

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/02602/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Construction of 33 houses and associated carriageway, footway and landscaping.</b>
<b>NAME OF APPLICANT:</b>	<b>Swale Valley Construction</b>
<b>ADDRESS:</b>	<b>Land to the east of Fairfalls Terrace, New Brancepeth</b>
<b>ELECTORAL DIVISION:</b>	
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located on land to the east of Fairfalls Terrace in New Brancepeth. The site is measured at approximately 0.8 hectares in size and is agricultural land which has been described in the application supporting information to be used as a hobby farm and grazing paddock. The site is sloping and elevated from the adopted road which is to the north of the site. Beyond the adopted highway to the north is a woodland area and a site which appears to be a disused builders yard. Terraced residential streets known as Jubilee Street, Harvey Street and Unthank Terrace were located on the woodland area north of the site and these were demolished prior to the 1980's. The residential terrace of Fairfalls Terrace is located directly to the west, with the residential bungalows of Wood View and Sunset and the residential house known as Frelma located to the east of the site. There are some existing agricultural buildings located along the south boundary of the site.

### The Proposal

2. Full planning permission is sought for residential development of 33 new dwellings. The proposal includes a mixture of detached, semi-detached and terraced dwellings comprising of 3 and 4 bedrooms. The proposed properties would be arranged around a central spine road accessing from the north east corner of the site with housing courts accessing from this main spine road. The application proposes the removal of the hedgerow along the north boundary of the site and this will be replaced by an active frontage with properties facing directly onto the adopted highway. The proposed scheme is to be delivered in partnership with Derwentside Homes and the development will comprise a mixture of sale housing and intermediate housing.

3. The application is reported to the Planning Committee as it constitutes a major development.

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## **PLANNING HISTORY**

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4. Outline planning permission was granted in 1995 for residential development on this site and this permission was renewed in 1998. This planning permission was not implemented and has subsequently expired.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

5. 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.
6. 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'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF 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.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF 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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

14. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
15. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
16. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
17. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
18. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
20. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
21. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
22. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water

discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

23. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

#### **EMERGING POLICY:**

24. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

25. *Environment Agency* has not raised any objections to the proposed development.

26. *Police Architectural Liaison Officer* has stated that there are no issues with the layout of the site from a Design out Crime perspective however it is advised that the street lighting is designed to adoptable standard.

27. *Northumbrian Water* have not raised any objection but has requested details of how surface and foul water will be disposed.

28. *Durham County Highways Authority* has confirmed that the access layout and proposed parking for the scheme is acceptable.

#### **INTERNAL CONSULTEE RESPONSES:**

29. *Education Section* have confirmed that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development.

30. *Public Rights of Way Section* have confirmed there are no recorded public rights of way through or bordering the site.

31. *Tree Section* has indicated that the arboricultural report submitted with the application complies to current industry standards however the proposed removal of a hedgerow would have an effect on site, street and local level.
32. *Landscape Section* has stated that the development could have a potential moderate adverse effect on the landscape character of the area however this could be mitigated by sensitive choice of materials and landscape scheme.
33. *Environmental Management (Noise, dust, smoke, odour, light)* have not raised any objections with regards to noise, dust, smoke, odour or light.
34. *Drainage Section* have requested details of surface water drainage.
35. *Sustainability Section* has indicated there is no significant concern regarding either the location of the development or how the developer is aiming to embed sustainability.
36. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further phase 2 site investigation report shall be submitted prior to development commencing.
37. *Archaeology Section* has not raised any objections to the scheme.
38. *Ecology Section* has not raised any objections to the scheme.
39. *Spatial Planning Policy Section* has not raised any objections to the proposed scheme.
40. *Housing Development and Delivery Team* has confirmed that the viability assessment submitted with the application is acceptable and the proposed scheme can be supported without the requirement of affordable housing provision.

