

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01091/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing bungalow and garage/office and erection of 10no. dwellings
NAME OF APPLICANT:	Mr Anthony Gibson, Weardale Motor Services
ADDRESS:	Former Weardale Motor Services And The Bungalow 101 Front Street, Frosterley, Durham
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is the former Weardale Motor Services and bus depot which measures 0.27 ha in area. The site has been cleared of built structures, with the exception of an associated residential bungalow and an office/garage building. A significant amount of hardstanding is present on the site including inspection pits and foundations of previous buildings. Accordingly, the site is classed as previously developed land. Two mature Sycamore trees are located to the north east of the site, while a mature hedgerow forms the eastern boundary. The site fronts out onto the A689, to the south, beyond which lies a haulage yard. To the north of the site lies the Betsdale Caravan Park, to the east is the Grade II Listed building Frosterley Inn, while to the west is the detached residential dwelling of 103 Front Street. A level change is evident across the site, with the land level rising to the north by approximately 1.8m. The site lies wholly within the Frosterley Conservation Area.
2. The application seeks full planning permission for the demolition of the existing bungalow and the erection of 10 semi-detached two storey dwellings. The properties would be arranged around a cul-de-sac utilising the existing access on to the A689, which would be modified slightly to incorporate a 1.8m footway on both sides. The dwellings would be faced in stone, with traditional fenestration detailing, including sash style windows and slate roofing materials.
3. The application is reported to the planning committee in accordance with the Scheme of Delegation because the development is classed as a major application.

PLANNING HISTORY

4. The site has been recently cleared of built structures associated with the lawful use of the site as a bus maintenance depot.
5. A planning application 3/2011/0468 seeking permission for the erection of 12 dwellings was withdrawn in 2014.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
8. *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. 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. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *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.
10. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *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.
12. *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.

13. *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, minimising impacts on biodiversity and providing net gains where possible; 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.
14. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

15. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant:-
16. *Policy GD1 - General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
17. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
18. *Policy BE4 - Setting of a Listed Building* - Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
19. *Policy BE5 – Conservation Areas* – Sets out that the character of Conservation Areas will be protected from inappropriate development.
20. *Policy BE6 – New Development and Alterations* – Sets out that the Council will permit new development and alterations within Conservation Areas provided it preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and the proposal will use external building materials which are appropriate to the conservation area.
21. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
22. *Policy H3 - Distribution of Development* - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.

23. *Policy H15 - Affordable Housing* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
24. *Policy H22 - Community Benefit* - On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
25. *Policy H24 - Residential Design Criteria* - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
26. *Policy T1 – Highways* - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

EMERGING PLAN:

27. The emerging County Durham Plan was submitted in April 2014 and has been examined 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. The most relevant part of the plan would be the Spatial Approach and distribution of development in Policies 2 and 4; Development of unallocated sites Policy 15; Sustainable Design Policy 16; Amenity Policies 18 and 19; Housing Need Policy 31; Historic Environment Policy 44.
28. At the current time, these policies are being attributed very limited weight given the publication of the inspector's interim views and do not form a significant part of the decision making process.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highway Authority* – No objections It is however recommended to attach conditions requiring the retention of parking spaces and full engineering details of the road layout.
30. *Northumbrian Water Limited* – No objections but request a condition requiring details of foul and surface water disposal to be submitted.

INTERNAL CONSULTEE RESPONSES:

31. *Design and Conservation Section* –No objections, advising that the scheme in terms of density and layout is considered acceptable, given site constraints and is not considered to adversely affect the character and appearance of the conservation area. In order to maintain the character of the development it advised to remove

permitted development rights throughout and to control the finer details of the development through condition including materials to be used.

32. *Ecology Section* –No objections advising that the likely presence and impact on bats by the proposals is low, no objections are raised to the proposals.
33. *Arboricultural Officer* – No objections advising that the Arboricultural Method Statement gives a concise and detailed picture of the site while suggesting appropriate mitigation methods, which should be secured by condition.
34. *Environmental Health Section* –No objections in principle to the development, but in order to protect future residents from road noise and adjacent uses, it is recommended that a noise impact assessment is undertaken and any mitigation measures secured by condition. It is also recommended to control the working hours on site and incorporate measures to suppress noise and dust during construction.
35. *Contaminated Land Section* – Advise a conditional approach in relation to land contamination.
36. *Drainage and Coastal Protection* –No objections providing a detailed scheme of surface water disposal is submitted limiting run off to brownfield run-off rates.
37. *Sustainability Section* – Advise while the site is not considered to be in a sustainable location, due to the lack of employment sites, community facilities and education facilities it is appreciated that the development of the site could assist in helping to retain some of the key services within the village. The proposals should detail how embedded sustainability will be incorporated into the scheme.
38. *Archaeology Section* – No objections as there are no anticipated archaeological issues with the proposed development.

