

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00080/FPA
FULL APPLICATION DESCRIPTION:	5no. dwellings (including demolition of garages)
NAME OF APPLICANT:	Livin
ADDRESS:	Garage Block, Armstrong Close, 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 2no. blocks of terraced garage units (14no. units in total) and an adjacent grassed area located to the east of no's 20, 22, 24, and 26 Armstrong Close, Newton Aycliffe. The site is surrounded by neighbouring residential properties and is accessed from the main road serving Armstrong Close to the west. Public footpaths bypass the site to the north, east and south linking neighbouring residential property and other areas of open space, most notably St Oswald's Park to the north and smaller areas on St Oswald's Walk to the south.
2. The site is owned by livin, who wish to demolish the 14no. garage units and construct 5no. 3 bed, 2 storey dwellings across the entire 0.1Ha site area (including grassland to the north). These dwellings would take the form of 4no. semi-detached units with drive space to the sides or front, and 1no. detached dwelling including attached garage space and drive to the front.
3. The application is being reported to the Planning Committee at the request of Cllrs Jed Hillary and Sarah Iveson, who express concern over the loss of green space, loss of parking and traffic issues.

PLANNING HISTORY

4. There is no relevant formal planning history relating to this particular parcel of land.

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), 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.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
7. *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.
8. *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.
9. *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.
10. *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:

11. The development plan is the Sedgefield Borough Local Plan saved policies:
12. *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.
13. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
14. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
15. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
16. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

RELEVANT EMERGING POLICY:

The County Durham Plan

17. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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>.

The Great Aycliffe Neighbourhood Plan

18. Great Aycliffe Town Council has reached an advanced stage in the preparation of the Great Aycliffe Neighbourhood Plan (GANP), having undergone two statutory consultations and an independent examination. This emerging plan contains a number of policies which are relevant to this particular proposal. The 'Report of the Independent Examination' (the Report) recommends that the Neighbourhood Plan should, subject to the modifications recommended in the Report, proceed to Referendum. The County Council is currently considering the Examiner's findings.
19. Paragraph 198 of NPPF states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. However, given the stage that the GANP has currently reached, it is not considered that the direction set out in Paragraph 198 is currently applicable. Furthermore, it cannot be regarded as forming part of the development plan at this point. This reduces the amount of weight that should be attributed to it. Notwithstanding this reduced status, it is now a material consideration in respect to development proposals falling within its geographic extent. The relevant policies and their implications in respect to the consideration of this proposal are set out later in this response.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Great Aycliffe Town Council* – Object to the proposals on the grounds of the loss of garages, loss of open green space and the precedent for future loss of open space which would occur if approved. Specific reference is made to conflict with the Great Aycliffe Neighbourhood Plan.
21. *Highway Authority* – No objections to the proposals.
22. *NWL* – Advise that the applicant develop their surface water drainage solution.

INTERNAL CONSULTEE RESPONSES:

23. *Environmental Health (Contaminated Land)* – Advise that given the potential for made ground / contamination on the site associated with the garages, and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should be applied to any approval.
24. *Environmental Health (Noise)* – Raise no objections. The information submitted demonstrates that the application complies with the thresholds stated within the TANS.

This would indicate that the development will not lead to an adverse impact. The granting of planning permission may potentially result in a statutory nuisance being created during the construction phase given the proximity to residential properties. However it is considered that these concerns can be mitigated by controlling conditions on construction works.

25. *Ecology Section* – raise no objections to the proposals.

26. *Spatial Policy Section* - The loss of any off-street car parking provision and / or open space have the potential to give rise to harm. However, should the case officer be satisfied that in this particular case circumstances are such that the proposal will not give rise to a significant increase in on-street car parking that is prejudicial to residential amenity and/ or highway safety then there is no conflict with relevant planning policies in this regard and such harm may be negligible in the planning balance. Whilst the proposal conflicts with saved Policy L5 there are material considerations in terms of an emerging neighbourhood plan policy and OSNA findings that may justify lending support and therefore weighing favourably in the planning balance.

