

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/04013/FPA
FULL APPLICATION DESCRIPTION:	Erection of 24 semi-detached dwellings including affordable units with associated services, infrastructure and landscaping.
NAME OF APPLICANT:	Prince Bishops Homes
ADDRESS:	St Cuthbert's Drive Sacriston
ELECTORAL DIVISION:	Sacriston Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.51 ha of land, adjacent Front Street in Sacriston, around 200m north of the village centre. Sacriston is defined as a 'Smaller town / Larger Village' within the County Durham Settlement Study 2012, indicating it includes a good range of facilities, access to goods and services and access to sustainable transport routes.
2. The land is a sloping fenced rough paddock, with hedging along the east and west boundaries. From the west, the site is overlooked by local authority-built mid-linked properties in Coniston Drive – a footpath separates these dwellings from the site's hedge / fence boundary. A modern development of mainly detached dwellings is sited south of the site, from which the proposed development takes its access. North of the site is a 0.46ha. area of mown playing field, separated from the site by a post and rail fence, associated with the primary school that faces the site across Front Street from the west, with its associated church and presbytery behind. To the north of these buildings the end of the Victorian terrace of Church Parade has two properties that overlook the site.

The Proposal

3. The application proposes erection of 24 dwellings, two and three storeys in height arranged around a 'hammerhead' cul-de-sac. Fourteen of the houses have three bedrooms, ten have four bedrooms. The site is proposed accessed from St. Cuthbert's Drive which includes a spur access that currently ends at the field entrance gate. The development would share 27m of St. Cuthbert's Drive to access Front Street. Parking is provided for each dwelling and visitors to the development in a layby arrangement. Each dwelling has a private rear garden.

4. The hedge on the west boundary, where it borders the footpath fronting Coniston Drive will be retained. The mature hedge along the roadside of Front Street is proposed removed and replaced with a new hedge to the rear of the proposed garden boundaries with a new footpath on the roadside. The existing bus stop will be unaffected.
5. This application is reported to Committee as a 'major' development

PLANNING HISTORY

6. None

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. 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'.
9. 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.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 4 – Promoting Sustainable Transport*. Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
13. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate

development of residential of residential gardens where development would cause harm to the local area.

14. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
19. *Conserving and Enhancing the Historic Environment* – Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
20. *Design -The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

21. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

22. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:

23. *Policy HP6 – Residential within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites subject to a number of detailed criteria and that meet the criteria of Policy HP9.

24. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.

25. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Sacriston falling within the Northern Delivery Area where a 15% provision is required.

26. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.

27. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified roads, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

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. *Highways* – County Highways Engineers have no concerns relating to the proposal.
30. *Northumbrian Water* – suggest a condition to ensure details of foul drainage are agreed and direct the developer to the Hierarchy of Preference for the disposal of surface water.

INTERNAL CONSULTEE RESPONSES:

31. *Housing* - This application proposes the delivery of 24 homes at Sacriston. The SHMA identifies a need for 15% affordable provision in the North of the County. The Council has supported a bid to the Homes and Communities Agency to deliver Rent to Buy units on this site with the caution that we do not currently recognise this as an affordable product due to there being no guarantee it will remain affordable in perpetuity. This is expected to change when the Housing & Planning Act 2016 comes into effect.
32. *Viability Officers* - consider the inputs contained within the appraisal are reasonable. In respect of the agreed purchase price, we would conclude that this is at a level sufficient to incentivise a landowner to dispose of the site. Inclusion of the full complement of affordable housing would likely reduce the land value to a level which is below realistic landowner expectations. Consequently, the overall findings that the scheme cannot support affordable housing are accepted.
33. *Drainage and Coastal Protection* – Engineers set out the Surface Water Management Train and advise they do not condition approval at full planning stage, requiring detailed information to be submitted with the application.
34. *Environment, Health & Consumer Protection (Air Quality)*– The proposed development will not generate exposure of the future occupants of the residential properties (receptors) to levels of one or more of the air quality pollutants that are close to or above the national air quality objectives. As the development would be expected to take less than 12 months, best practicable means of controlling dust emissions from the site should be employed having regard to applicable guidance.
35. *Environment, Health & Consumer Protection (Noise)* – noise from traffic will not cause disturbance provided the noise mitigation measures as stated within the noise impact assessment are implemented. Without appropriate controls on the construction phase this may potentially result in a statutory nuisance being created. It is considered that suggested conditions are sufficient to mitigate the potential of a statutory nuisance and therefore remove potential objection to the development.
36. *Environment, Health & Consumer Protection (Contamination)* – Environmental Protection Officers concur with the submitted reports suggestion of additional geo-environmental appraisal before development commences and standard contamination conditions.
37. *Ecology* – whilst the sustainability statement refers to the wrong site, the Ecological report identified biodiversity value in the east and west boundary hedges. It was recommended these hedges be retained with one proposed lost.