PUBLIC RESPONSES:

39. The application was publicised by press and site notice, and individual notification letters were sent to neighbouring residents. 2 letters of objection have been received. The main points raised by the objectors are summarised below.
 - a. Loss of residential amenity associated with overlooking from the development and resultant negative impact on property value.
 - b. Concerns regarding noise and disturbance generated by the development.
 - c. The development will be out of character with the existing dwellings, modern in appearance, and will be of a higher density, affecting the character of the village and the Conservation Area.
 - d. The Design and Access and Heritage Statement are considered inadequate and do not give sufficient consideration for the design approach and impact on heritage assets.
 - e. Concerns are raised regarding the impact of trees in and adjacent to the site, which will have an impact on the character of this part of the conservation area.
 - f. The development will require the removal of vegetation impacting on the ecological value of the site.
 - g. Concerns regarding highway safety in relation to the proposed access and level of parking on site.
 - h. The amenity space provided falls short of the minimum required in policy H24 of the Local Plan.

- i. Concerns are raised regarding the potential conflict with a haulage yard adjacent to the site and advising that noise impact assessments should be submitted as part of this application.

The above is not intended to represent a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N4JDN7GDGGS00>

APPLICANTS STATEMENT:

40. None Submitted.

PLANNING CONSIDERATIONS AND ASSESSMENT

41. 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 main planning issues raised relate to the principle of development, effect on the character of the surrounding area, residential amenity, and highway safety.

The Principle of Development

42. The Statutory Development Plan in this case comprises the saved policies of the Wear Valley District Local Plan. The policies of the emerging County Durham Plan carry very little weight at this stage.
43. The application site is previously developed land and is located within the defined settlement limits of Frosterley Village. The proposal is therefore in principle wholly in accordance with saved policy H3 of the Wear Valley District Local Plan, which is permissive of new development providing that there is no conflict with other policies of the plan.
44. However, 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. It is considered that the general approach of policy H3 in terms of directing development to settlements best able to support it and the reuse of previously developed land is entirely consistent with the aims of the NPPF to promote sustainable patterns of development.
45. It is noted that the Council's Sustainability Section nevertheless raised concerns about the site's accessibility to major retail, secondary education and employment; however that is the rural nature of the west of the County. The advice in NPPF paragraph 29 is that different (transport) policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In addition NPPF paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
46. The County Durham Settlement Study identifies Frosterley as a tier 4 Medium-sized Village, which indicates it has some local services and facilities and is therefore a village capable of accepting a small scale of new development within its confines. A development of 10 dwellings represents a small scale of development that would be

commensurate with the role of Frosterley in the settlement hierarchy. Notwithstanding the Council's ability to demonstrate a 5 year housing supply there are few identified deliverable housing sites in Weardale. A development of 10 dwellings would not undermine the Councils housing delivery strategy and would help to support the vitality and viability of local services in Frosterley, which also support the wider rural area.

47. The proposal is therefore consistent with the NPPF aims of promoting sustainable patterns of development and use of previously developed land. Accordingly, the proposal's compliance with saved policy H3 of the Wear Valley District Local Plan can be given significant weight. It is also noted that the proposal would comply with emerging policy 15 of the County Durham Plan, however given the current status of the County Durham Plan this is only afforded limited weight and cannot be a key part of the decision making process.
48. In respect of affordable housing requirements it is noted that under policy 31 of the emerging County Durham Plan the development would have been subject to affordable housing provision as a site of more than 5 dwellings. However, policy 31 was subject to significant objections during the consultation and Examination process and therefore having regards to paragraph 216 of the NPPF, the policy currently carries very limited weight. Reverting back to previous Wear Valley Local Plan requirements the proposal falls below a threshold of 15 dwellings and therefore does not have to provide any affordable housing in this case.
49. In respect of open space provision, the small nature of the site means it is not possible to include any public open space within the site. An appropriate contribution of £10,000 is therefore offered to supplement and enhance existing offsite provision in the local area and will be secured by a Section 106 Legal Agreement. This will satisfy the requirements of Wear Valley Local Plan Policy H22 and the aims of NPPF Part 8.
50. Taking all the above into account the principle of development is acceptable subject to a detailed assessment of the impacts of the development as appraised below.