#### **PUBLIC RESPONSES:**

41. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. At the time of this report being published 6 letters of objection have been received on the application.
42. The main concern raised by local residents relate to the impacts the development would have on drainage and flooding to the surrounding area. There are concerns relating to highway issues and these include the proposed access being unacceptable and too close to the T-junction east of the site, as well as traffic congestion resulting from the development. It is also noted by residents that the highway can be problematic in the winter months.
43. There are concerns about the loss of visual amenity in particular the loss of landscape quality. The loss of biodiversity is a concern in relation to loss of hedgerow and impact on wildlife. The submitted Sustainability Assessment is considered unacceptable and concerns are also raised in terms of noise impacts. Some residents have indicated that the proposal would have a social impact as the addition of 33 houses will change the character of the community and would be out of proportion with the area.

44. A local resident has indicated that the addition of some new houses would make the local post office more viable and maintain viability of the primary school and the shop and no objections would be raised to a modest development on the site.

#### **APPLICANTS STATEMENT:**

45. The development of this site will create a mixed range of good quality housing into New Brancepeth on this previously identified site within the village settlement boundaries. The proposal has a range of 3 bedroom starter homes along the front of the site creating a traditional street scene in line with the surroundings then into the site a mix of 3 & 4 bedroom larger homes are to be provided. This mix will provide a varied range of housing from starter dwellings to established family homes for those whom wish to live in an outlying village. This should bring an added economic benefit to the village.
46. The proposal is for mixed tenure housing scheme which will not only provide housing in the form of traditional open market sales housing but also in the form of the much acclaimed Prince Bishop Housing Model which provides “Intermediate” tenure housing in the form of their innovative “rent to buy scheme” where tenants who have lived in a property for four years can take an option to purchase their home and share in any increase in value over the rental period. This could be used as a deposit when purchasing the property. Due to this site should provide a good range of starter opportunities allowing people to purchase their first home.
47. We note from the public consultations there are a number of concerns but we would like to confirm as stated within our supporting documentation that the site has considered all relevant matters during a lengthy design and consultation process. This includes dialogue and transport assessments to evaluate the correct siting of the access point including traffic speeds and visibility etc.... In terms of drainage from the start we have been in consultation with Civil Engineers, the Local Water Authority & Geotechnical consultants regarding the sites drainage. This has been fully evaluated to provide onsite storage of surface water in a 1:100 year+ storm event, we have also been in dialogue with the local water authority to change the FW connection point from the rear lane to the front road as we believe this was a major concern for the local residence.
48. There are no identified prohibiting technical reasons likely to prevent the delivery of the proposed development within the next five years nor are there any significant adverse constraints or threats to: local ecology or habitat; flooding; the local neighbourhood or surrounding environment that are likely to delay progress on the development going forward.
49. The scheme will be delivered by ourselves Swale Valley Construction in partnership with Prince Bishop Homes. We are a locally based family owned house builder which provides a good level of employment to the local vicinity and constantly provide training and development for our employees and also a number of local apprenticeships. Our main philosophy towards our developments is that we should provide houses people are proud to call home through sustainable well-built and designed developments.

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#### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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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 main planning issues in this instance relate to the principle of residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; affordable housing and section 106 contributions; ecology and drainage; and other issues.

#### Principle of residential development

51. The site is bounded by existing residential properties to the west and east. The settlement of New Brancepeth is classed as a medium sized settlement within the Council's Settlement Study which indicates that these villages tend to have fairly minimal facilities with some public transport services. It is considered that the development of this site for residential purposes would help in supporting the limited services currently within the village. Given the regeneration benefits which the proposal brings and that the development would help support local services, it is considered that the proposed development would be in accordance with the sustainability principles of the NPPF.

#### Residential amenity

52. The nearest neighbouring properties are those located on Fairfalls Terrace to the west and Woodland View, Sunset and Frelma House to the east. The gable elevation of No. 1 Fairfalls Terrace would be located approximately 7 metres from the nearest proposed property on the site. There are no windows proposed which would directly overlook No. 1 Fairfalls Terrace therefore there would be no loss of privacy. There is a window located in the gable elevation of No. 1 Fairfalls Terrace which overlooks the application site. This is considered to be a secondary window and it is not considered the proposed development would adversely impact on the residential amenity of No. 1 Fairfalls Terrace, in terms of overbearing or overshadowing impacts.

53. The neighbouring bungalows on Woodland View, Sunset and Frelma House are located over 30 metres from the proposed properties which would ensure that adequate levels of privacy are maintained and that there would be no adverse impacts in terms of overbearing or overshadowing effects. It is considered that the residential amenity of neighbouring properties would not be adversely affected by the proposed development.

