amenity. Furthermore, the development of the site as proposed would provide much needed affordable and specialist accommodation for the elderly. This proposal would have no detrimental impact upon highway safety, ecology, trees.

89. 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 provision of 15% affordable housing in perpetuity and subject to 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. Development hereby approved shall be carried out in strict accordance with the following approved plans:

SK100 - Proposed site layout Rev. D

SK210 - Bungalow semi-detached version 1 Rev. A

SK211 - Bungalow semi-detached version 2 Rev. A

SK212 - Bungalow semi-detached staggered

SK213 - Bungalow 3 block (13,14,15)

SK214 - Bungalow 3 block (16,17,18)

SK215 - Bungalow 3 block (21,22,23)

SK40 - Hard Landscape Details

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 Sedgfield Borough Local Plan.

4. No development shall take place 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; and, 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 D1 (General principles for the layout and design of new developments) of the Sedgfield Borough Local Plan.

5. 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 Sedgfield Borough Local Plan.

6. No development shall take place unless in accordance with the mitigation and recommendations detailed within section F of the protected species report 'An extended phase 1 survey and code for sustainable homes assessment of Rosewood, Chilton dated January 2013, and section F of the Bat Survey of Rosewood date September 2012 and section C2 and appendices 4 and 5 from the Aborigicultural Implications Assessment undertaken by E3 Ecology dated November 2012.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

7. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding 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 breeding season.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

8. 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 licensed 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.

9. No development shall take place until details and plans of protective fencing for retained trees has been submitted, inspected and approved by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to construction, design and demolition. Works shall be carried out in accordance with the approved details thereafter.

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 Sedgfield Borough Local Plan.

10. No development shall commence until a scheme of further site investigation works have been carried out in order to establish the precise location of the coal mining shaft and to establish whether any further remedial ground stabilisation works are required. The results of these investigations and any necessary remediation works are to be submitted to and approved in writing by the Local Planning Authority. Any necessary ground stabilisation works shall be completed in accordance with the details and timetable agreed.

Reason: In order to prevent an unacceptable risk of pollution and to comply with Paragraphs 109 of the NPPF.

11. Unless otherwise agreed by the Local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A) preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways; and, receptors potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In order to prevent an unacceptable risk of water pollution and to comply with Paragraphs 109 and 121 of the NPPF.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation scheme strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to prevent an unacceptable risk of water pollution and to comply with Paragraphs 109 and 121 of the NPPF.

13. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In order to prevent an unacceptable risk of water pollution and to comply with Paragraphs 109 and 121 of the NPPF.

14. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the adjacent Working Men's Club has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: In order to prevent an unacceptable risk of noise pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

15. Details of the height, type, position and angle of external security / site lighting to be erected during the construction period shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In order to prevent an unacceptable risk of light pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

16. No development shall commence until a scheme which specifies the provisions to be made for the control of dust and particulate matter emanating from the site during the demolition and construction works has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: In order to prevent an unacceptable risk of noise pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

17. No dwelling hereby approved shall be occupied until that part of the approved service/access road which provides access to it has been constructed up to base course level in accordance with details to be submitted to and approved by the Local planning authority.

Reason: in the interests of highway safety and to comply with Policies D1, D3, D5 of the Sedgefield Borough Local Plan

18. No dwelling hereby permitted shall be occupied until a 1.8metres wide footway has been provided complete with a dropped kerb pedestrian crossing linking Hollowfield with the existing footway by bisects the site to the south of Rosewood Grange.

Reason: in the interests of highway safety and to comply with Policies D1, D3, D5 of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable housing development which is located within an existing settlement which provides a good range of access to local retail and community facilities, 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 National Planning Policy Framework, Policies 2,4, 7, 8, 24,30,38 of the RSS for the North East, and Policies H17, H20, D1, D3, D5 L2 and E15 of the Sedgefield Borough Local Plan and to all relevant material considerations.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority have worked with the applicant in a positive and proactive manner in, providing detailed pre-application advice which has influenced the current submission and ensured the timely reporting of the application to Planning Committee.

