

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02581/FPA
FULL APPLICATION DESCRIPTION:	Demolition of 5no. bungalows and erection of 11no. bungalows and 12no. apartments
NAME OF APPLICANT:	Mr Andrew Kitchen, Livin
ADDRESS:	Travellers Green, Newton Aycliffe, Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to an area of land measuring approximately 0.62Ha located at Travellers Green which is a residential estate to the north of the Aycliffe Business Park and Aycliffe Nature Park (a designated Local Wildlife Site). The western section of the site is occupied by 5no. bungalows with the eastern section comprising an unmarked gravel parking area currently containing a number of storage containers and stored materials. An informal footpath crosses the centre of the site in a north south direction linking the public highway to the north with the Local Wildlife Site to the south.
2. Access to the site is taken from Travellers Green to the immediate north, with existing bungalows beyond to the north and north west. To the north east lies an existing green space where permission was granted in June 2015 to construct 79no. dwellings. To the west lies further residential development and an area of public amenity open space. The southern boundary of the site borders an established landscaped buffer which runs along an old railway line within an adjacent Local Wildlife Site. To the east, an existing post and rail fence separates the site from an adjacent undeveloped field.
3. Livin (a registered provider of social housing) seek permission to demolish the existing 5no. bungalows and redevelop the entire site with 23no. residential units comprising 11no. bungalows and 12no. apartments in 3no. two storey blocks. The new housing would target over 55s and/or disabled people, with all units comprising of 2no. bedrooms, kitchen, living room and WC. A Draft S106 agreement has been submitted to accompany the application detailing a commuted sum open space payment of £23,000 and provision of 3no. affordable units in perpetuity across the site.
4. Redevelopment of the site would take place in two phases. The construction of 2no. apartment blocks (8no. living units) and the 11no. bungalows together with all access and parking infrastructure would take place in Phase 1. Phase 2 would involve the construction of the final apartment block to the north west corner of the site.

5. Vehicular access to the site would be achieved via a single access point to Travellers Green to the west of the existing access to this site which would be closed. Parking bays for residents and visitors would be evenly distributed off the internal access road.
6. This application is being reported to the Planning Committee in accordance with the Councils Scheme of Delegation as it falls within the definition of a major development.

PLANNING HISTORY

7. There is no relevant planning history relating to this particular site.

PLANNING POLICY

NATIONAL POLICY

8. 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 dependent.
9. 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;
10. *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.
11. *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.
12. *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.
13. *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.

14. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
15. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by 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.

LOCAL PLAN POLICY:

16. 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. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
17. *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.
18. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
19. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
20. *Policy E15 - Safeguarding of Woodlands, Trees and Hedgerows* - expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
21. *Policy H14 - Maintenance and improvement of housing stock* - seeks to support the improvement of housing stock through the redevelopment, conversion or modernisation of buildings.
22. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
23. *Policy H19 - Provision of a range of house types and sizes including Affordable Housing* - Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
24. *Policy L2 - Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
25. *Policy L5 - Safeguarding of areas of open space* – seeks to resist developments which would result in the loss of an area of open space.
26. *SPG Note 3 - The layout of new housing* - sets amenity/privacy standards for new residential development.

RELEVANT EMERGING POLICY:

The County Durham Plan

27. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
28. 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 has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Great Aycliffe Town Council* – Offer no comment.
30. *Highway Authority* – Offer no objections.
31. *Environment Agency* – Have no comment to make on this application.
32. *Northumbrian Water Ltd* – Raise no objections to the proposals but note that insufficient detail has been provided with regard to the management of foul and surface water from the development to allow for an assessment as to whether existing capacity can treat resulting flows. It is advised that any approval be conditioned so as to control such detail. It is also noted that a public sewer crosses the site and may be affected by the proposed development. NWL do not permit a building over or close to its apparatus and may require necessary diversion, relocation or protection measures.