54. In terms of the relationship between the proposed properties, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties. Each property proposed would have individual rear garden amenity areas for the future occupiers. Whilst the majority of these garden areas provide ample amenity space, there are several which could be considered substandard as they are small areas. Ultimately, it would be for prospective purchases of the properties to decide on whether the garden areas are of sufficient size for their needs. It is not considered that the substandard size of some of the gardens of sufficient to warrant refusal of the application.

55. The Environmental Health Officer has not raised any objections to the proposed scheme however a number of conditions have been recommended in respect of noise, lighting, dust suppression and development construction methods. The majority of these issues would be covered through separate Environmental Health legislation and it not considered relevant to be imposed as planning conditions. The Environmental Health Officer dealing with contamination has not

raised any objections but has requested that a phase 2 contamination report is submitted prior to works commencing on site. This issue can be adequately covered by a planning condition and a condition is subsequently recommended.

56. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

#### Layout, design and visual amenity

57. The layout of the proposal is fairly standard with the primary road swinging round into the site forming a straight road leading to a number of cul-de-sacs. The layout is considered to be fairly well conceived creating a sequence of spaces with clusters of houses grouped around courtyards and parking courts, with planting and shared surfacing incorporated. The removal of the hedgerow along the north boundary is regrettable however this would be replaced by a row of housing which provides a strong building line frontage which would continue the existing built form of Fairfalls Terrace.
58. There is a good mix of house types on the site with detached, semi-detached houses and linked terraced properties proposed. The design of the proposed properties is typical of a modern housing estate and would not appear out of keeping with the mixed style of housing in New Brancepeth. Housing details such as steep pitched roofs, porch canopies, and sills and heads also contribute to good design. No details have been submitted in terms of finished building materials therefore a condition is recommended for details to be submitted prior to works starting on site. Given the mix of different materials within New Brancepeth it is considered that satisfactory materials can be agreed which would not appear out of keeping with the surrounding area. Details have been submitted for boundary treatment indicating that 1.5 metre and 0.8 metre high timber fencing will be used across the site. The proposed parking and driveway areas are to be constructed from block paving in tan brindle colour.
59. The site is currently agricultural land, and the County Landscape Officer has indicated that the loss of the pasture and roadside hedge, and the development of the field for housing would have a potential effect on landscape character that could be summarised as moderately adverse. The Landscape Officer does however indicate that the site is within the settlement boundaries of the village and there are no landscape designations on the site, and with a sensitive choice of materials and landscape scheme the impacts on the landscape can be mitigated. It is considered that the scheme if of a high quality design and materials with a suitable landscaping scheme which would ensure the surrounding landscape would not be adversely compromised. Overall, it is considered that the proposed development would not have an adverse impact on the landscape of the immediate area.
60. Overall, it is considered that the layout, design and appearance of the proposed development would be acceptable. The visual amenity of the surrounding area would not be compromised and the landscape character of the surrounding area would not be adversely affected by the development. The proposal is considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the local plan.

#### Highway and access issues



61. The proposed development is to be accessed directly from the adopted highway to the north of the site. The Highways Officer has confirmed that visibility from this access can be adequately achieved and is therefore considered acceptable. The proposed layout of the estate is considered acceptable from a highways perspective and there is sufficient parking provision which would be in compliance with the Durham County Council's Residential Car Parking Standards. The proposed estate road would need to be designed and constructed to meet current highway design standards and the developer would need to enter into an agreement under Section 38 of the Highways Act.
62. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