PUBLIC RESPONSES:

27. The application has been publicised by way of site notice and notification letters to neighbouring residents. At the time of preparing this report 34no. individual letters of objection have been received from local residents in addition to a 30no. named signed objection petition. The key areas of concern are summarised below:

- Displacement of vehicles onto streets;
- Manoeuvrability/access issues for larger vehicles, refuse, emergency services;
- Proposed parking provision will unlikely support need;
- Living deliberately let garages fall into disrepair;
- Loss of green open space and conflict with Great Aycliffe Neighbourhood Plan;
- Precedent of future loss of green open space within Great Aycliffe;
- Encroachment over access serving no.5 St Oswald's Walk;
- Loss of privacy;
- Overshadowing of neighbouring property;

28. In addition, objections have also been received from the Great Aycliffe Residents Association who raise concerns over the loss of garages and subsequent displacement of vehicles, the deliberate intentions of living to let these garages fall into disrepair, loss of green space contrary to the principles of the Great Aycliffe Neighbourhood Plan and the setting of a precedent for future green space loss.

APPLICANTS STATEMENT:

29. Living Housing Limited (Living) as a Registered Provider of affordable housing, are required by the Homes and Communities Agency (the housing Regulator) to ensure it obtains value for money and utilises its assets to obtain maximum value for future investments.

30. Recently Living has completed a series of stock condition surveys on its entire garage portfolio. This has assisted Living's Asset Management team to identify those garages having a negative Net Present Value (NPV) and therefore a liability to Living's business plan. This information combined with investment requirements and demand data has been used to categorise the garage stock from high (high demand and good condition) to low (no demand and poor condition). This data is used to prioritise a programme of refurbishment and possible demolitions. During 2017/18 Living has committed £500,000 investment towards its garage stock to target long term priorities.

31. Prior to any investment in garages, livin also consider if there is any future housing development potential of a site, including adjoining land holdings that meet a strategic housing need to assist in the targets required to meet the growth of new households. livin will consider homes for both affordable rent and affordable home ownership together with outright market sale for the purposes of generating cross subsidy to fund homes for affordable rent.
32. Armstrong Close is a garage block of 14no. garages (7no. currently void) with adjoining livin owned land, and is viable to redevelop with 5no. houses for a mix of intermediate and market sale, the receipts being used to cross subsidise new affordable homes elsewhere within County Durham.
33. Livin aim to relocate as many tenants displaced from any demolitions within the existing garages within the vicinity of the removed garage block or in the case of tenants of a livin home, will offer the option of in-curtilage parking if this is a feasible option.

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

34. 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 relate to the principle of development, Scale/Design, Privacy/Amenity, Loss of open Space, Highways, Ecology and Land Contamination.

The principle of the development:

35. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this 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. Given the age of the Sedgefield Borough Local Plan, its general housing supply policies are out of date and therefore carry little 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.
36. The overarching principles of the NPPF seek to secure development in sustainable locations. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
37. Newton Aycliffe is a Main Town, as identified in the County Durham Settlement Study. The application site lies in an established residential environment and has good links to the local amenities and services in the town. Five additional dwellings in this location would make a small contribution to housing supply (and social objectives). Given part of the site also constitutes brownfield land; its re-use is encouraged in the NPPF.
38. Visually, the existing garages do not contribute positively to the character and visual amenity of the area given their present condition and appearance. The concerns of the residents are noted that these garages have been left to fall into disrepair, although this is not a material planning consideration, particularly given they have been identified by

the owner as uneconomical to repair in the context of their business plan. The proposal would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF and is considered acceptable in principle.

Scale / Design:

39. Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a site's 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.
40. The application site is not located within any Conservation Area or area of special control.
41. Each of the proposed 5 no. dwellings would be of 2 storey scale, commensurate to neighbouring two storey residential properties which surround the site. The semi-detached and detached building form would likewise reflect the development pattern of surrounding properties, fitting comfortably within the wider plot, not appearing as overdevelopment or cramped. Sufficient space would be left for private gardens to the rear (east), with off street parking and small garden areas to the front (west).
42. The dwellings would be of red and buff coloured brick construction with a brown sandstone tile roof and white upvc windows which would complement surrounding building designs in the area, not appearing out of place or incongruous to their setting.
43. It is therefore considered that the proposed dwellings would be of a scale and design which respect their surroundings, thereby satisfying the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Privacy / Amenity:

44. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide 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 distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
45. The proposed dwellings would be west facing, maintaining a separation of 23m from the opposing principal east facing elevations of number 20, 22, 24 and 26 Armstrong Close. A single storey projection at no. 28 Armstrong Drive would fall within 17m of the principal elevation of proposed plot no.5; however this relationship is still considered acceptable, particularly given there would be no directly overlooking windows as a result. The main window in the opposing projection would directly overlook the side garden fence of plot no.5.
46. To the east, the proposed rear facing elevations of the 5 no. plots would achieve a minimum 20m separation from the rear of no's 5, 6, 7, 8 and 9 St Oswalds Court, increasing to 23m to the south. Again such separation is considered acceptable, particularly given the existing and proposed boundary enclosures which would effectively screen any ground floor windows, and the lack of directly overlooking windows.
47. To the north the blank gable elevations of proposed plot no.1 would face the blank gable of no.11 St Oswald's Walk some 7.5m away beyond a public footpath. The blank south

facing gable of proposed plot no.5 would look out towards the rear facing elevations of no 7 St Oswald's Walk some 14m away. Although this 14m is reduced in relation to the adjacent property (no.9 St Oswald's Walk), this adjacent property is offset from the gable of proposed plot no.5 with no directly overlooking windows to result.

48. Means of enclosure (to be controlled by condition) would further help to maintain the privacy between existing and proposed neighbours with control over future extensions and outbuildings which may encroach into the aforementioned separation distances also recommended by conditions in the interests of residential amenity.
49. All proposed dwellings would occupy reasonably sized plots and benefit from reasonable private rear garden spaces commensurate to surrounding plots. The concern of a neighbour who questions whether development will impede access to their property is noted but this would not be the case.
50. With regards the amenities of neighbouring residents during the demolition and construction phases, although the Environmental Health section advise that some level of disturbance may result from site operations, this can be appropriately conditioned in terms of control over the timings of works so as to ensure the limitation of noise emission from the site during more sensitive hours.
51. In view of the foregoing, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

Loss of open space:

52. Saved policy L5 of the Sedgefield Borough Local Plan seeks to ensure that new developments which would result in the loss of an area of open space should be resisted. The proposal includes the development of a grassed area of some 600m² (25m x 24m) to the immediate north of the 14no. garage units to be demolished.
53. The site contains no landscaping, trees or structures, and whilst it may have been used by local residents for some time on an informal basis, it is privately owned by the applicant and is not classified as designated open space within the Durham County Councils Open Space Needs Assessment (OSNA), or allocated as an area of Local Green Space within the Great Aycliffe Neighbourhood Plan. The applicant would be within their rights to restrict access onto this land at any time. For this reason it cannot be assumed that this privately owned plot is safeguarded for open space provision despite any current informal use.
54. In assessing its potential loss against the criteria of saved policy L5, it is accepted that the land does provide a small area of greenery within an otherwise enclosed residential street scene. However, the wider value of this land as open space is limited by its scale, current condition, close proximity to the garage block and ownership.
55. Much larger areas of public open space are located in close proximity to the application site, particularly St Oswald's Park located only 50m to the north of the site and accessed directly from this site via a short public footpath. Furthermore, similar areas of open space are located in equally close proximity to the south of St Oswald's Walk and north west on Washington Crescent and Rufus Green. All of these areas are within a short walking distance from the site.
56. The Durham County Council OSNA identifies the site as falling within the Shafto St Mary's ward (as of 2010) which concludes a surplus provision of amenity open space. Likewise the OSNA concludes that there is a surplus of amenity open space across the Newton Aycliffe settlement as a whole. Given the size of the grassland involved, this

land was not included within the OSNA calculations and therefore its loss would not impact upon this surplus.