INTERNAL CONSULTEE RESPONSES:

33. *Sustainable Development and Energy Section* – Raise no objections to the proposals subject to a condition to secure embedded sustainability and reduce carbon from construction and in-use emissions. Any ecological impacts need to be mitigated.

34. *Drainage Section* – Identifies the site to be at risk of flooding during storm conditions. The design should take this into account and mitigate any flooding to properties by ensuring floor levels are 150mm above any potential flood level. The design should also prevent any surface water runoff. Details of surface water drainage should be submitted to the lead local flood authority (Durham County Council) for assessment if approval is granted.
35. *Air Quality Officer* – Advises that the proposed development would not introduce receptors (residential dwellings) into an area where the existing levels of an air quality pollutant (nitrogen dioxide) are close to or above a national air quality standard.
36. *Archaeology Section* – Raise no objections to the proposals. Historical site activity will have disturbed any areas of potential archaeological value with previous investigative work undertaken to the immediate north of the site having identified no concerns.
37. *Design and Historic Environment Section* – No objections, subject to control over details of enclosures.
38. *Ecology Section* – No objections, subject to adherence to the mitigation measures detailed within the submitted Phase 1 survey report (E3 Ecology, July 2015). Ecology officers request a S106 contribution to the management of the adjacent Local Wildlife Site, in order to alleviate impacts and safeguard the biodiversity interest of the site.
39. *Environmental Health (Contaminated Land) section* – No objections to the proposals. Given the proposed development constitutes a change of use of a section of undeveloped land to a more sensitive receptor, any approval should be subject to a contaminated land condition requiring the submission of a Phase 2 site investigation and risk assessment (at minimum) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
40. *Noise Action Team* – No objections to the development in principle, although concerns are expressed in relation to the impact of dust and noise on neighbouring residential property during the construction phase. Such details should be controlled by condition.
41. *Landscape and Arboricultural Sections* – Concern is expressed over the proximity of proposed dwellings to the established tree belt to the south of the site, and the resulting shading caused by these trees which would impact residential amenities of future occupiers.
42. *Spatial Policy Section* – Offer no objections to this proposal, subject to satisfactorily addressing matters of detail relating to layout, ecology and proximity to the nearby industrial estate. The application site is located wholly within the built up area of the settlement of Newton Aycliffe in an accessible and sustainable location.
43. *Public Rights of Way Section* – Advise that a permissive path known as the Great Aycliffe Way exists across the application site. Whilst one building will affect the route of this path, provision is made for access within the proposed development. No objections are raised as long as a link to the Great Aycliffe Way is provided.

PUBLIC RESPONSES:

44. The application has been publicised by way of site notice, individual notification letters to neighbouring residents and Press Notice. No objections have been received in response to this consultation and publicity exercise.

APPLICANTS STATEMENT:

45. The scheme aims to bring new contemporary, spacious, thermally efficient dwellings to an existing residential area. The proposals take advantage of this scenic area of Newton Aycliffe, offering views out from properties to the open spaces surrounding the site while also maintaining the pedestrian route through the site to the old railway line.
46. A mix of bungalows and apartments will provide accommodation for the elderly and/or disabled. These will replace the old pre-fabricated bungalows that are no longer fit for purpose.
47. Consideration has been given to the existing residents during the design, and the new development will be constructed over two phases. This will minimise the impact on the current occupants.

The above represents 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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

48. 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 development, scale/design of the proposed development, impact on residential amenity, noise, highway safety, open space provision, arboricultural/landscape impact, ecological impact, flood risk/drainage and contaminated land

The principle of the development:

49. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations; however the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of landscape quality.
50. The application site is located within the Aycliffe residential settlement in a sustainable and accessible location close to the town centre and surrounding public transportation linkages.