#### Affordable housing and section 106 contributions

63. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site". A development of this scheme usually expects 20% of the housing on the site to be affordable homes. A viability assessment has been submitted with this application which indicates that the proposed development would not be viable with any affordable housing included within the scheme. The Councils Housing and Assets Team have assessed the viability assessment and have confirmed that the scheme would not be viable if affordable housing were to be included. The Housing Development Manager has accepted that given the viability of the scheme, affordable provision would not be required on this site.
64. It is noted however that the proposed development is to be delivered in partnership with Derwentside Homes and the development will comprise a mixture of sale and intermediate housing, with the low cost housing consisting of Derwentside Homes Prince Bishops Homes (Rent to Buy) Model. Although the Prince Bishops Homes (Rent to Buy) Model is not considered to be strictly affordable provision it would provide an intermediate housing provision. Along with the market sale housing proposed, it is considered that the development provides a good mix of housing which would contribute to the housing stock in New Brancepeth and would therefore be in accordance with the NPPF requirements.
65. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. A contribution of £33,000, based on the sum of £1000 per dwelling, is being offered towards green infrastructure within the locality. The Council also encourage the provision of artistic elements in the design and layout of new development and the developer has committed to a contribution of £32,237 in this regard. These contributions will be secured through a Section 106 legal agreement.
66. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

#### Ecology and drainage

67. Concerns have been raised by local residents regarding drainage of the site and flooding issues. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the application and no objections have been raised. Northumbrian Water and the Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is recommended accordingly. Given no objections have been raised by Environment Agency, Northumbrian Water and the Council's Drainage Officer it is considered that the proposed development would not adversely compromise the surrounding area in terms of drainage or flooding issues.
68. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
69. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
70. An Ecology Survey of the site has been submitted with the application. This survey concludes that the site has low potential to support any hibernation or bat roosting. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
71. Overall it is considered that the proposed development would not have an adverse impact on drainage and flooding in and around the site; and protected species or habitats would not be compromised. The proposal would be in accordance with part 11 of the NPPF.

#### Other issues

72. The Coal Authority and the Council Archaeology Section were consulted on the proposals and they have not raised any objections to the scheme. The Council's Education Section was also consulted and they have indicated that there are no requirements for contributions to education within the locality.

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## **CONCLUSION**

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73. The proposed development is located amongst existing housing within New Brancepeth. The village has limited services and introducing further residential accommodation into the village would help support these services. It is therefore

considered that the proposal can be considered sustainable development and would be in accordance with guidance contained within the NPPF.

74. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
75. The proposed scheme would introduce a typical modern housing estate with the properties built from materials that would not appear out of place within the local area. The development provides a strong built frontage which continues the existing terraced form of Fairfall Terrace. It is not considered that the proposed development would have an adverse impact on the surrounding landscape. The proposals are considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the City of Durham Local Plan.
76. The Highways Authority has confirmed that the access into the site would be acceptable subject to a condition confirming the access visibility splays. The proposed internal layout arrangement is acceptable and sufficient parking is provided. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
77. A viability assessment has been submitted indicating that the development would be unviable with affordable housing provision. The Council's Housing and Asset Teams have confirmed this and are satisfied that the scheme can be delivered without an affordable housing provision. The development would still provide a mix of market sale housing and intermediate housing which would contribute to the local housing mix. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality as well as contributions towards public art.
78. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
79. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.
80. It is acknowledged that the proposal has generated some opposition from local residents which live close to the site. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

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## **RECOMMENDATION**

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That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £33,000 towards green infrastructure in the locality; and a financial contribution of £32,237 towards public art in the locality; 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. The development hereby approved shall be carried out in strict accordance with the following approved plans:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
837-101	Proposed Site Plan	19/08/2015
837-102	Site Plan Levels	19/08/2015
837-103	Boundary Enclosure Details	19/08/2015
837-104	Visibility Splay Details	19/08/2015
837-105	Proposed Street Elevation	19/08/2015
837-110	House Type A – Plans and Elevations	19/08/2015
837-111	House Type C – Plans and Elevations	19/08/2015
837-111-Alt	House Type C- Alternative Kitchen/Dining Area – Plans and Elevations	19/08/2015
837-112	House Type E – Plans and Elevations	19/08/2015
837-113	House Type F – Plans and Elevations	19/08/2015
837-114	House Type G – Plans and Elevations	19/08/2015
837-115	House Type G – Plot 19 – Plans and Elevations	19/08/2015
N467-PP-0001	Soft Landscape Proposals	19/08/2015
837-SLP	Location Plan	01/10/2015

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

3. No development hereby permitted shall commence until details of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter 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 H13 of the City of Durham Local Plan.*

4. No development approved by this permission shall be commenced until:
  - a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;
  - b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;

- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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 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.*

- 5. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.*

- 6. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report prepared by Dendra Consulting Ltd date received 19<sup>th</sup> August 2015.