57. Specific reference is made within the numerous objections to these proposals over the conflict with the emerging Great Aycliffe Neighbourhood Plan. Relevant policies of this plan are discussed in further detail below:
58. Policy GANP CH1 (Landscape Character and Townscape) requires that developments must respect the landscape character of the parish and its settlements in particular, new development should, where appropriate ensure green open space is provided within the development site to maintain the Beveridge 'vision' for the new town of Aycliffe. This policy has relevance to the consideration of whether the loss of the open space in question is acceptable in conjunction with saved Policy L5.
59. Policy GANP CH3 (Existing Amenity Open Spaces & Recreational Areas) states that existing open spaces, sports and recreational buildings and land, including playing fields and amenity open space not identified as a Local Green Space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. In all cases, development undertaken must preserve and not detract from the character, heritage and appearance of the area and its surroundings. As demonstrated within the Councils Open Space Needs Assessment, there is a surplus of amenity open space across the Newton Aycliffe settlement and in particular the Shafto St Mary ward, with a notably large public park located only 50m to the north of the site and open amenity land of similar scale to the application site only a short walking distance to the south and north west. If approved, development would occupy a small, privately owned area of grassland of limited value owing to its scale, location, current condition and ownership, with its loss unlikely to detract from the character, or appearance of the wider area.
60. Policy GANP H1 (In-Fill Developments and Small Sites) states, amongst other things, that development will be supported on in-fill developments and small sites, providing that it is in proportion to the scale of the settlement, well-contained and respects the character and form of the locality. As indicated within the Scale/Design considerations section of this report, this is the case. The proposed development would result in a scheme which respects its residential surrounds, being of a scale and design which would not appear incongruous to its setting.
61. It is important to note that given the grassland is not defined as an area of Local Green Space within the Great Aycliffe Neighbourhood Plan, Policy GANP CH2 (Protection of Accessible Local Green Space Designations) is not relevant to the determination of this application.
62. Whilst it is acknowledged that there is some departure from the principles of saved policy L5 of the Sedgefield Borough Local Plan, it is concluded that the proposed works would not conflict with the principles of the wider objectives of saved policy L5 or those policies set out within the emerging Great Aycliffe Neighbourhood Plan. The principles of policy L5 are to safeguard areas of open space as a scarce resource given its vital function in a community. As explained, given its limited scale, condition, surplus provision of larger, far improved areas in extremely close proximity and ownership, any departure is limited and can be justified on this occasion.
63. Concerns have also been raised that the approval of this application would set a precedent for the future loss of open space areas across the settlement. However, each application is to be determined on its own merits against the relevant policies. For the reasons outlined above, the loss of this particular area of grassland is deemed acceptable. Such considerations may not necessarily apply to other open space sites.

Highways:

64. Saved policies H17 and D3 of the Sedgefield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
65. Policy GANP T1 (Parking Impacts on Existing Infrastructure) of the emerging Great Aycliffe Neighbourhood Plan states that proposals that include a reliance on existing streets shall not be permitted where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area and adequate provision has not been made on-site for parking and access. This is a key issue that was identified through the public consultation that has been undertaken as part of the neighbourhood plan making process.
66. The potential loss of any off-street car parking provision is a legitimate concern as it could result in increased demand for on-street car parking on the existing public highway. The views of the highway authority have therefore been sought with regards the loss of 14no. existing garage units and the resulting potential for displacement of parked vehicles onto the public highway.
67. The applicant has confirmed that of the 14no. units to be demolished, only 7no. of these are currently occupied. The addresses of those 7no. occupants provided by the applicant indicate that 6no. of these are from the immediate surrounding houses on Armstrong Close and St Oswald's Walk. The seventh occupant lives on Washington Crescent some 150m away.
68. Those being displaced as a result of the proposed works, and who are seeking alternative accommodation are being encouraged to contact livin about relocation to alternative garage blocks in the local area. Even in the event that a small number of vehicles are displaced from these garages into the immediate surrounding area, it is important to note that parking laybys do exist directly opposite the garage and which will be retained. These parking areas are not demarked but do provide space for approximately 6no. vehicles off the main highway without detrimentally affecting manoeuvrability through the site.
69. The applicant has previously supplied a copy of the correspondence sent to the local members, Councillors Iveson and Hillary (dated 27 October 2016), in which the livin business plan was referred to and is referred to as the Livin Asset Management Strategy on the latest submitted Existing Site Plan. The applicant has confirmed that the content of this letter remains the case in regards the current submission. In particular, this strategy raises the following points:
 70. *livin will consider the provision of in-curtilage parking for livin tenants displaced from any demolitions, or if available relocation to an alternative garage site if it is proved that the garage is used for the use of a vehicle and not storage. Private owner occupiers who rent a garage will be offered alternative garage sites if available, however no in-curtilage parking could be offered as this would be against livin's charitable objectives. Should a decision be made to demolish a garage block and not redevelop that site, livin would also have any hard standings removed to remove any long term maintenance liabilities. It would not be our intention to provide off street parking in this situation as again this would be an investment issue going forwards with no financial income being received to fund on-going repairs.*

