

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/15/02770/FPA |
| FULL APPLICATION DESCRIPTION: | Demolition of existing buildings and erection of 14 No. dwellings |
| NAME OF APPLICANT: | Mr James Harker |
| ADDRESS: | Former Department Of Transport Storage Depot Bowes Barnard Castle Co Durham DL12 9HT |
| ELECTORAL DIVISION: | Barnard Castle West |
| CASE OFFICER: | Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is the former department of transport storage depot which sits on the eastern side of Bowes. The site is now redundant in relation to its previous use and hosts various buildings previously used for equipment storage along with large areas of hardstanding. The site sits in a prominent location on the approach to Bowes from the North, with the C163 road running immediately to the east of the site. In a wider context 'The Street' runs to the south of the site while the A66 runs to the north. The site sits within Bowes Conservation Area and within an area of High Landscape Value. The Grade II listed Bowes Hall sits to the south east of the application site while further listed properties sit to the south side of the The Street, close to the development site. The site was allocated for industrial development in the Teesdale Local Plan.
2. The application proposes the demolition of four existing buildings on the site and erection of 14 dwellings, which would consist of four detached, 8 terraced properties and two semi-detached properties. All properties would have 3 bedrooms. The scheme for consideration has evolved significantly from the initial submission.
3. The application is reported to the Planning Committee as it constitutes major development.

PLANNING HISTORY

4. There is no recent relevant planning history at the site.

PLANNING POLICY

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). 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.
6. *NPPF Part 4 – Promoting sustainable Transport.* 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, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *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.

11. NPPF Part 12 – Conserving and Enhancing the Historic Environment. States that heritage need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

The above represents a summary of those policies considered most relevant in the Development Plan

LOCAL PLAN POLICY:

12. The following policies of the Teesdale Local Plan are relevant to the application; 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.
13. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
14. *Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value*
The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
15. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
16. *Policy BENV4: Development within and / or adjoining Conservation Areas*
Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
17. *Policy BENV11: Archaeological Interest Sites:* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.
18. *Policy H1A: Open Spaces Within Developments* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development. 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

recreation/leisure facilities to serve the development in accordance with housing design policies in the plan.

19. *Policy H4: Infill Development On Sites Of Less Than 0.4 Hectare.* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of the settlements listed below. Proposals should satisfy the criteria contained in policy gd1. Tandem development will not be permitted. Backland. Development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.
20. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
21. *Policy H14: Provision Of Affordable Housing Within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
22. *Policy ECON1: Availability of Industrial Land:* Land is allocated for business, general industrial or storage and distribution classes B1, B2 and B8.

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/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

23. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Bowes Parish Council:* Initially expressed concerns that there were too many access points onto the road when individual driveways were proposed, and expressed concerns over potential parking restrictions on the road and in relation to potential

additional access road should land to the north of the site ever be developed. Concerns expressed over culvert at the application site. Updated comments were received 19th of June stating that most of the problems previously cited have been addressed through the submission of the amended plans.

25. *Highway Authority*: no objections.

26. *Northumbrian Water*: No objections, drainage condition requested.

INTERNAL CONSULTEE RESPONSES:

27. *Landscape Section*: No objection.

28. *Tree Officer*: No objections, subject to condition requiring installation of tree protection measures prior to the commencement of development.

29. *Design and Conservation*: No objections. Given the condition and appearance of the existing site and the harm it causes to the setting of adjacent assets and the character and appearance of the conservation area the current scheme will be broadly positive and will cause no harm to any designated assets or their setting.

30. *Environmental Health (Noise)*: No objection. Note the close presence of A66 to north and potential noise impact. Condition recommended to provide mitigation.

31. *Environmental Health (Contaminated Land)*: No objection, phase 2 site investigation required.

32. *Ecology*: No objection. The Method Statement detailed in Section 9 of the report should be conditioned in order to address any residual risk of impact.

33. *Archaeology*: No objections subject to the conditioning of a scheme of archaeological investigation.

34. *Affordable Housing*: There is a requirement of 15% affordable housing within the West of the county and this would equate to 2 units. We would be happy to see these delivered as either affordable rent if an RP partner can be secured or as Discount Market Sale units.