Design, layout and the effect on the character of the area

51. Because the site lies within the Frosterley Conservation Area and adjacent to the Grade II Listed Frosterley Inn the local planning authority must have regard to Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S66 requires local planning authorities to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. S72 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Relevant policies also include Wear Valley Local Plan Policies BE1, BE5 and BE6, as well as Section 12 of the NPPF.
52. The Frosterley Conservation Area is extensive and in addition to the central built up area incorporates a large area of surrounding countryside, including land either side of the River Wear. The pattern of built development is predominantly linear/ribbon, but there is significant amounts of development beyond the frontage including residential and caravans. The application site does not extend beyond the curtilage extent of other frontage development and therefore its significance is primarily in relation to its position in the built up frontage onto the A689 (Front Street). Significant features in this part of the conservation area include the tree-lined Green on the southern side of the A689, which is overlooked by the Grade II Listed Frosterley Inn. The central area of the village has an open recreation ground which is surrounded by

a number of listed buildings including St Michael Church, the Parish Hall and Frosterley House. The rows of terraces facing onto the A689 are attractive small dales terracing typically constructed in stone with slate roofs.

53. Although the application site lies within this sensitive environment, it comprises a former commercial bus servicing yard and residential bungalow. The site is only really visible from Front Street. The large portal framed bus sheds have been demolished, but the bungalow and office/garage building still remain on the site. These remaining buildings have a modern character that is not reflective of the typical more traditional Frosterley vernacular. While the buildings themselves do not have a negative impact on the conservation area they offer little positive in terms of significance with only the slate roofs, front garden and stone boundary wall representing positive features. Accordingly there is no objection to the demolition of these remaining buildings. The rest of the site with the large amount of hard standing and continued bus storage represents an unattractive gap in the built frontage which detracts from the character and appearance of the conservation area, as well as from the setting of the adjacent listed building. The re-development of this site is therefore an opportunity to address this.
54. The proposed scheme has evolved since its initial submission in response to concerns raised. The number of dwellings has been reduced from 11 to 10 to bring the density to an appropriate level for the site and surrounding area. Not all rear gardens meet the 10m depth requirements of Wear Valley Policy H24, but the proposal nevertheless provides a layout that is not overly cramped and each dwelling would have sufficient amenity space. Amendments were also made to the layout and design of some of the dwellings. Particular attention has been paid to how the development would address the road (Front Street). Units 9 and 10, which would replace the existing bungalow, have been designed as double fronted and retain gardens to Front Street and a stone boundary wall, thereby respecting the positive existing features and ensuring the development does not turn its back on Front Street. The scale and height of the dwellings would be wholly in keeping with surrounding development and all the dwellings would be designed in an appropriate traditional and simple local vernacular, stone faced to the public elevations with slate roofs and fenestration detailing such as stone lintels, cills and sash style windows. The Council's Design and Conservation Section is now satisfied with the scheme.
55. Specification of materials and enclosures will be very important. It is therefore recommended that all materials and enclosures should be controlled by condition. In addition to this, as the scheme proposes an open plan layout, it is recommended to remove permitted development rights for fences forward of main elevations to retain a pleasing open character. It will also be necessary to remove permitted development rights for extensions and outbuildings to the rear of plots 10 and 9 to protect the conservation area from inappropriate development as it is the rear of those double fronted dwellings that face onto the main road.
56. The scheme has also taken into account the presence of two mature Sycamore trees to the North East of the site, informed by an Arboricultural Assessment. The retention of these trees and two other sycamore trees to the west of site of the site is considered necessary as they contribute to the character of the conservation area. The proposed mitigation measures including no dig construction in certain zones should therefore be secured by condition. The scheme would result in the removal of other vegetation and lesser trees on the site, which the Councils Arboricultural Officer has no objection to and which would not detract from the amenity and character of the conservation area.
57. Taking all of the above into account and having regard to Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that this small cluster of 10 dwellings would relate appropriately to the surrounding area in terms of scale, design and layout. The site as a whole currently detracts from the character and

appearance of the conservation area and the proposal would represent an enhancement in this respect. In addition the development would not compete with or detract from the adjacent Grade II Listed Frosterley Inn and the resultant improvement in the character and appearance of the site over its existing condition would in turn improve the setting of this listed building.

58. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE4, BE5 and BE6, as well as the relevant design and heritage provisions in Parts 7 and 12 of the NPPF. The minor conflict with garden depth requirements of Wear Valley Local Plan Policy H24 is not sufficient reason to warrant refusal of the proposal.

Residential Amenity

59. Wear Valley Local Plan Policies GD1 and H24 require that new developments should protect the amenities of neighbouring uses and future residents.
60. The neighbour at 103 Front Street has raised concerns about the impact of the development on their privacy. However, there is mature planting along the eastern boundary of the site, which would help screen views and in addition there would be a separation distance of approximately 24m between windows, which is in excess of the minimum 21m separation distance set out in Wear Valley Local Plan Policy H24. This relationship is therefore considered to be acceptable.
61. There are some static holiday caravans located gable-on close to the northern boundary of the site at approximately 15m from the rear of the proposed dwellings at northern part of the site. However given the temporary use of these caravans the separation distances of Wear Valley Local Plan Policy H24 do not need to be adhered to and the relationship is considered acceptable. Boundary treatments and the level changes across the two sites would also assist.
62. To the west is the Frosterley Inn, a public house, with residential accommodation above. Because of the orientation of the proposed dwellings only limited views would be achievable back towards any habitable room window and therefore there would be no unreasonable loss of privacy. The proposed dwellings would face onto the rear parking yard and therefore there is potential for comings and goings to generate noise. However, the public house has coexisted with existing residential properties, including properties attached to its west flank, all much closer than the proposed dwellings, and therefore it is considered likely that only very minor mitigation measures such as improved standards of glazing would be sufficient mitigation. This can be secured by a condition as suggested by the Council's Environmental Health Section.
63. The operator of the haulage yard across the road to the south has raised concerns about potential noise-related conflict between the business and new dwellings. However the business lies within the village and much like the public house it has coexisted within a predominantly residential environment. It is surrounded by residential properties with some backing immediately onto it. There is also already an existing dwelling on the application site in nearly the same position as proposed plots 9 and 10 and in that respect the relationship is no different. Conflict with the haulage business is therefore not anticipated. Nevertheless, the condition for an acoustic report suggested by The Council's Environmental Health Section would also identify any need for mitigation from the activities of the haulage business and general road noise.
64. The Environmental Health Section has also recommended conditions relating to working hours and construction activities. However, these construction-related effects are matters which the planning system cannot reasonably prevent or control

and there are controls outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate controls than planning conditions.

65. Overall it is considered that the relationship between the development and neighbouring properties/land uses would generally be acceptable and the proposal complies with Wear Valley District Local Plan policies GD1 and H24 in this respect.

Access and highway safety issues

66. Wear Valley Local Plan policies GD1 and T1 require that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
67. The site is served by an existing means of access from the A689, which would largely remain unchanged, with the exception of the introduction of 1.8m wide pedestrian footway one either site.
68. The Highway Authority advises that this access is suitable to serve the development, particularly considering the existing commercial use as a bus yard. It is also advised that following the receipt of amendments to the scheme the development would comply with the Council's established residential car parking standards subject to the imposition of a condition requiring that the garage in plot no.1 is made available for the parking of motor vehicles only.
69. While acknowledging the concerns raised by local residents regarding the level of parking provision on the site and the suitability of the access, based on the advice of the Highways Authority a reduction in highway safety would not arise. The proposal is therefore considered to comply with Wear Valley District Local Plan policies GD1 and T1, as well as NPPF Section 4.