51. Saved policy H14 of the Sedgefield Borough Local Plan supports the maintenance and improvement of housing stock through granting permission for schemes which lead to the improvement of housing areas through the redevelopment, conversion or modernisation of buildings.
52. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
53. A designated Green Wedge is located to the immediate east of the site where policy E4 of the Sedgefield Borough Local Plan seeks to prevent built development unless in exceptional circumstances. Permission was recently granted for the erection of 79no. dwellings within this green wedge area, establishing the principle of residential development on this adjacent land. The current application site would infill a gap between the existing residential settlement to the north and west and the approved residential site to the east, whilst maintaining clear demarcation from woodland to the south.
54. The application site is considered to represent a sustainable and accessible location within the existing settlement that is already partly occupied by residential development. No objections are raised over the principle of infill residential development in this location in accordance with the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

Scale/Design:

55. Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.
56. The application site contains 5no. existing bungalows to the west and an informal car park/hardstand area to the east (presently used for storage). The existing bungalows are of no architectural or historic interest and the site is not located within a designated Conservation Area or setting of a Listed Building. Therefore the principle of the demolition of these existing properties is considered to be acceptable.
57. The surrounding housing estate to the north and west dates from the mid and late 20th century with groups of brick and tiled bungalows and two storey properties, interspersed with shared spaces and mature tree planting.
58. The proposed development comprises a group of 3no. 2 storey apartment blocks providing 12no. flats on the site of the demolished bungalows, plus a group of 11no. new bungalows to the eastern half of the site.
59. The proposed layout has evolved through pre-application discussions and the relationship with the retained properties to the west of the site is positive. Connectivity through the site is strong with enhanced links through the new development site to the existing housing development and beyond to local services.

60. The apartment buildings would be dual fronted so as to provide an attractive and integrated presence to Travellers Green to the north and within the new development. The rear elevations of the new bungalows are less active, leading to private gardens.
61. The architectural style of the proposed units is contemporary but understated; with a palette of materials that reflects the local mix of brick and render. The inclusion of cedar cladding on the apartments would add some contrast in texture and colour to the adjacent render panels.
62. Soft landscaping through the site would help soften the visual appearance of the shared parking courts and lessen the dominance of the central access road. The provision of 1.8m high timber fencing to the rear of the new bungalows is less positive potentially creating a hard barrier to views through the estate. Design officers have requested that further attention is given to these enclosures, preferring a reduction in the height of this fencing to units 17 and 18 to 1.5m, with a trellis or supplementary hedge planting on the inner side for enhanced security. It is considered reasonable to control such detail by way of condition.
63. It is considered that the proposed dwellings would be of a scale and design sympathetic to their immediate settings taking into account the character of surrounding dwellings in accordance with Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Privacy/Amenity:

64. Saved policies H17 (B), D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m separation between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
65. The proposed dwellings would benefit from sufficient levels of private amenity space to the front and rear and achieve satisfactory separation from existing and proposed properties in line with the minimum spacing requirements. The distance between rear elevations of plots 18 and 19 and the opposing side elevation of plot 17, and the rear elevations of plots 15 and 16 and the opposing side elevation of plot 14 would fall just short of the 14m guidelines (measured at 12m in both cases). However no side facing windows are to be installed into the gables of plots 14 or 17 and there would be no overlooking windows within close proximity resulting in a loss of privacy. Furthermore, as these properties would be single storey bungalows and there would be no significant overshadowing or loss of natural daylight to these units.
66. Across the remainder of the development, there would be no directly overlooking windows located within close proximity of each other, and no unacceptable privacy/amenity issues for existing residents who border the site approximately 19m to the north of proposed unit 23 and 10m to the west of proposed unit 1.
67. Subject to a condition controlling details of enclosure so as to maintain an acceptable level of privacy between neighbouring properties, and the removal of permitted development rights for extensions and outbuildings to the proposed bungalows (which could allow for the unacceptable encroachment into the aforementioned separation distances), the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5.