PUBLIC RESPONSES:

35. The application has been publicised by way of site notice, press notice and neighbour letters. Letters of concern/objection from 7 addresses were received in relation to the original scheme with concerns and objections relating to issues such as plan layout and form, number of accesses to the main road, inappropriate built form and style, type and design of houses, development would not create a sense of place, too many houses already for sale in the village, the area has archaeological interest, concern over housing in this location due to lack of services and jobs, concern surrounding impact on the Conservation Area. Concern was expressed that the development did not cater to the needs of older people as bungalows were not proposed as part of the development. Support was however offered by some in relation to the principle of developing the redundant site.

36. A reconsultation was made following the submission of an amended scheme. There were letters of concern from only two addresses following this second consultation. Concerns were expressed in relation to the proximity of plot 1 to Rose Cottage which sits immediately to the south of the site. Concerns expressed about

access to maintain the rear of Rose Cottage and in relation to ownership of boundary walls. Concern is expressed about temporary traveller camps close to the site and sewage capacity at the local treatment works. Concern is expressed in relation to the height of the proposed buildings. Further concerns have been noted in that it is suggested that the four road entries could be further reduced. It is suggested that the scheme does not represent the true village vernacular and that the group of houses at the north side of the development reflects more of a suburban arrangement.

The above is not intended to repeat every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

37. The application site comprises the former Council highways depot, on the northern side of Bowes, which at present is untidy, of no architectural merit and detracts from the local area and conservation area. The proposed development seeks to improve this by providing an attractive entrance to the village.
38. Careful thought and consideration has been given to the design of the proposed dwellings not simply to improve the character of the site but to reflect the existing traditional residential development of the area and enhance the overall appearance of the village. The attention to detail on the scheme has ensured a positive impact on the conservation area.
39. We have been working proactively with Durham County Council to address matters such as highways and design, and to achieve a scheme which all parties are happy with. We support the officer's recommendation for approval and are confident that the development would make a positive contribution to the settlement of Bowes.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. 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 principle of development, impact on character and appearance of area, highway safety and other issues.

Principle of development

41. The NPPF is an important material consideration. As a general principle there is support for reuse of previously developed land. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
42. The application site sits within the settlement boundary of Bowes as identified within the Teesdale Local Plan. The Development is therefore in accordance with Teesdale Local Plan Policy H4 which seeks to encourage appropriate housing development on previously developed sites within Bowes.

43. However, the housing policies of the Teesdale Local Plan are significantly out of date and there are no other up to date housing policies. Policy H4 cannot therefore be afforded any weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
44. The main purpose of the NPPF is to achieve sustainable development. Although Bowes is classed as a Tier 5 settlement, it does have a limited range of services including a primary school, public house/hotel and post office. A modest level of residential development would support existing services.
45. In addition, the dwellings would occupy a previously developed site which is now redundant and detracts from the character and appearance of the conservation area. The reuse of previously developed land is supported in the NPPF and the removal of the existing unsightly buildings and hardstanding areas would have a strong environmental benefit. This matter should be afforded significant weight in the decision making process.
46. There would also be some economic benefit through employment during the construction period and economic and social contribution to the local community from the provision of new family dwellings.
47. The allocation of the site for industry in the Teesdale Local Plan dates back to the late 1990's and no industrial use proposals have come forward in that considerable period of time. This indicates a lack of demand. This was recognised in the Councils' recently conducted Employment Land Review and as a result the industrial allocation was not going to be carried forward into the County Durham Plan (CDP). Although the CDP is currently being given no weight, the Employment Land Review represents an up to date evidence base and site circumstances have clearly changed since the site was allocated for industry. Taking all this into account it is considered that the site's industrial allocation within the Teesdale Local Plan is considerably out of date and there is little prospect of the site being used for that purpose. In accordance with NPPF paragraph 22 it is therefore appropriate to consider the site for housing purposes.
48. Having regard to all of the above, it is considered that the principle of housing development represents an acceptable use of the site and accords with the aims of the NPPF.

