

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0363/DM
FULL APPLICATION DESCRIPTION:	Demolition of existing houses, garages and meeting hall and the erection of 18 affordable dwellings
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Hunter Terrace, Chilton DL17 0JQ
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Paul Hopper, Planning Officer 03000 263 946 paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site covers a total footprint of 0.4 ha and is located immediately to the west of the Chilton town centre off Durham Road. The site is largely owned by the County Council having previously been occupied by terraced housing, although much of this was removed in 2010 with only numbers 1 – 5 Hunter Terrace (in private ownership) remaining in situ along with a meeting hall to the southern boundary of the site. A mix of grassland, cobbled roads and domestic garages also remain on site with the latter serving the previous residential use.
2. The site is bordered by areas of residential housing to the north and west, Chilton Care Home to the south and a public house, post office and retail outlets to the east.
3. Planning permission (7/2013/0021/DM) has recently been granted for the redevelopment of former sheltered accommodation at Rosewood Grange to the south west of site, for residential development comprising 25 two bedroom bungalows. Works to implement this permission have started on site and this development, along with that proposed at the application site, forms part of a wider scheme of regeneration for the area brought forward by the applicant in partnership with the County Council.

The Proposals

4. Planning permission is sought for the erection of 18, two storey affordable dwellings at the site and would involve the demolition of the existing meeting hall, residential garages and 5 existing dwellings at Hunter Terrace.
5. The proposal incorporates 12 No. semi-detached two bedroom and 6 No. three bedroom dwellings, in a layout similar to that occupied by previous terraced dwellings fronting Norman Terrace to the north, Tennyson Road to the west and Hunter Terrace to the south. Four of the 18 dwellings would occupy an off-set

position at the cross roads of Tennyson Road, Hunter Terrace, Ford Terrace and Rosewood Grange.

6. The proposed dwellings would be double storey and incorporate dual pitch roof arrangements with external surfaces finished in red facing brick to the walls and interlocking grey concrete tiles to the roof with UPVC windows and doors.
7. Vehicular access would be provided via the existing junction with Norman Terrace and Durham Road to the east. A total of 27 off street parking spaces would be incorporated, including 9 spaces for visitor parking. In addition, works to provide 6 metres junction radii improvements at the crossroads with Tennyson Road, Hunter Terrace, Ford Terrace and Rosewood Grange are also proposed.
8. The application is being reported to planning committee in accordance with the Council's scheme of delegation relating to all major applications for ten or more dwellings.

PLANNING HISTORY

9. No planning permission exists at the site directly relevant to this application.

PLANNING POLICY

NATIONAL POLICY:

10. 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 dependant.
11. 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.
12. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

15. *Part 7 – Requiring good design.* 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.
16. *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.
17. *Part 10 – Climate change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
18. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

19. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.
20. *Policy H17 (Backland and infill housing development)* sets criteria when considering housing in backland or infill sites.
21. *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.
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 D2 (Design for people)* sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
25. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
26. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
27. *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>

EMERGING POLICY:

28. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
29. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
30. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, (of which 270 are to be provided in Chilton) 179 Ha of Employment Land allocation is also proposed, (8ha of which is to be provided in Chilton).
31. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.
32. *Policy 15 – Development on Unallocated Sites* – Sets out that development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location to the character of the settlement, does not result in loss of a settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.

33. *Policy 16 – Sustainable Design in the Built Environment* – Sets out the general principles of sustainable design to be incorporated in new development.
34. *Policy 31- Addressing Housing Need* - sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
35. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.

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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/psdlp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* offers no objections to the application advising that the surrounding highway network is capable of accommodating the traffic associated with the development. It is also advised that amended plans showing junction radii improvements to the junctions of Tennyson Road and Hunter Terrace are acceptable, as is the overall level of off street parking provision within the site. It is also noted that proposed planting or means of enclosure in the vicinity of plots 13/14 and 17/18 take account of the 2.4 metres by 43 metres junction sight visibility splays.
37. *Environment Agency* offers no objection to the application but advises that consultation should be held with the Sewage Undertaker to ensure that sufficient capacity is available to accommodate the additional flows that would be generated by the development.
38. *Northumbrian Water Ltd* offers no objection to the proposal noting that NWL have been receiving foul sewage flows from the previous dwellings and the proposed dwellings would result in less foul water accepted into the public sewer network given the overall reduction in units.
39. *Coal Authority* offers no objection to the development noting that the development does not fall within the defined Development high Risk Area and is located instead within the Development Low Risk Area. It is however, noted that the Coal Authority's Standing Advice should be included within any Decision Notice as an informative.