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

- 7. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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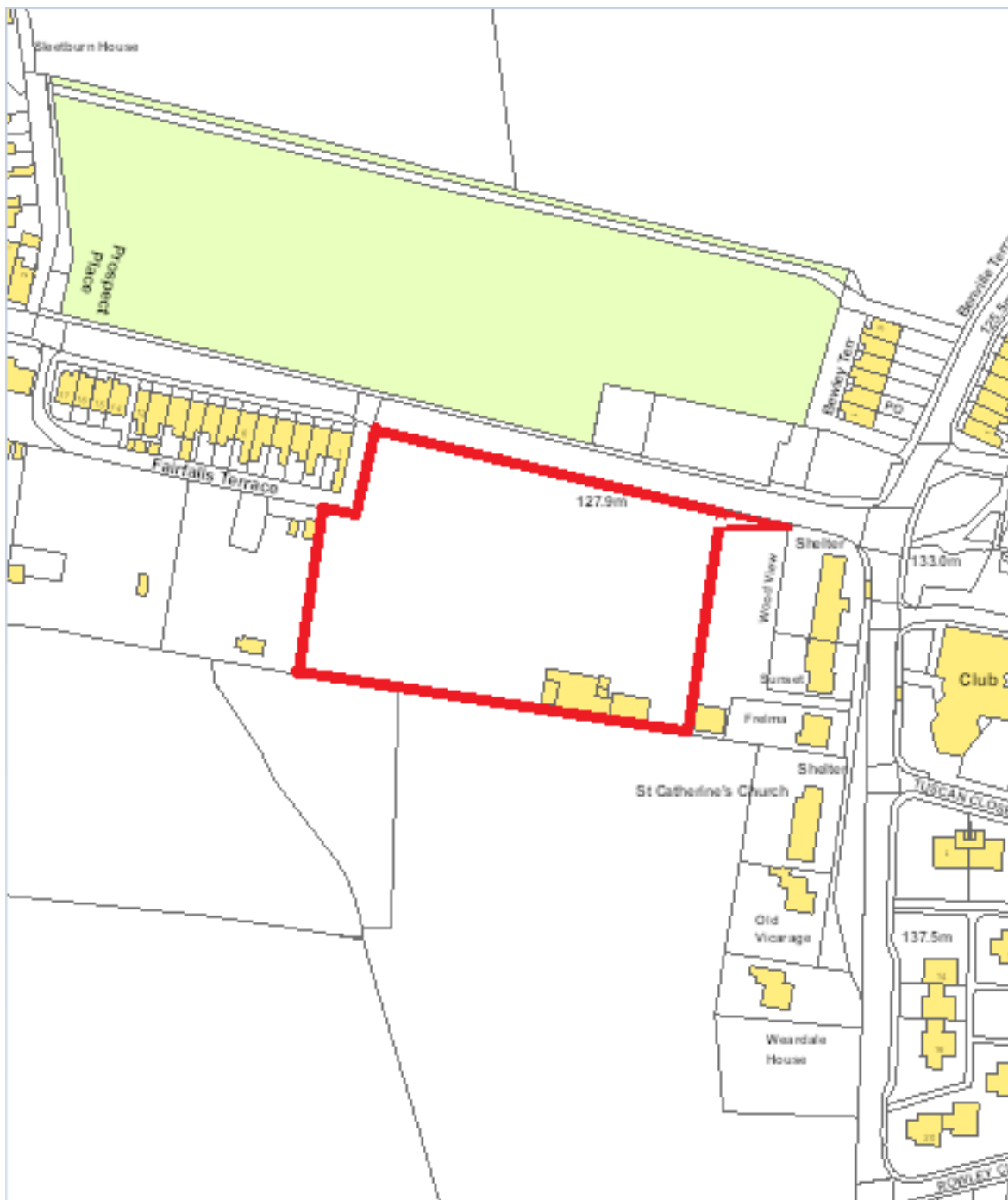
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

**Construction of 33 houses and associated carriageway, footway and landscaping at Land to the east of Fairfalls Terrace, New Brancepeth Ref: DM/15/02602/FPA**

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**Date 13<sup>th</sup> October 2015**