Impact on the character and appearance of the area

49. The site lies within the Bowes conservation area, an Area of High Landscape Value (AHLV), and the setting of the Grade II Listed Bowes Hall where issues of design and scale are important. The site is prominent on the approach into the village.
50. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H12. Policy ENV3 is permissive of development within the AHLV providing attention is paid to the landscape qualities of the area in siting and design of the proposals. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.

51. A conservation area is a designated heritage asset. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case Bowes Conservation Area and encompassed listed buildings), great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
52. Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 Act states that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the above act states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
53. The existing buildings on the site are functional modern buildings from the previous use of the site as a highways depot. They have no historic interest and do not make a positive contribution to the amenity of the area. The site as a whole is disused and in its current state has a negative impact upon the character and appearance of the Conservation Area and AHLV. Accordingly, there is no merit in retention or reuse of the existing buildings and their loss would not result in any harm to the significance of the designated heritage asset.
54. The proposed scheme of redevelopment has been significantly altered in design and form from the original plans. The design of the dwellings has been altered to be more sympathetic to the wider built form in Bowes. Semi-detached properties have been omitted in favour of terraced dwellings to the centre of the site with private driveways omitted in favour of parking courts. The amount of accesses onto the road through the surrounding stone wall has reduced retaining more of the boundary wall, which is the only positive existing feature the site currently offers to the Conservation Area. The Design and Conservation Section have no objection.
55. No significant issues in relation to residential amenity are raised. The closest residential property is Rose Cottage, which sits to the south of the site. Outlook from the rear of this property would not be worsened as the proposed dwelling at plot 1 would be built further away from the elevation than the existing building which sits almost immediately to its rear with a blank south facing side elevation which would respect privacy at Rose Cottage.
56. Eleven trees sit close to the western boundary of the site. The application will require the felling of 3x Ash Trees and a Sycamore Tree. This would allow the majority of trees to be retained at the site which would benefit the site in terms of visual amenity. Trees behind plots 6-9 would be protected through the provision of slightly raised rear gardens due to level differences on this part of the site. The Landscape and Tree Sections have no objections in this respect.
57. Subject to conditions requiring details of materials to be agreed (which would be expected to consist largely of stone walls with slate roofs reflective of local materials), the design, scale and layout of the proposed dwellings, would be appropriate. Given the condition and appearance of the existing site and the harm it causes to the setting of adjacent assets and the character and appearance of the conservation area, the current scheme will have a positive impact on the character and appearance of the Conservation Area and would not cause harm to any designated assets or their setting, including the setting of nearby listed buildings as

a result of the appropriate design and set off distances involved. The development would also be read as part of the established townscape and would not detract from the special character of the Area of High Landscape Value. The Design and Conservation and Landscape Section have offered no objections to the application.

58. Taking all of the above into account, and having regards to the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed redevelopment of this brownfield site would be accommodated on the site in a manner which would be sensitive to the Conservation Area and AHLV. The development would accord with the design and heritage aims of the NPPF, and Teesdale Local Plan Policies GD1, H12, ENV3 and BENV4. The development would enhance the character and appearance of the Conservation Area and would not detract from the setting of nearby listed buildings.

Highways

59. The Highways Authority have raised no objections to the development, which provides a suitable level of off street parking within the development site and limits the number of access points onto the C163 road. The site was already subject to vehicular use as a depot and the proposed redevelopment would not generate unacceptable levels of traffic on the local road network.
60. The NPPF at Part 4 notes that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance.
61. On this basis and given the acceptance of the scheme by the highways authority, it is considered that the proposed development would not be prejudicial to highway safety or use of the public right of way. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

Other Issues

62. In line with Policy H14 of the Teesdale Local Plan and up to date housing evidence base a minimum of 15% Affordable Housing would be required on the site. The applicant proposes to offer two units at discount market sale. The exact level of price reduction would depend on the final valuation, with a discount price to be secured through a section 106 agreement. The requirements of Policy H14 are therefore satisfied within the application subject to completion of a s106 agreement.
63. Policy H1A seeks the provision of open space within developments of 10 or more dwellings. Where this cannot be met on site a financial contribution is generally made towards the provision, upkeep or maintenance of open space within the local area. No open space is provided within the development and no financial contributions in relation to open space are proposed as part of this application as the applicant claims this will make the development unviable. The proposal is therefore in conflict with policy H1A. However, it is noted that there is an existing play area less than 100m to the south and the Council's Open Space Needs Assessment does not identify a shortfall of play, sport and amenity space in the area. It is accepted that as a brownfield site the development will be subject to remediation costs in addition to costs of affordable housing provision. The Planning Practice Guidance states that to incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking planning obligations and other contributions to ensure the combined impact does not make a site unviable. In this case the scheme will deliver other important benefits