INTERNAL CONSULTEE RESPONSES:

40. *Landscape Section* is broadly supportive of the proposal confirming that the scheme is acceptable subject to the inclusion of a planning condition which requires the submission, agreement and implementation of a landscape scheme prior to the commencement of development at the site.
41. *Arboriculture Officer* offers no objection to the application.
42. *Ecology Section* originally objected to the application as additional bat surveys had not been completed as identified in the risk assessment. However, the required surveys have now been completed and the results submitted in support of the

application. As such no objections are raised subject to the inclusion of an appropriate condition requiring the implementation of the mitigation proposed.

43. *Design and Conservation Section* offers no objection to the application noting the balance between soft and hard landscaping contained within the scheme is acceptable subject to the inclusion of planning conditions requiring the submission, agreement and implementation of precise landscape details for the site.
44. *Environmental Health (Pollution Control)* has no objections to the application subject to the inclusion of planning conditions relating to the prevention of nuisance from noise and dust, restricting the burning of combustible material at the site, the maintenance of construction/demolition vehicles and restrictions to the working hours during the construction phase.
45. *Land Contamination Section* offers no objection to the application subject to the inclusion of a condition which requires that a Phase 2 site investigation report and Phase 3 validation report be undertaken and the results provided to the Local Planning Authority.
46. *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.

PUBLIC RESPONSES:

47. The application has been published by way of press and site notices, and individual letters to neighbouring residents.
48. No representations have been received.

APPLICANTS STATEMENT:

49. The site at Dale Street, Victoria Terrace and Norman Terrace, are sites of former housing which were demolished some time ago, Hunter Terrace and the adjacent site of the St John's Ambulance building are proposed to be demolished as part of this development.

The proposed site development in total will link with the new bungalow development of Rosewood Grange and through the new proposed GP's practice to the north of the site and act as a positive addition to the regeneration of this area of Chilton, creating a balanced community. The proposed application will produce a scheme which meets an identified community and social need, and is supported by Durham County Council as the strategic housing authority and the Homes and Community Agency

All of the new homes will be let through the Durham Key Options Choice based letting scheme which seeks to ensure that the needs of local people are met through a local lettings policy giving initial priority to local people.

All of the new homes would be offered for affordable rent and the applicant is prepared to enter into a Section 106 agreement securing a minimum of 10% remaining at an affordable rent in perpetuity.

A community consultation was held at Rosewood Grange on 20 August 2013, attended by representatives from Livin, the architect and the development team, providing the opportunity for local residents to examine the scheme and raise any questions. Letters were sent to nearby residents and local Councillors inviting them

to attend this event. In addition a display was put in place at a local public venue adjacent to the site and feedback invited. Feedback was received from 4 of those attendees and the respondents were positively disposed to the proposal to build this type of accommodation in this area.

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.

The layout of the houses has been carefully designed so that these provide a positive and active street frontage which relates well to the layout of the adjacent housing.

The site is well located in terms of local facilities and public transport links and the layout of the houses has been carefully considered in order that they comply with the site restrictions and address the street frontage.

The new dwellings will achieve a Code for Sustainable Homes Level 3, thereby reducing energy consumption and CO₂ emissions. All dwellings will be designed to Lifetime Homes Standards providing flexibility and improving access for people with impaired mobility.

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

50. 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 principal planning issues raised relate to the principle of development, affordable housing, design and the impact upon the character and appearance of the surrounding area, residential amenity, accessibility and highway safety, ecology and drainage and ground conditions.

Principle of Development

51. 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.

52. 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.

53. 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.