Noise Impact:

68. The application is supported by a noise impact assessment. Concerns have been raised by the environmental health section regarding the procedural methods in producing this survey and therefore its findings. However these concerns are considered unlikely to significantly alter the outcome of the assessment, considering the distance from the noise source and demonstrated noise levels. The environmental health section therefore raises no objections to the development.
69. Given the part residential nature of the area concerns are also expressed in relation to the potential impact of dust and noise during the construction phase with environmental health officers requesting that such details be controlled by condition. Such matters can be controlled by separate environmental health legislation although the applicant is to be reminded of the duty to remain a sensitive developer at all times by informative should approval be granted.
70. In view of the foregoing, and subject to the necessary controls over sensitive working hours, the proposed development is considered to satisfy the provisions of saved policies D1 and H17 of the Sedgefield Borough Local Plan relating to ensuring the protection of neighbouring amenities.

Highway safety:

71. Saved policies H17 (A) and D3 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for a satisfactory means of access and parking provision having regard to the number and type of vehicles using the development. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
72. Site access would be achieved onto Travellers Green to the north via a newly created junction. The proposed development (both phases) would see 23no. 2 bed dwellings supported by 36no. on site car parking spaces. This is above the minimum requirements outlined in Durham County Council's residential car parking standards with car parking provided at the Phase 1 development stage which is welcomed from a highways perspective.
73. With regard to pedestrian access, a permissive path known as Great Aycliffe Way currently crosses the site in a north-south direction, linking the residential area to the adjacent Local Wildlife Ste. This path would be affected by the proposed development although pedestrian access through the site is to be retained. The proposal would therefore be deemed to satisfy the provisions of saved policies H17 and D3 of the Sedgefield Borough Local Plan and the provisions of the NPPF.

Open space provision:

74. Saved Policy L5 of the Sedgefield Borough Local Plan seeks to resist development which would result in the loss of an area of designated open space unless certain circumstances apply.
75. Saved policy L2 of the Sedgefield Borough Local Plan seeks to ensure the provision of open space within or adjacent to housing developments of ten or more dwellings. For every ten dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is required. For the purposes of this application a net increase of 18no. units is proposed, taking into account the loss of the 5no. existing dwellings on this site. This

equates to a 180m² informal play space and 900m² amenity space requirement. Where this level cannot be provided, either fully or in part, an in lieu commuted sum equivalent to £1000 per dwelling is required.

76. The proposed site layout provides a small area of open amenity space to the north west of the site (approximately 250m²) but would involve the loss of an existing narrow strip of designated open space to the south of the site adjacent to the mature landscape buffer (as identified in the 'Open Space Needs Assessment' (OSNA) but not allocated on the development Plan as Open Space.
77. This strip serves little recreational or amenity value, located in-between existing dwellings to the north and the woodland buffer to the south, and with significant areas of more useable amenity space in the close vicinity. The loss of this narrow strip to allow for the redevelopment of the wider site is therefore not considered significant.
78. To address the combined loss of this strip and under provision of open space elsewhere across the site, the applicant has agreed to enter into a S106 agreement, providing a commuted sum of £23,000 (£19,000 Phase 1 contribution and £4000 Phase 2 contribution). A draft agreement confirming this figure has been submitted in support of the application alongside the protection of 3no. affordable units in perpetuity. Accordingly, the scheme is considered to comply with the provisions of saved policies L2 and L5 subject to adherence to the terms of this agreement.

Arboricultural/Landscape impact:

79. Saved Local Plan Policies E1 and D5 require new development to be designed and built to a high standard that contributes to the quality of the built environment and which has an acceptable impact on the surrounding landscape of the area. This is reflected within sections 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. Saved policy E15 seeks to ensure that new developments retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.
80. The application site is located to the immediate north of a landscape buffer comprising a strip of mature vegetation which separates the application site from the Local Wildlife Site to the south. The proposed works would see the construction of dwellings adjacent to this buffer, in closer proximity than the existing bungalows to be removed, and the rear gardens of plots 9, 10, 11, 12 and 13 would back onto this strip.
81. An Arboricultural Impact Assessment summarizing the extent of tree removal required to facilitate the development has been submitted. This demonstrates that most of the trees to be removed are moderate and low grade, with the vast majority of better quality trees to the south of the site within the existing wildlife site buffer to be retained. A small number of trees of identified low quality located towards the south east corner of the site are to be removed to facilitate development, with none of these protected. Nevertheless, the Landscape Section has expressed concerns over the close proximity of the development to this buffer which could result in overshadowing of properties and impact on the amenities of future occupiers, with a resulting pressure to cut back or thin out trees in the future.
82. The landscape section identified possible means to alleviate these concerns involving an amended site layout that pushed the development further north on the site. However, such revisions would involve a significant reworking of the scheme and impact on the proposed access road, reducing private amenity space around dwellings as well as encroaching into the small area of public open space which is already deemed substandard for a development of this scale.