through redevelopment of a redundant brownfield site in the conservation area, affordable housing and contributing to general housing supply. In the absence of a pressing need for open space/play provision in the area the benefits of the scheme are considered to outweigh the conflict with policy H1A.

64. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations 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 a criminal 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. An ecology assessment has been submitted alongside the application. Most of the buildings on site were assessed as having a low risk of supporting bats. The stone fronted building has a higher risk of bats being present and precautionary working methods are recommended within the ecology report and these recommendations are conditioned within the application. An EPS license from Natural England is not required. There is no objection from the Ecology Section.
65. The site has been identified as being of Archaeological interest and evaluation trenching has been carried out in accordance with the recommendations of the Archaeology section. The trenching has demonstrated that whilst the site has suffered some disturbance through previous use, deposits dating to the Roman period do survive where the site is less disturbed. A scheme of archaeological recording has therefore been recommended and this is conditioned within the application.
66. The application was accompanied by a site investigation to examine potential for contamination arising from current and previous uses of the site. A phase 2 investigation is recommended to provide further gas monitoring, chemical testing, fuel tank investigation and asbestos survey. The Contaminated Land Section agrees with the recommendations of the site investigation report and is satisfied that the matter can be dealt with by condition to satisfy the requirements of NPPF Part 11.
67. Foul and surface water drainage can be dealt with by condition, as recommended by Northumbrian Water.

CONCLUSION

68. The development represents a sustainable and modest development that would support the limited range of services available within Bowes while improving the character and appearance of the Conservation Area through the use of a previously developed site in a prominent location within the Village. There is no justification for continued retention of the site for industrial purposes.
69. The proposal accords with the aims of the NPPF and policies GD1, H12, ENV3 and BENV4, ENV8, BENV11 and H14 of the Teesdale Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the conclusion of a section 106 agreement to secure 15% affordable housing (2 units) at discount market price at the site and 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 and documents.

R15/187/002

R15/187/003

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R15/187/006

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R15/187/008

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R15/187/028

R15/187/029

R15/187/030

R15/187/031 Revision 006 all received 21st June 2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 10, 11 and 12 and Teesdale Local Plan Policies GD1, ENV3, ENV8, BENV14, BENV11, H4, H12 and H14.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 and BENV4 of the Teesdale Local Plan.

4. Development shall not commence until a sample panel of any stone and pointing to be used in the construction of the dwellings has been erected on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be retained for reference on site throughout construction and 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 GD1, ENV3 and BENV 4 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the character and appearance of the Conservation Area and relate to matters at the start of the development process.

5. Notwithstanding details shown in the submitted plans, prior to the installation of any fenestration, the details for all doors and windows including roof lights and heads and cills shall be provided to and agreed in writing by the Local Planning Authority. All windows and doors shall be recessed at least 75mm from the face of the building. The development shall be undertaken and retained in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan.

6. 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 and numbers of planting.

Reason: In the interests of visual amenity having regards to Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.

7. 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 each dwelling to which it relates 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: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area and Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan.

8. No development shall take place unless in accordance with the mitigation detailed within Part 9 of Ecological Assessment: Bowes Salt Depot 2015 by MAB Environment and Ecology Ltd dated July 2015.

Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV8 of the Teesdale Local Plan.

9. 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) A Phase 2 Site Investigation and Risk Assessment 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.
- (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. 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 and timescales.

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, 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.

10. No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with saved policy BENV11 of the Teesdale Local Plan and para. 135 and 141 of the NPPF as the site may contain features of archaeological importance.

11. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

12. No development shall take place until a scheme for protecting the future occupiers of the dwellings from noise from the A66 has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before the occupation of each individual dwelling.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale Local Plan.