Other issues

70. An ecology survey has been submitted with the application. The County Ecologist has reviewed the survey and has not raised any objections. It is therefore considered that the proposed development would not compromise protected species or their habitats. The Council can therefore satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal complies with Wear Valley District Local Plan policy GD1 and NPPF Section 11.
71. The Council's Land Contamination Section advises that because of the current commercial use and the change to a more sensitive end user there will be a need for a site investigation to establish whether any remediation is necessary to ensure risks from land contamination are minimised for future occupants. In order to satisfy the requirements of NPPF Section 11 it will be necessary to secure this by condition.
72. Planning plays a key role in helping to reduce 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 as set out in the NPPF. The scale of development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. Details outlining how this would be achieved can be secured by a condition.

CONCLUSION

73. The development of this site for housing would in principle conform to saved policy H3 of the Wear Valley District Local Plan and national planning policies representing an appropriate development within a rural village and on brownfield land that will help sustain local services and amenities.
74. The re-development of the site would have a positive impact on the character and appearance of the conservation area and setting of the adjacent Listed Building in accordance with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
75. The development would be served by an appropriate means of access and would provide sufficient car parking in line the established parking standards such that highway safety issues would not arise.
76. The development would not significantly impact on the amenities of the neighbouring residents, while future residents would experience an appropriate level amenity subject to implementing any measures to mitigate noise if the need is identified through further assessment.
77. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE4, BE5, BE6, H24 and T1, as well as NPPF Sections 4, 6, 7, 11 and 12.
78. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions.

RECOMMENDATION

That the application be **Approved** subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £10,000 towards the provision/maintenance of open space and recreation facilities in the locality, and the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Proposed Elevations, Drg no. 15 28 04 Rev B Dated 23.04.15

Proposed Site Plan, Drg no. 15 28 02 Rev c Dated 27.04.15

Proposed House Type Design, Drg no. 15 28 03 Rev A Dated 04.03.15

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE4, BE5, BE6, H3, H24 and T1 of the Wear Valley District Local Plan.

3. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation and remediation works shall commence until

samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: This detail is required to be agreed before development commences, in order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BE1, BE5, BE6 and H24 of the Wear Valley District Local Plan.

4. No development approved by this permission other than preliminary site excavation and remediation works shall commence until full details of the means of access, including the layout, construction details and surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of highway safety and setting and appearance of the Conservation Area in accordance with Policies GD1, BE1, BE5, BE6 and T1 of the Wear Valley District Local Plan.

Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policies GD1, BE1, BE5, BE6 and T1 of the Wear Valley District Local Plan.

5. No development shall commence unless in accordance with the Arboricultural Method Statement prepared by All About Trees, Rev A and the tree protection plan, ref AMS TTP Rev A, Received June 2015. The specified tree protection measures shall be installed on site prior to the commencement of the development and retained during the construction phase.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies GD1 and H24 of the Wear Valley Local Plan

6. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and implemented in accordance with the approved scheme thereafter.

Reason: This detail is required to be agreed before development commences to secure that the adequate disposal of foul surface water is incorporated into the scheme in accordance with Policy GD1 of the Wear Valley Local Plan.

7. No development approved by this permission other than preliminary site excavation and remedial works shall commence before an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, has been submitted to and approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise and adjacent commercial developments and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first occupation of the dwellings hereby approved and permanently retained thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

8. Notwithstanding the provisions of Schedule 2, Part 2, Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no fence or means of enclosure other than hereby approved shall be erected forward of any wall of the dwellings hereby approved fronting onto a highway.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of in the interests of the character and appearance of the Conservation Area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

9. Full details of the means of enclosure of the site, including external and internal boundary treatments shall be submitted to and approved in writing to the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details thereafter.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of in the interests of the character and appearance of the Conservation Area, in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

10. Notwithstanding the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s), including sheds, garages and glass houses to be erected within the curtilage of plots 9 -10 shall be submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the satisfactory appearance of the development upon completion and to ensure adequate amenity provision in the interests of the character and appearance of the Conservation Area,, in accordance with policies GD1, BE1, BE5, BE6 and H24 of the Wear Valley District Local Plan.

11. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

Reason: This detail is required to be agreed before development commences to secure the sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley District Local Plan and part 10 of the National Planning Policy Framework.