83. On balance, it is not considered reasonable to revise the entire site layout to achieve a small increase in separation from the existing landscaped buffer. The affected dwellings are shown to benefit from sufficient private amenity space with their rear facing elevations only affected by overshadowing at worst during winter months when the sun is lower in the sky, although tree fall at this time of year would allow some light penetration through the trees.
84. Although a degree of overshadowing would result from the proximity of some dwellings to the adjacent landscape buffer, these trees are not protected and are located outside of the application site boundaries. A level of overshadowing already exists over existing properties adjacent to this buffer which provides an effective screen between the application site and the Local Wildlife Site to the south. Any future thinning should demand arise would not significantly harm the character of this landscaped area and new tree planting throughout the site is proposed as part of the landscape scheme.
85. Landscape officers request that further consideration be given to providing new hedgerow to the front of the site and adjacent to the proposed footpath link through the site. A further condition is requested relating to the submission of a tree protection plan.
86. Subject to the above, this application would be considered to satisfy the provisions of Parts 7 and 11 of the NPPF and saved policies E1, E15 and D5 of the Sedgefield Borough Local Plan.

Ecology:

87. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application has been submitted alongside an Extended Phase 1 survey report (E3 Ecology, July 2015). Ecology officers note that whilst surveys undertaken in 2013 and 2015 concluded that there were no great crested newts within the designated local wildlife site to the immediate south of the development, a small population is in existence, and is currently under threat of local extinction due to the introduction of fish into the ponds. Electrofishing undertaken a few years ago assisted in bringing down the numbers of large fish, but have had no impact on the current high stickleback population - due to their size. The site is also designated due to the presence of species-rich grasslands, which are managed by the Town Council, and associated invertebrate population including dingy skipper (DBAP & UKBAP species).
88. The Ecology section confirms that there would be no adverse impact on protected species, with no objections raised. However a contribution of any S106 monies is requested to be directed towards the management of the adjacent Local Wildlife Site, in order to help safeguard the biodiversity interest of the site. Whilst this is a commendable objective, there is no provision to obtain monies through the 106 which specifically relates to open space and affordable housing. The procedures of applying for such funding are not to be considered in the determination of the current application.
89. It is also recommended that the use of the mitigation detailed in Section F of the report be conditioned. Including but not restricted to:
- The use of the appended Method Statements, for bats and amphibians;
 - Sensitive timing of any vegetation and demolition works to avoid impacts on breeding birds;
 - Use of sensitive lighting both during and post development, to reduce impacts on bats.

90. Subject to conditions ensuring adherence to mitigation measures specified, no objections are raised with the application considered to satisfy the provisions of Part 11 of the NPPF with respect to impact on protected species and local ecology.

Flooding/Drainage:

91. Part 10 of the NPPF seeks to ensure that new developments take account of flood risk. Inappropriate development in areas of high flood risk should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. The application site is not located within any identified flood zone area, although according to Environment Agency and Durham County Council Strategic Flood Risk Assessment data (SFRA), the site appears to be at risk of flooding during storm conditions. The drainage section has requested that any design ensures floor levels are at least 150mm above any potential flood level, whilst also ensuring surface water run off onto adjacent properties/land is prevented. Any approval should therefore be subject to control over surface water drainage details.