54. The application site consists of an area previously occupied by 25 terraced dwellings which have since been removed and the land reinstated to grass. The proposal involves the redevelopment of the previously developed site and offers the opportunity to reinstate it back into positive use by constructing 18 affordable 2 and 3 bedroom dwellings. The application site is centrally located within Chilton and is bounded by existing residential development to the north, south and west. It is located within close proximity to shops, services and community facilities and is well located in terms of public transport routes serving both the immediate locality and surrounding areas.
55. In terms of the distribution of housing within the County Durham Plan it is noted that 270 houses in Chilton are to be provided by 2030 and this figure is accounted for by existing sites with planning permission. Notwithstanding this, it is acknowledged that the settlement figure reflects a minimum rather than upper limit and that the site in question would provide 18 affordable dwellings.
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 NPPFs presumption in favour of sustainable development and would not prejudice the future aims of the emerging County Durham Plan.

Affordable Housing

57. The provision of affordable housing where a need has been identified is encouraged through Local Plan Policy H19. In this area, and for developments of the size proposed, previously a 15% affordable housing requirement would have been expected. However, it should be noted that the emerging County Durham Plan indicates that development of this nature would normally be expected to provide a 10% affordable housing provision.
58. The proposed dwellings would constitute affordable housing having regard to the definition provided in the NPPF and would be owned and managed by a Registered Provider (Livin), available to eligible households whose needs are not met by the market. The applicant has identified that there is a demand in the area for housing of the type and form proposed and while 100% of the scheme is proposed as affordable housing, the applicant has agreed to enter into a legal agreement to ensure that 10% of the units provided are affordable and retained in perpetuity for affordable rent, thereby ensuring that the aims of the relevant policies are met in this regard.
59. The Council is currently in the process of seeking to acquire ownership of Nos. 1-5 Hunter Terrace and as such this area is not currently under the control of the authority. The Section 106 Agreement relating to the affordable housing provision would therefore not include this section of the site. However, it considered that the required number of 2 affordable units could be adequately accommodated across the remainder of the site and as such it is not considered that overall aims of the Section 106 Agreement would be prejudiced.
60. In light of the above the proposal would therefore accord with the aims of the NPPF, saved policy H19 of the Local Plan and Policy 31 of the Emerging County Durham Plan.

Open Space

61. Local Plan Policy L2 relates to the provision of open space within or adjacent to housing developments and normally requires 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 from the development can be satisfactorily met within the area and also to ensure appropriate levels of amenity open space are provided on site.
62. Applying these requirements to the proposed scheme a total of 600sq m of informal play space and amenity space would normally be required, either within the site or as a commuted sum for appropriate off-site provision, equating to £1000 per dwelling or £18,000 in total.
63. The proposed layout would provide some amenity space within the scheme primarily in the form of soft landscaped areas adjacent to Plots 6, 13, 17 and 18 covering a total footprint of approximately 200sq m. While this is below the minimum stated in saved policy L2 of the Local Plan text supporting this policy advises that a flexible approach be applied to its implementation.
64. It is noted in this instance that the site lies within approximately 320 metres of an outdoor play and recreation area to the north which is readily accessible and that the site was occupied until relatively recently (2010) by 25 terraced properties. The proposal would therefore represent an overall reduction in the level of development at the site with no net increase in demand for informal play space. In addition the scheme is 100% affordable with 10% retained in perpetuity, and forms an important part of a wider regeneration initiative in the area with associated community and social benefits.
65. With this in mind, and in light of the fact that the scheme would not result in any net increase in demand for recreational facilities, it is considered that although the amount of amenity open space to be retained within the site is below that required by saved policy L2 of the Local Plan, it would be sufficient to serve the development and such would not prejudice the aims of policy L2 of the Local Plan.

Design and impact on the character and appearance of the surrounding area

66. The NPPF 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 proposed scheme has been sensitively designed so that the density and scale of the development would be consistent with adjacent housing and the character of the surrounding area.
67. The northern section of the site has a linear arrangement running parallel to Norman Terrace which is characterised by south facing terraced properties. The proposed scheme has been designed so that Plots 1 to 6 reflect this arrangement. Similarly the semi-detached arrangement along the western side of Tennyson Road has been repeated in the west facing properties within the proposal at Plots 7 to 12. The result compliments both the existing housing arrangements while achieving a more open development incorporating green space where appropriate.
68. With regard to the southern part of the site plots 13/14 and 17/18 have been designed to form a gateway group on Tennyson Road and this is reinforced by a subtle circular footpath arrangement which is considered a suitable design concept.