38. *Tree Officers* - Trees on site do not warrant individual Tree Preservation Orders and may need to be removed to facilitate development. Existing hedges which are located east and west boundaries must remain and be protected with fencing complying with BS 5837 2012; it may be prudent to exclude the hedging from rear gardens as the boundary may become problematic to some residents and be removed over time.
39. *Archaeology* - The County Durham Historic Environment Record (HER) has an entry relating to a prehistoric cist burial less than 200m from the proposed development area. Burials of this type are often associated with large earthworks which could be impacted by the development. The earthworks may not be visible on the ground however it is important to record any surviving below-ground remains due to their rarity and significance. As such it is recommended a programme of archaeological monitoring and recording in the form of a watching brief is secured by suggested conditions.
40. *Design and Conservation Officers* – made a number of comments, framed against the BfL12 Design Criteria and quoting Local Plan Policies. The quoted policies include that the site is beyond the settlement boundary. The site entrance is considered unbalanced, with parking dominating. Footpath links are unclear. No facilities are provided within the site, but it is close to shops, public houses, services, schools and community facilities. Pedestrian links in the site and links to external footpaths are good. There appears to be a bus route along Cross Lane, possibly leading to Consett and Durham. There appear to be 24 dwellings and these seem to include affordable housing. The house types are modest and simple and pick up on traditional design elements of the surroundings.
41. The site is fairly steeply sloping, open and south facing – many of the houses face south benefitting from solar gain. It is concerning the hedgerows are proposed removed – this is very harmful to the setting of the Presbytery opposite and Coniston Drive. Current open views across the field would be lost The feeder road could provide attractive framed views into the countryside if landscaped. A boulevard of trees could hide a street-scene dominated by garage doors and driveways.
42. The road layout is straightforward and creates a an intimate and friendly environment where cars do not dominate. The development has a good building line, where cohesion helps the street-scene be harmonious and united. Dual aspect buildings would help the site access. The road layout is memorable and easy to find your way around. It is uncertain if the road-swinging road to the north east to possibly the next phase would be a clear and straightforward route. The cul-de-sac creates a intimate and friendly environment for social activity and play space where cars do not dominate. It is good to see trees proposed in front gardens. Parking is generous, prominent and unsatisfactory in street-scene terms. It is unclear what the provision is for visitor parking. It is disappointing to see visitor spaces adjacent the entrance to the feeder road, this provides a car dominated appearance.
43. Removal of the hedges would give the site an urban appearance. The hedges encourage wildlife. There appears to be no open space. Rear gardens are acceptable. Front gardens for the affordable houses are dominated by cars and driveways. It is important bins are not stored at the front.
44. *Sustainability* – Officers note the Sustainability Statement submitted relates to another site. A condition is suggested to ensure an appropriate document and targeted measures is received, and on the basis of this no objection is offered.

PUBLIC RESPONSES:

45. Neighbours have been consulted, site notices were posted at a number of points around the site, and a press notice was published in The Northern Echo. Representations have been received from four residents from the area, and the Headteacher of the Primary School opposite the site across Front Street.
46. Concerns relate to the increase of traffic at the road junction with Front Street, variously described as dangerous and an unwanted nuisance, and the potential effect on the school crossing point on the main road. The existing bus stops on Front Street can cause congestion. Relocating the footpath to run adjacent the Front Street will make it 'very dangerous' for children walking to school. There are complaints that this application was not being considered alongside the recent proposal at Fulforth Way.
47. The school claims to be overcapacity and asks whether the developer will be improving the facilities on the school playing field.
48. The land has been subject to flooding in the past.
49. Noise from construction vehicles and construction traffic is a concern.
50. Cllr. Liddle, the Local Ward Member organised a public meeting at which the application was discussed. The points made included those above, and in addition: The decision on the recent Fulforth Way application set a precedent with a proposed access being taken away from St. Cuthbert's Drive, is there a contingency travel plan for the school route during construction, construction works will disturb shift workers, where will visitors to the development park? Where will children from the development play, why are there no on-site open spaces?

The above is not intended to list 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 <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

51. 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, affordable housing, layout and design, and highway safety.