Contaminated land:

92. Part 11 of the NPPF seeks to prevent unacceptable risks to new development from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

93. The application has been submitted alongside a Phase 1 Desk Study Report (prepared by Solmek, November 2013). The Contaminated Land section has assessed the available information and historical maps with respect to land contamination and consider the submitted report to be old. However given there have been no changes since this report was prepared, there is no reason to believe the risk assessment would have altered. Due to the fact that this development constitutes a change of use to a more sensitive receptor, any approval should be subject to a contaminated land condition restricting the commencement of development until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority.

CONCLUSION

94. The principle of redeveloping this site for residential use is considered acceptable given its sustainable location and previously developed nature. The proposal would provide an appropriate mix of housing in an accessible location and would enhance the character and appearance of the area.

95. Careful consideration has been given to the scale and design of the proposed development, its relationship to surrounding development including the impact on amenity/privacy standards. The proposed development is considered to satisfy highway safety requirements whilst taking account of ecological and landscape/ arboricultural constraints as well as contaminated land, flooding and open space provision. Although the provision of public open space falls below the minimum requirements, the applicant has agreed a commuted sum with the Local Planning Authority through a s106 legal undertaking.

96.No public objections have been received about the proposed development which is considered to accord with relevant national and local plan policies. Subject therefore to the imposition of appropriate planning conditions and completion of the legal agreement it is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the payment of a commuted sum of £23,000 in lieu of adequate on site open space provision and affordable housing provision, and the following conditions:

1. Time limit

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. Approved plans

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

2630-D-00-003-RevC (Proposed site plan, Phase 1), received 26 October 2015

2630-D-00-004-RevC (Proposed site plan, Phase 2), received 26 October 2015

2630-D-00-005-RevB (Semidetached bungalows, Plots 9&10), received 11 September 2015

2630-D-00-006-RevB (Semidetached bungalows, Plots 18&19) received 11 September 2015

2630-D-00-007-RevB (Terraced bungalows, Plots 15-17), received 11 September 2015

2630-D-00-008RevB (Terraced bungalows, Plots 11-14), received 11 September 2015

2630-D-00-009-RevB (Terraced bungalow elevations – 1 of 2, Plots 11-14), received 11 September 2015

2630-D-00-010-RevB (Terraced bungalow elevations – 2 of 2, Plots 11-14), received 11 September 2015

2630-D-00-011-RevB (Apartment Plans), received 11 September 2015

2630-D-00-012-RevA (Apartment Elevations), received 11 September 2015

2630-D-00-013A (Site section), received 09 November 2015

Reason: To define the consent and for the avoidance of doubt in the interests of proper planning.

3. Materials to be agreed

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 Policies H17 and D1 of the Sedgefield Borough Local Plan.

4. Means of enclosure

Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policies H17 and D5 of the Sedgefield Borough Local Plan.

5. Surface water drainage

No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.

6. Foul water drainage

No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.

7. Landscape details

No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.

8. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development 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 visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.

9. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section F of the protected species report (Extended Phase 1 survey report, E3 Ecology, July 2015) including, but not restricted to the use of the appended Method Statements, for bats and amphibians; Sensitive timing of any vegetation and demolition works to avoid impacts on breeding birds; and the use of sensitive lighting both during and post development, to reduce impacts on bats.

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

10. PD rights (extensions)

Notwithstanding the provisions of Class A, B, C, D, E, F and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwelling house(s) shall be submitted to and approved in writing by the Local planning authority.

Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policies H17 and D5 of the Sedgefield Borough Local Plan.

11. Contaminated Land

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 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.
- (b) 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

- (c) 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.

12. Sustainability

Prior to the commencement of the development 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 building is in existence.

Reason: To ensure sustainability remains a key consideration of the proposed development in accordance with the overarching principles of the NPPF.

13. Tree protection plan

No construction or demolition work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved scaled tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan, inspected by the local authority and agreed in writing as satisfactory.