69. The scheme depicts a well spaced group of properties constructed in red facing brick and grey interlocking roof tiles similar in style to those existing properties in the area. Dwellings would be separated by 1.8 metre high timber fencing with allocated parking spaces along Tennyson Road, softened by green spaces and some tree planting. The Council's Design and Conservation and Landscape Officers offer no objections to the application subject to the submission, agreement and implementation of precise landscaping details for the site which could be ensured through the inclusion of appropriate planning conditions.
70. The dwellings would be built to Code for Sustainable Homes level 3 that bases energy improvements into the fabric of the buildings for their lifetime. The Council's Sustainability Section has no objection to the application subject to relevant planning condition and considers the sustainability credentials of the proposed use in line with policy 16 of the Emerging County Durham Plan.
71. It is therefore considered that the scheme would provide an appropriate layout and design that pays due regard to the character and appearance of existing terraced and semi-detached properties to the north and west. As such, it is considered that the proposal complies with design principles set out in the NPPF and Local Plan Policies H17, D1 and D5.

Residential Amenity

72. 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, and include minimum separation guidelines.
73. Given the layout of the surrounding street arrangement those existing properties to the north at Norman Terrace and to the west at Tennyson Road would be situated 16 metres and 22 metres from the proposed dwellings respectively. While the 22 metres achieved at Tennyson Road is in excess of the 21 metres between windows to habitable rooms as required by SPG3, the 16 metres achieved at Norman Terrace is below this figure. However, the separation distances achievable are restricted by the existing street arrangement and in this regard it should be noted that the previous terraced properties occupied a similar arrangement. As such the 16 metres separation distance is considered acceptable in the context of the surrounding area and is sufficient to ensure adequate privacy levels for both existing and proposed dwellings. The proposal is therefore considered to accord with the requirements of saved policies H17 and D5 of the Sedgefield Borough Local Plan.
74. Within the site itself the layout has been designed to incorporate adequate separation distances between dwellings taking into account guidance contained within SPG3 of the Sedgefield Borough Local Plan.
75. The site is bounded on three sides by residential development and appropriate consideration has been given to the positioning and design of means of enclosure within the site. This comprises of 1.8 metre high close boarded timber fence to ensure that adequate levels of privacy are retained between existing housing and the 18 proposed dwellings.
76. It is therefore considered that the proposed layout satisfactorily safeguards the residential amenity of existing and proposed dwellings in accordance with Local Plan Policies H17, D1 and D5.

77. In light of the inter relationship between the proposed dwellings and the adjacent public house the Council's Environmental Health Officer has advised the inclusion of a planning condition requiring a scheme detailing measures to attenuate noise to be submitted to and approved in writing by the Local Planning Authority. Subject therefore to inclusion of an appropriate condition the proposals would accord with guidance contained within the NPPF.

78. The proposed demolition of the remaining dwellings, garages, meeting hall and the construction of new housing will inevitably lead to some noise and disturbance in the immediate area. However, these effects can be appropriately controlled through a combination of planning informative and environmental health legislation.

Accessibility and Highway Safety

79. Local Plan Policies H17 and D3 both seek to ensure that new development achieves a satisfactory means of access and adequate parking provision, having regard to highway safety principles.

80. The layout provides for the creation of 27 off street parking spaces of which 9 would be visitor spaces. The scheme also includes junction radii improvements to the junction of Tennyson Road, Hunter Terrace and Rosewood Grange and the widening of the footways within the scheme to 1.8 metres. The Highway Authority considers the level of parking to be acceptable and welcomes the works to the junction radii and footways. However, the requirement that any planting or means of enclosure in the vicinity of these junctions should take account of minimum visibility splays is included, as is the requirement to stop up the existing rear side access lanes which served the former terraced dwellings. The applicant has agreed to these requirements which can be ensured through appropriate planning condition.