Principle of the Development

52. In terms of compliance with the Development Plan, Policy HP6, 'Residential within Settlement Boundaries', shows the site as within one of the settlements listed as appropriate for development, but the policy requires sites to be 'brownfield', i.e. previously developed and the Policy is therefore not fully 'up-to-date'. In the context of the NPPF this means the Policy is only partially NPPF compliant, and therefore consideration must also be given to the advice in paragraph 14 of the NPPF, and the presumption in favour of sustainable development. In this regard, the Council's lack of a formally assessed housing supply is also relevant. It is concluded that the development is compliant in terms of Policy HP6 in so far as it is consistent with the

NPPF, and that the lack of housing supply lends weight to a positive assessment of the principle of development.

Affordable Housing and Viability

53. The site is within the 'central' housing delivery area, where there would usually be an expectation of 20% of the scheme to be 'affordable' housing. It is noted that Housing Officers comments are made on the basis of the site being within the 'northern' delivery area, with a 15% 'affordable requirement'. The 20% requirement has a greater effect on viability assessments.
54. This application is described by the applicant as including 'affordable units'. Prince Bishops Homes, the applicants for this scheme, offer a form of affordable housing, but one that does not meet the definition of such in the NPPF, and therefore is not considered 'affordable' by the Council. Members will be aware that the 'Prince Bishops Model' has been accepted on other developments, including in Sacriston at the Plawsworth Road School site, currently under construction.
55. Therefore, whilst Housing Officers do not 'recognise' the Model, they have supported the applicant's HCA grant, and offer no objection to the proposals. Viability Officers have assessed the proposal's costings in detail and have concluded that to provide 'affordable' housing that meets the NPPF definition would render the development unviable. In planning terms, the form of 'semi'-affordable housing proposed is seen by Planning Officers as having justification through paragraph 50 of the NPPF which requires Local planning authorities to 'deliver a wide range of high quality homes (and) widen opportunities for home ownership'. This element of the scheme is therefore concluded acceptable.

Impact upon the Surrounding Area and Neighbouring Amenity

56. The application is an inward facing development clustered around a hammerhead cul-de-sac. It is noted that none of the immediate neighbours overlooking the site have sent representations. The site is surrounded by modern open-market housing, 1960's local authority-built dwellings and Victorian Terracing, and therefore there is a variety to the surrounding character of the settlement and street pattern, which the development will potentially add to.
57. The proposed houses are of a basic appearance, Officers having sought, during the course of the application, to secure improvements to the layout and appearance of the scheme, particularly at the site entrance on the basis of the raised expectations of design issues set out in part 7 of the NPPF. The applicant has responded with a single additional window in the gable of Plot 24 to make an 'active gable'. Whilst the appearance and layout of the dwellings within the site, and particularly at the site entrance is disappointing, the issue, when considered in the planning balance, is not such that it is considered to override the potential benefits of the scheme.
58. Each of the new dwellings have private rear gardens and in-plot parking. Appendix 1 of the Local Plan includes 'indicative guidance' on suggested separation distances between new and existing development, suggesting 12.5m as appropriate between existing windows and a blank gable. Proposed plot 7 is only 11m from the facing windows of numbers 9/10 Coniston Drive, Plot 7 being a two-storey dwelling. The relationship is not such that it is considered a refusal could be sustained on it. The additional visual separation given to this relationship by the presence of the public footpath and the retention of the hedge is a positive material consideration in coming to this conclusion.

59. Again, Policy HP9 which relates to these issues is only partially NPPF compliant, as explained above and therefore the presumption in favour is given due regard. The development is considered acceptable in regard of this topic area.

Highway Safety

60. Highway safety is a primary concern of the residents from the wider estate who have responded to the consultation exercise and the local Councillor. The application had been assessed, despite residents' contention, alongside the recent application for Fulforth Way until that scheme was amended. Highways Engineers have assessed the capacities and flows of the main and estate roads and junctions and have no concerns. In this regard the application is considered compliant with Policy T15 of the Plan. As a Policy with 'partial' weight, it is the Council's considered approach that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

61. Highways Engineers also considered the individual detailed highways related concerns raised by residents and the Councillor: They consider the new footway adjacent the vehicular highway of Front Street is a standard engineering practice and has no safety implications. In order to ensure safe pedestrian access around the site during construction works, the existing footpath should only be closed off once the new footpath is constructed (a condition is suggested, below). The low numbers of cars associated with the new development will have no impact on road safety of the existing highways network including the estate road and the Front Street. A detailed assessment of the car parking requirements of the scheme shows an overprovision of 10 spaces – therefore the two visitor spaces proposed are sufficient. The test quoted at the end of the previous paragraph is again referred to. The issues have been assessed in detailed by qualified Highways Engineers and the scheme found acceptable.