BACKGROUND PAPERS

Submitted Application Forms and Plans and supporting documentation

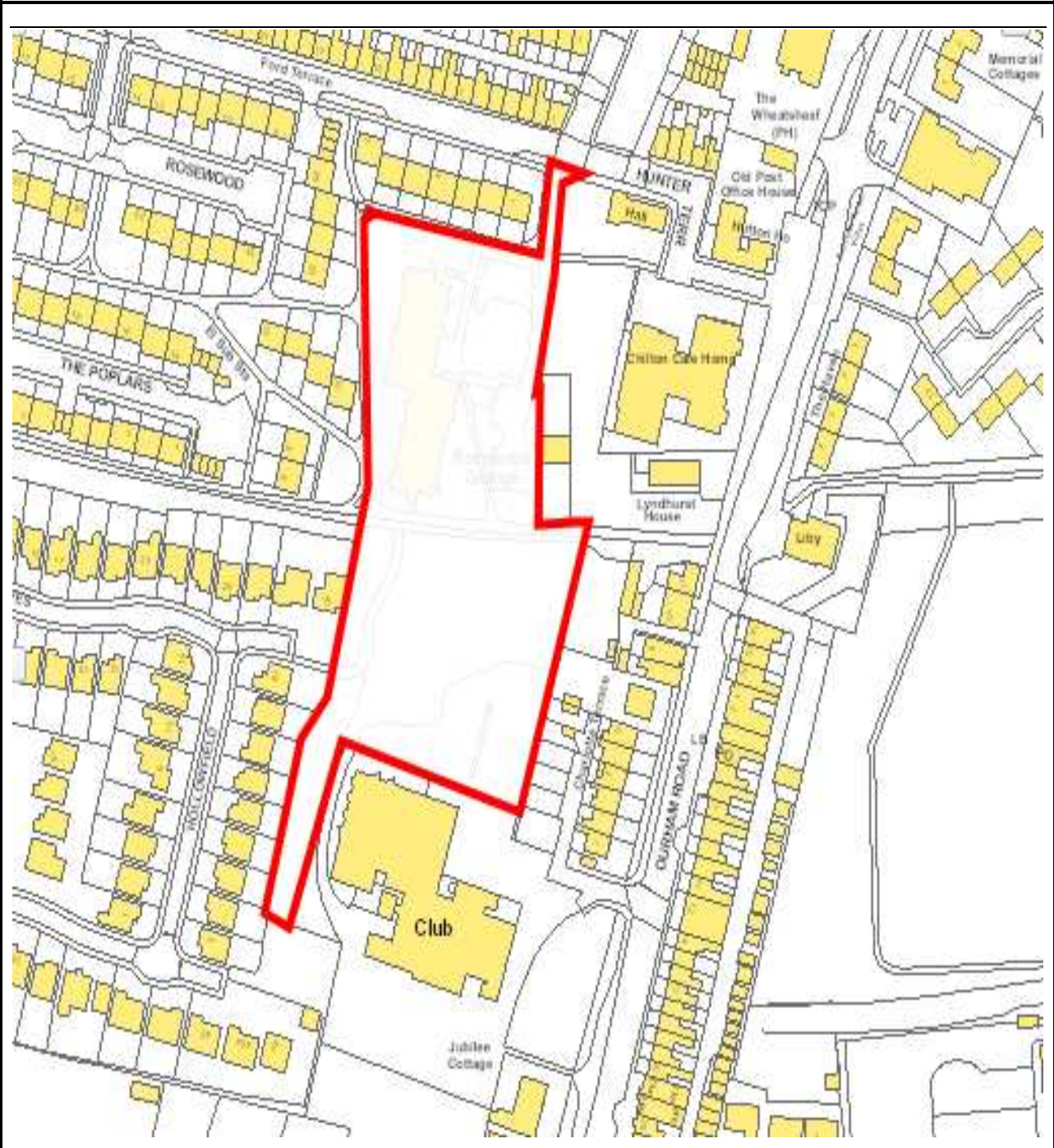
National Planning Policy Framework (NPPF)

Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation response from the Highway Authority, Environment Agency, Coal Authority, Northumbrian Water

Internal responses from the Regeneration, Landscape, Arboriculture, Ecology, Sustainability, Environmental Health and Consumer Protection Sections



Planning Services

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Demolition of Rosewood Grange and construction of 25 bungalows at Rosewood Grange / Chilton Working Men's Club, Chilton

Comments

Date 21 March 2013