71. The offer to potentially compensate living tenants for the loss of the garages is welcomed by the Highway Authority. The applicant has also confirmed the following:
72. *In reality living can terminate all garage licences with 1 week notice and without the need to provide any alternative parking provision. Also not all garage holders use the garages for parking but for storage provision. Garage blocks that are a liability on our business plan will be decommissioned regardless of new development and users displaced.*
73. The comments outlined above which were relevant to the previous outline planning applications across Newton Aycliffe are deemed to be relevant in relation to this detailed planning application.
74. The Proposed Site Plan confirms that Plots 1-4 incl. would be served by 2 no. on-site car parking spaces each, which would be deemed to comply with the minimum requirements outlined in the Durham County Council's Residential Car Parking Standards. Plot 5 would support a 5.5m long driveway in conjunction with a good sized attached single garage with internal dimensions of approximately 3m x 6.2m, which is also deemed to be an acceptable level of on-site car parking provision.
75. The Proposed Site Plan also shows a 1.8m wide footway to be constructed on the western boundary of the site, abutting the carriageway in the public highway. The applicant would need to agree the construction specification for the 1.8 metres wide footway and the 3 no. double width vehicular access crossings with the DCC Highways Adoption Engineer, along with the procedure for the adoption of same if the applicant wishes the footway/vehicular access crossings to be adopted on completion of the development. The applicant is to be reminded of such detail by informative.
76. Plans have also been amended to show an existing street lighting column which presently occupies the site to be relocated with the applicant also reminded by informative to contact the DCC Street Lighting Technician in this regard.
77. Subject to the applicant complying with the above there would be no highway objections to these proposals. There is no perceived conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and in accordance with NPPF paragraph 32, the residual cumulative impacts of the proposal on highway safety could not be classed as severe and therefore there are no justifiable reasons to refuse the proposal on highway safety grounds. For this reason, there is also no perceived conflict with the principles of the Great Aycliffe Neighbourhood Plan.

Ecology:

78. As the proposal involves demolition, regard must be given to potential impacts on bats, a protected species. In this case the garages are flat roofed and cold. As such, they do not represent suitable habitat for breeding or hibernating bats. The risk of disturbing bats or loss of habitat is therefore extremely low. Furthermore, there is no perceived ecological value to the adjacent grassland which also forms part of the application site. The Ecology Section has considered the proposals and have no objection. There is no conflict with the requirements of the Habitat Regulations and Part 11 of the NPPF.

Contaminated Land:

79. Part 11 of the NPPF seeks to ensure that new development is appropriate for its location, preventing unacceptable risks 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. Given the current use of the site for domestic garaging/storage it is very unlikely that there would be any significant

ground contamination and therefore it would be appropriate to leave this matter to a condition, as recommended by the Contaminated Land Section.

Planning balance:

80. Paragraph 14 of the NPPF details how Planning Authorities should approve development proposals which accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date; Planning Authorities should only grant permission where any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits.
81. The loss of a parcel of open grassland is regrettable. However this privately owned grassland is not designated as open space within the Authority's Open Space Needs Assessment or Great Aycliffe Neighbourhood Plan. Taking into account its limited scale, condition, location adjacent to the highway, and the surplus of open space provision within close proximity to the site, its loss is not considered to significantly impact upon the identified surplus of open space across the settlement. The applicant retains overall control of this site.
82. Whilst the loss of 14no. existing garages units is likewise regrettable, these are privately owned and Livin have confirmed that they are to close in the near future as part of their business plan. As such, their ongoing viability for their original purpose is very much in doubt. Only 7no. of the garages are presently occupied with 1no. of these occupied by a resident located 150m away. At worst, the resulting displacement of vehicles onto the adjacent public highway would be limited and can be satisfactorily accommodated without resulting in any significant and detrimental highway impact. As explained, Livin will seek to support those who are displaced where assistance is sought.

CONCLUSIONS

83. The proposal represents a sustainable form of development that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. 5no. dwellings could be satisfactorily accommodated onto the site without resulting in any form of overdevelopment or incongruous development form which would otherwise detract from the surrounding residential street scene.
84. The redevelopment of this privately owned site would result in a sympathetic form of development which would reflect the character, layout and density of the surrounding street scene without compromising highway safety, residential amenity, open space provision, ecology and land contamination. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
2724-D-00-00 Rev A (Location Plan), received 09 January 2017
2724-D-00-002 Rev G (3 bed house type and elevations, Plots 1-4), received 13 January 2017
2724-D-00-005 Rev A (Street elevation), received 09 January 2017
2724-D-00-007 (Proposed site plan), received 09 January 2017
2724-D-00-008 Rev A (Plot 5 floor plans), received 13 January 2017
2724-D-00-009 (Plot 5 elevations), received 13 January 2017

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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 saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.