62. The application results in additional traffic sharing the entrance to St. Cuthbert's Drive, from where the objections to the scheme's highways implications have, in the main, emanated. Highways Engineers have examined the issues raised in detail and have concluded the effects of the development are acceptable, certainly not the 'severe' threshold stated in the Policy context, nor the 'significant and demonstrable' of the NPPF that would prevent approval.

Other considerations

Archaeology

63. Archaeology Officers have requested a condition requiring a scheme of archaeological work on the basis of a record showing discovery of a burial cist (a stone lined grave) within 200m of the site.

64. The developer contends this requirement would make the scheme unviable, and whilst the financial implications of this issue were not included in the viability calculations, that the Council's Viability Officers have found the scheme unviable in the other respects means it is reasonable to conclude that if this further significant cost was added into the equation, the scheme would be further unviable.

65. The NPPF advises (at paragraph 128) that where a site on which development is proposed includes or has development potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Given the request for a condition relates to a specific historic record in the area, and

the fact that the NPPF is also quite specific in this respect, the requested condition is proposed appended to any approval, despite the applicant's concerns at the viability implications, as Officers do not think the scheme is acceptable when read against the national advice without it.

Drainage

66. Drainage Officers had requested additional detail over the scheme submitted –. There is no suggestion that an acceptable drainage scheme cannot be agreed. A condition will ensure an acceptable scheme is ensured.

Contamination

67. Environmental Protection Officers concur with the applicant's submitted surveys that additional investigation works are required, and suggest appropriate conditions – these are attached below.

Landscaping and Ecology

68. The scheme has been redesigned during the course of the application to include a replacement hedge between the rear garden fences and the new footpath on the Front Street boundary of the site, as a replacement for the existing roadside hedge proposed lost. This hedge has both prominent visual value, and an ecology value, and was requested retained – its replacement being considered a reasonable compromise. The replacement ensures any slight benefit to the setting of the Presbytery opposite, referred to by Design Officers.

69. A condition to ensure the hedge on the Coniston Drive elevation is retained is proposed. A hedge is not considered required on the boundary with the playing field, where none exists already.

Economic Benefits

70. Whilst not quantified to a degree that would allow specific weight to be added to this important component of the planning assessment, that the development will bring economic benefits to the local economy during the construction phase of development is a material factor in favour of the development.

Noise and site works

71. Officers intend to impose the current standard site works condition to protect the amenities of surrounding existing residents, albeit this will not benefit night-shift workers as referred to by the Councillor.

Other Issues

72. The Councillor organised public meeting queried the lack of open space within the scheme and access to play facilities for resident's children. The first issue is explained by the developer as affecting viability issues, a contention that Officers accept, for the second it is noted that at the centre of the village there are formal play facilities consisting a cricket pitch, football pitch, MUGA and play equipment, only 0.22 miles from the site.

73. There is no effect on the non-designated heritage assets, consisting the church and presbytery opposite the site.

74. As noted by Sustainability Officers and echoed by Ecology, the documents submitted with the proposal for embedded sustainability measures related to another development. A condition to ensure the requirements for fabric-first development are embedded into this scheme is appended below that will address this omission.
75. There are a number of proposed conditions which by their nature require information to be provided and agreed before the development commences. Section 35 of the Development Management Procedure Order requires these to be identified and justified. Conditions with this requirement including Archaeology, Sustainability, Footpaths, Hedging and Drainage are set out below.

CONCLUSION

76. Planning applications must be determined in the first instance against the policies in the Development Plan. There is then a 'planning balance' test, with those policies attributed weight dependent upon their compliance with the NPPF and applying the weighted 'presumption in favour' – do the benefits outweigh any identified harm?
77. The application brings the benefits of adding to the County's housing supply in a location that has been identified 'sustainable' and increases opportunities for home ownership. The short term benefits to the local economy brought by the construction phase are also of positive material weight. The lack of open space and other standard requirements has been accepted through detailed assessment by the Council's Viability Team, mitigated by the sustainable location. The detailed assessment of highways issues by Council Engineers does not reflect the apparent concern set out in the objection letters and summarised by the Local Member following her public meeting.
78. The effects of development on the existing hedges has been mitigated through redesign during the course of the application, and whilst the design of the development is slightly disappointing, this issue is not one that outweighs the benefits. Likewise the overall planning balance weighs in favour of the proposals, being in line with development plan policy so far as it is relevant, with further, no adverse impacts that would significantly and demonstrably outweigh the benefits.
79. It is worth referring again to the archaeology issue, as this is a point the applicants have argued, however Officers consider the advice in the NPPF is clear, and a condition requiring proper investigation of this issue required.
80. The application has been assessed by the various sections in Environmental Protection who recommend conditions to protect existing residential amenities relating to noise, dust, vibration, site works and working hours – all attached below.
81. No other issues have been raised that weigh significantly against the proposals or cannot be proportionately conditioned, and the proposals are therefore recommended positively.