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

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns raised during the consultation and publicity period were forward to the applicant and satisfactorily resolved during the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

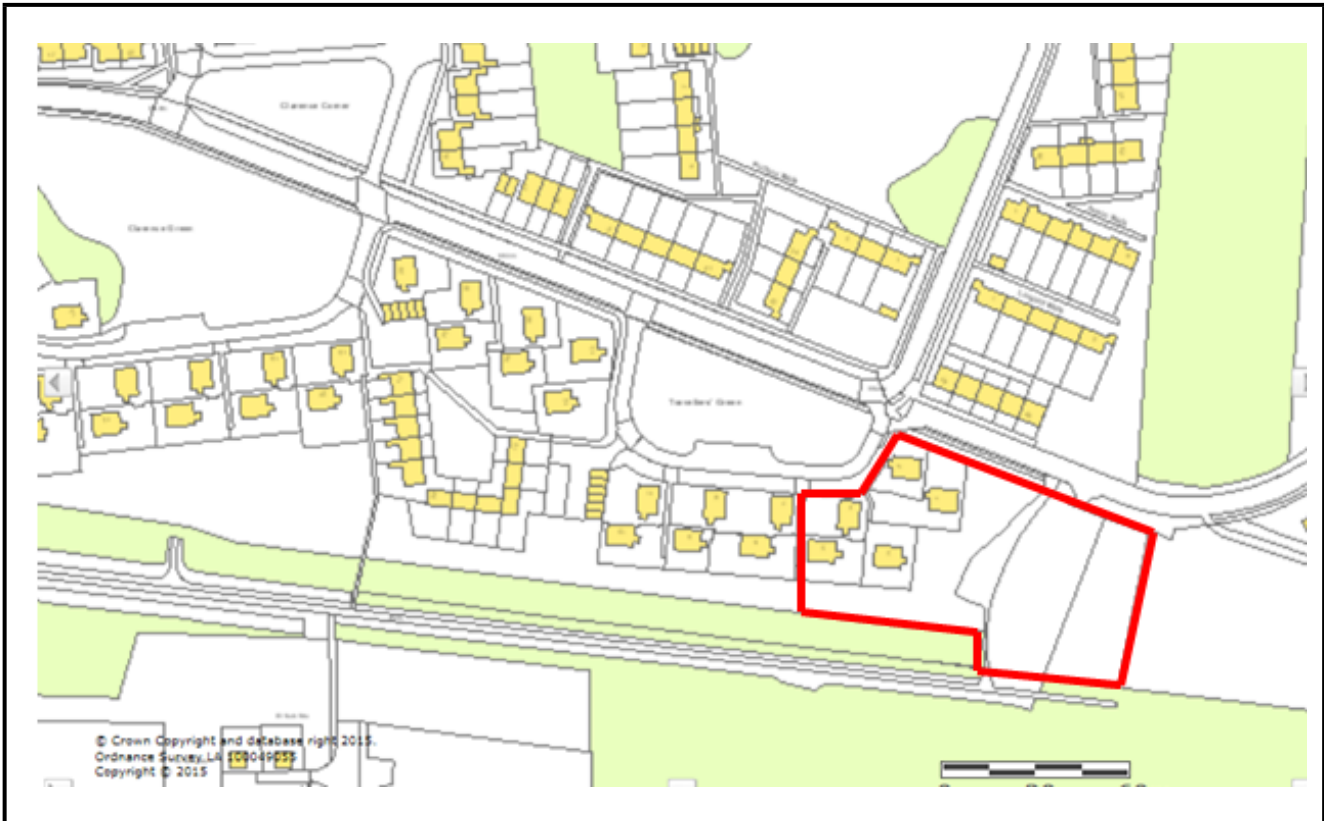
Statutory responses from the Highway Authority, NWL and the Environment Agency

Internal responses from Sustainability, Drainage, Environmental Health (Air quality),

Archaeology, Design and Historic Environment, Ecology, Environmental Health

(Contaminated Land), Noise Action Team, Landscape/Arboriculture, Spatial Policy and

Public Rights of Way



Planning Services

Demolition of 5no. bungalows and erection of 11no. bungalows and 12no. apartments

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Comments

Date 10 December 2015