4. Notwithstanding the provisions of Class A, B, C, D, E, F and G 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 dwellinghouse(s) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.

5. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgefield Borough Local Plan.

6. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) before development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

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 submitted to and approved in writing by the Local Planning Authority and thereafter 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.

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.

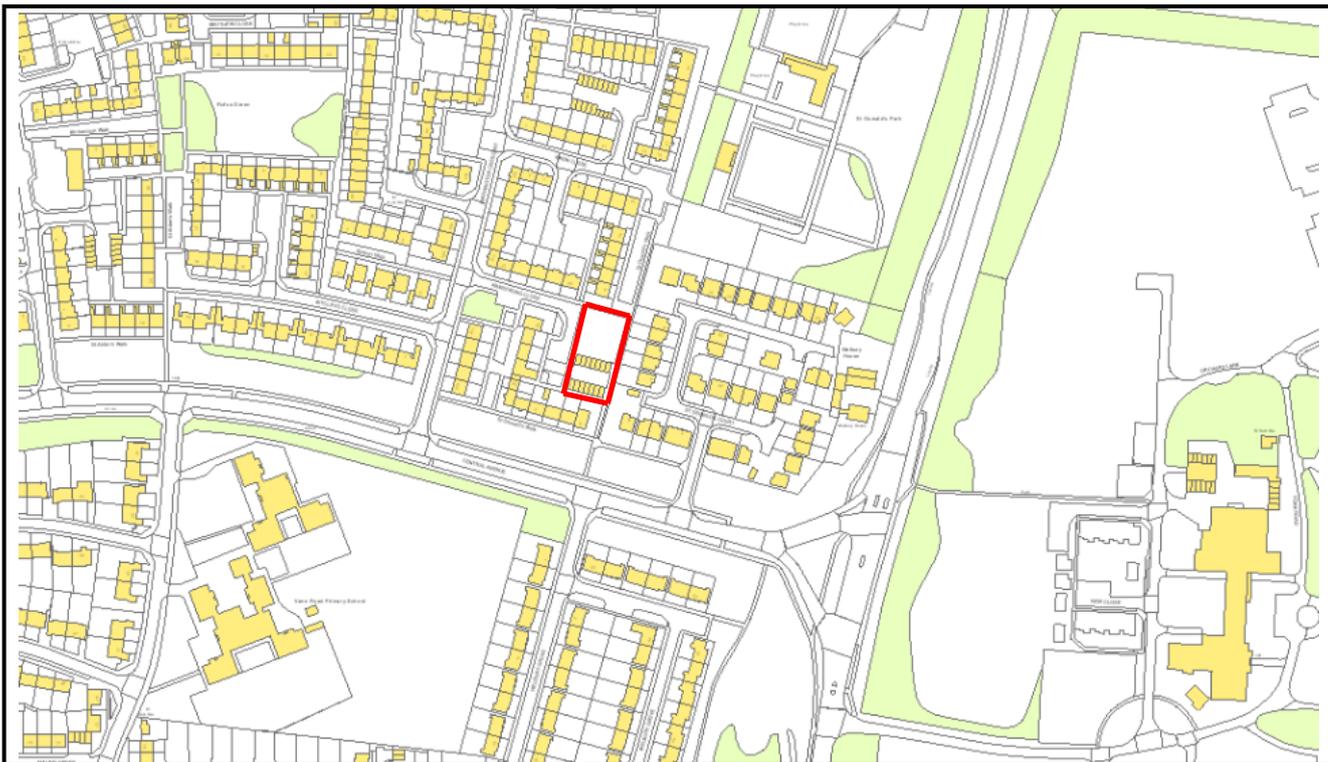
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

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. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
Statutory response from the Highway Authority and NWL
Internal responses from Ecology, Environmental Health and Contaminated Land



Planning Services

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5no. dwellings (including demolition of garages)

Comments

Date 16 February 2017