13. No development shall take place until an Arboricultural Method Statement to be approved in writing which shall include details of the location and type of tree protection fencing in line with BS5837 or an equivalent has been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection shall be erected before development commences and retained throughout the construction period.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policy GD1, BENV4 and ENV3 of the Teesdale District Local Plan 2002. The details are required at the start of the development process as they relate to fundamental issues relating to tree protection which have important implications for the character and appearance of the area.

14. Prior to their installation, details of all means of enclosure including retaining walls 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 and shall be retained for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policy GD1, BENV4 and ENV3 of the Teesdale District Local Plan.

15. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy GD1 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of 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. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

Submitted application form, plans supporting documents

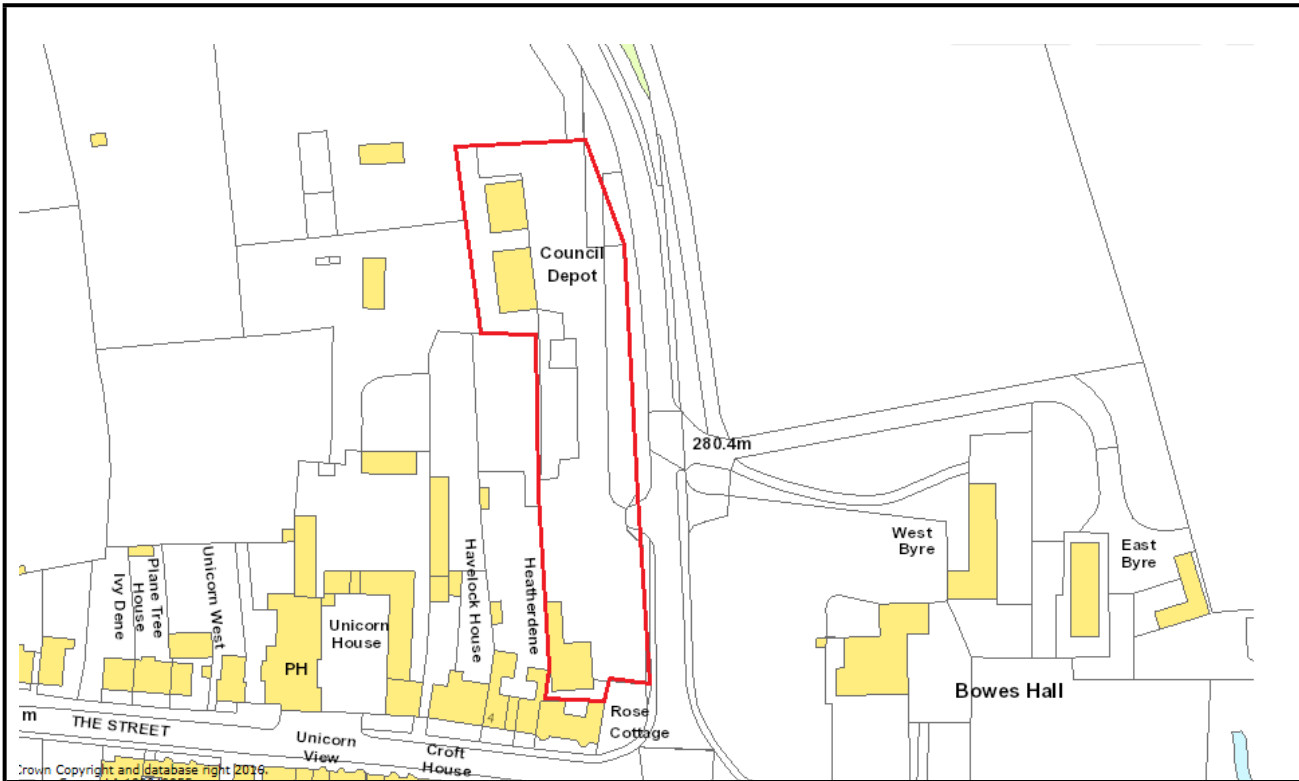
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Teesdale Local Plan

County Durham Settlement Study 2012

All consultation responses received



Planning Services

Erection of 14 No. dwellings, with associated ancillary development

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21st July 2016