81. The proposals therefore accord with Local Plan Policies H17 and D3 in this regard.

Ecology

82. The application is accompanied by an extended phase 1 survey, Bat Risk Assessment and Arboricultural Impact Assessment. The initial assessment in relation to bats identified a moderate risk of bats roosting in the remaining buildings onsite and as such further emergence surveys were advised. These surveys have been completed and did not identify any bats emerging from the remaining buildings. The Council's Ecology Section therefore has no objections to the proposal subject to conditions requiring adherence to the mitigation and recommendations set out in Section F of the Extended Phases 1 Survey Final Report. It is considered that subject to such a condition, the proposals would not have significant affects on protected species. As such neither a licence nor consideration of the derogation test set out in the Habitats Regulations would be required. The proposals are therefore considered to satisfy the provisions of section 11 of the NPPF in this regard.

Drainage and Ground Conditions

83. The NPPF seeks to prevent new and existing development from contributing to or being adversely affected by unacceptable levels of pollution or land instability. 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 Preliminary Risk Assessment which notes that while old workings are present within the site, all settlement is likely to have been completed long ago. The presence of contamination from historic land uses and the

principal aquifer beneath the site has also been identified.

84. Based upon these findings, the assessment concludes that the site presents a low to moderate environmental risk and recommends that borehole samples be taken for geotechnical and contamination testing, and that gas monitoring pipes be installed.

85. The Environment Agency, Coal Authority and the Council's 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 the requirements of Section 11 of the NPPF.

86. The proposed development is therefore considered to accord with relevant national and local plan policies subject to the imposition of appropriate planning conditions.

CONCLUSION

87. The principle of infill residential development on a previously developed site in a sustainable location within the settlement of Chilton is considered acceptable and in compliance with the aims of the NPPF and relevant development plan policies. The scale, layout and density of the scheme is sympathetic to surrounding development and local setting, and would not unacceptably detract from residential amenity of existing and proposed occupants, and there would be no detrimental impact in terms of highway safety or ecology.

88. Furthermore, the redevelopment of the site would provide much needed affordable housing in a locality where a need has been identified. Social housing would be provided throughout the entire scheme and a section 106 legal agreement to secure the provision of 10% affordable housing across the development, equating to 2 units, has been offered in accordance with appropriate policy requirements.

RECOMMENDATION

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the provision of 10% 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:

Plan Number	Description	Received
L-01	Location Plan	30 August 2013
SK100 REV B	Proposed Site Plan	29 May 2014
SK-20	Proposed Floor Plans and Elevations 2 Bed House	30 August 2013
SK-10	Proposed Floor Plans and	30 August 2013

Elevations 3 Bed House

Reason: For the avoidance of doubt and to ensure a satisfactory form of development is achieved.

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. 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 Sedgefield 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 Sedgefield Borough Local Plan.

6. Prior to the occupation of the dwellings hereby approved works to provide 6 metre junction radii at the junction of Hunter Terrace, Tennyson Road, Ford Terrace and Rosewood Grange shall be completed in full. Such works should include the provision of 2.4 metres by 43 metre junction visibility splays which should thereafter be kept clear of obstruction.

Reason: In the interests of highway safety and to accord with the requirements of Policy D3 of the Sedgefield Borough Local Plan.

7. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the Wheatsheaf public house 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.

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within section F of the amended protected species report 'An extended phase 1 survey and code for sustainable homes assessment of Chilton (Phase 3)' dated May 2014.

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

9. 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.

10. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3, in accordance with a sustainability strategy to be submitted to and approved in writing by the Local Planning Authority showing that: prior to the commencement of development, the scheme 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 the requirements of the NPPF.

11. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), 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 and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (d) 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.