12. The garage at Plot no. 1 shall be made available for the parking of motor vehicles at all times.

Reason: In the interest of highway safety and to provide sufficient in curtilage car parking in order to comply with policies GD1 and T1 of the Wear Valley District Local Plan

13. 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:

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, 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 before any development commences 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. 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 risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

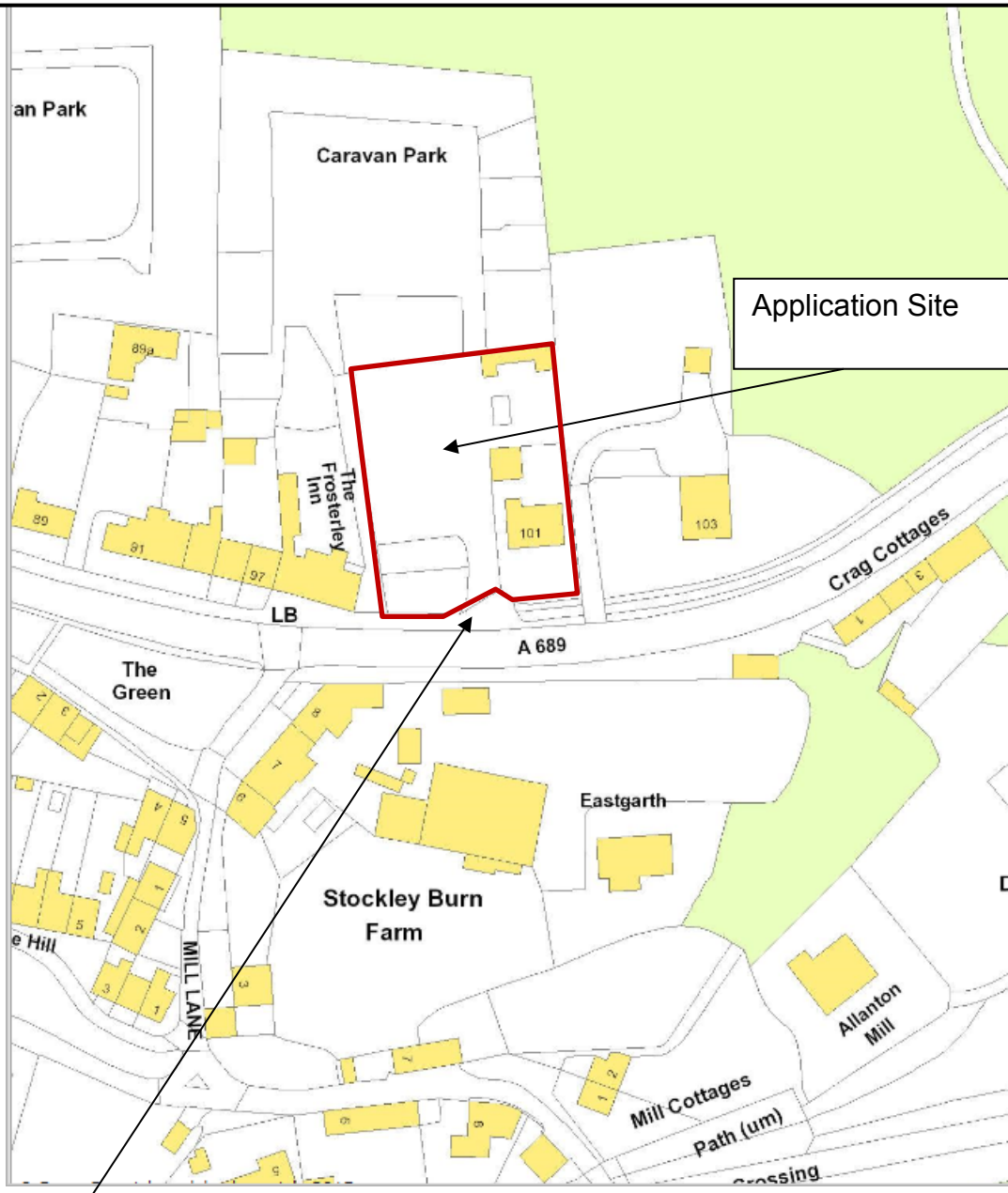
STATEMENT OF PROACTIVE ENGAGEMENT

- 65. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Consultation responses
County Durham Local Plan Submission Version
Application 3/2011/0468





Application Site

Proposed Access Location



Planning Services

Demolition of existing bungalow and erection of 10no. dwellings.

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Comments

Date 10th August 2015

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