Reason: 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

Further information is available under the policy document 'Development on Land Affected by Contamination'

STATEMENT OF PROACTIVE ENGAGEMENT

- 89. 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.
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BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

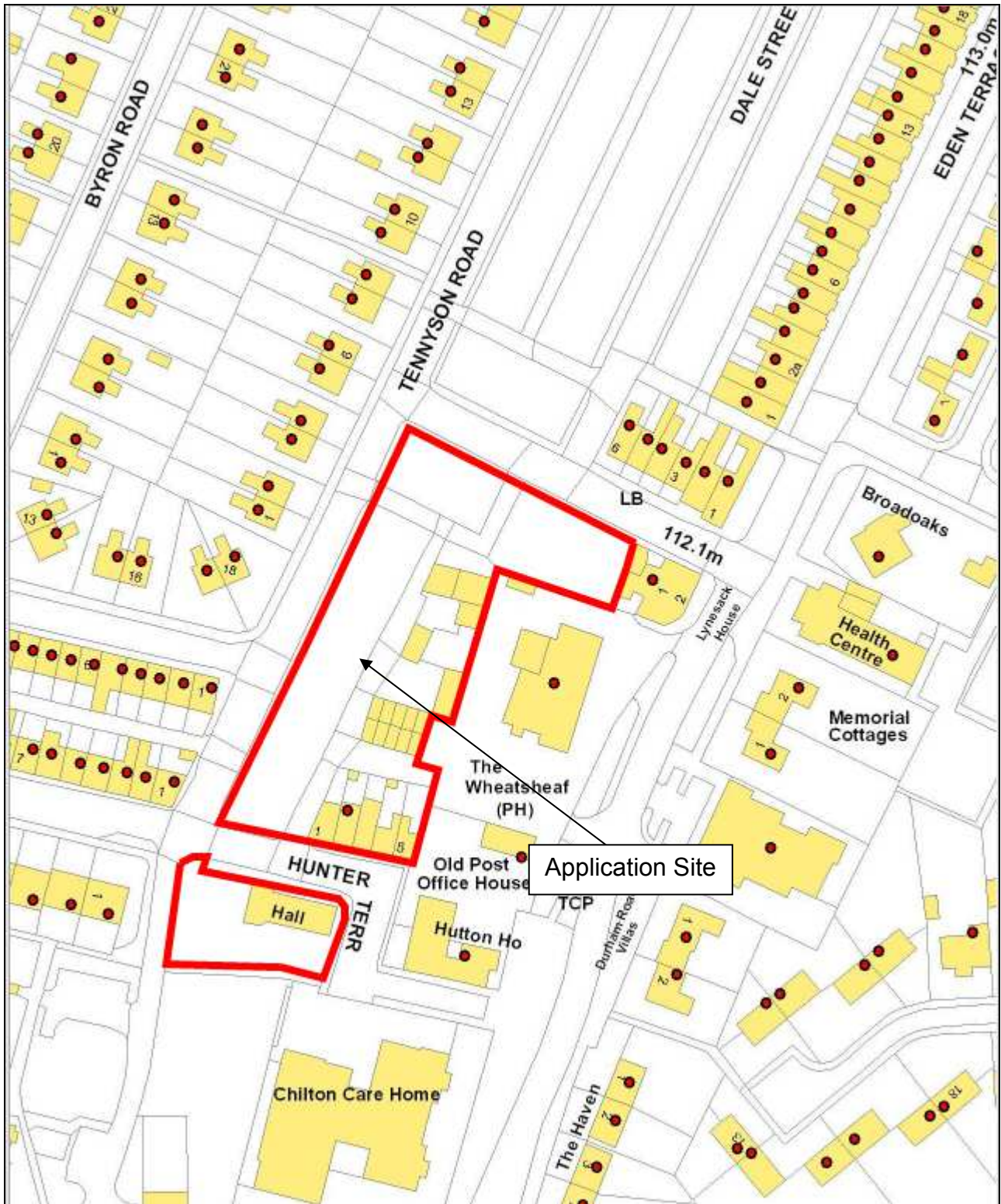
Sedgefield Borough Local Plan

County Durham Plan (submission version)

Statutory responses from Highway Authority, Environment Agency, Northumbrian Water Limited and the Coal Authority

Internal responses from Highways Authority, Design and Historic Environment Section, Landscape Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies



Planning Services

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Demolition of existing houses, garages and meeting hall and the erection of 18 affordable dwellings

Comments

Date 5 June 2014

Scale 1:2500