RECOMMENDATION

82. 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:
315 PL001 Housetype 3
310 PL-001 Housetype B
310 PL-001 Housetype B (inc gable window).
315 002 rev.I Proposed Site Layout
315 003 rev.B Proposed Hard Landscape & Boundary Treatment Plan
315 006 Proposed Site Section A-A
R/1892/2 Landscape Detail
R/1892/3 Landscape Detail
BT / Sheet 05 Boundary Close Boarded Fence
BT / Sheet 19 Boundary Party Fence Details Triprail (Birdsmouth Fence)
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, T8 and T15 of the Development Plan.
3. The development shall be constructed wholly in accordance with the approved details of external elevational materials set out on submitted plan 315 004 Proposed External Materials Plan.
Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Development Plan
4. Notwithstanding the information shown on plans 315 002 rev.I Proposed Site Layout, 315 003 rev.B 'Proposed Hard Landscape & Boundary Treatment Plan' and AIA TPP rev.A, before material development works commence a scheme and plan showing the retention of the hedge on the western boundary of the site, protected with fencing complying with BS 5837 2012 during construction works, and the proposed boundary markers for the rear gardens of plots 3 – 6 inclusive, and the western boundaries of plots 2 and 7, must be submitted to and approved in writing by the Local planning authority, and thereafter implemented in full in accordance with said agreement.
Reason: In the interests of the residential amenity of the residents of Consiton Drive, the visual amenity of users of the adjacent footpath and for its ecology value.
5. Before development commences, and further to the information shown on plans 315 002 rev.I Proposed Site Layout and 315 003 rev.B 'Proposed Hard Landscape & Boundary Treatment Plan' a scheme and plan showing the relocation/replacement of the hedge on the eastern boundary of the site adjacent Front Street, and the implementation of an adoptable standard footpath adjacent Front Street must be submitted to and approved in writing by the Local planning authority, and thereafter implemented in full in accordance with said agreement. Said scheme must include a schedule to ensure the existing footpath in this location is only be closed off once the

proposed new footway alongside the carriageway is constructed to a suitable standard to maintain pedestrian movements in the area.

Reason: In the interests of the highway safety and visual amenity of users of the adjacent footpath and for its ecology value. As Highways Engineers have identified that the replacement footpath has an immediate safety implication when site works begin, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

6. 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 Part 10. Given the need to assess the drainage implications of the site – both foul and surface drainage – through the sustainable drainage hierarchy to inform an acceptable drainage design, and that this has implications for the groundworks at the beginning of development, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. This issue is considered such that it is required addressed presubmission, the advice in s.35 of the DMPO, 2005 having been taken into account. 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 para 135 & 141 of the NPPF because the site is of archaeological interest. In order that the implication of any archaeology on the site can be identified, assessed, considered, mitigated and recorded appropriately, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

8. 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.

9. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement:

(a) A further Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion:

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11. Given these issues need to inform the groundworks on the development site and inform additional investigation, site design and mitigation works, this issue is considered such that it is required addressed pre-commencement, the advice in s.35 of the DMPO, 2005 having been taken into account.

10. The development must be carried out wholly in accordance with the sound attenuation measures detailed in the noise assessment; ENS Reference NIA/6863/16/6856/v2/Front Street, Sacriston dated 13th October 2016; these must be implemented in full prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In order to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution in line with paragraph 109 of the NPPF.

11. The applicant must prepare and submit for the written approval of the Local Planning Authority a Construction Management Plan (CMP). The CMP must be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
 - Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
 - Details of the operating hours during which construction/demolition works are to be undertaken in line with the requirements of condition 13.
 - Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
 - Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: In order to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability in line with paragraph 109 of the NPPF.

12. Prior to the erection of the residential dwellings hereby approved, 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.

Reason: To ensure the sustainability credentials of the scheme in line with Part 11 of the NPPF.

13. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of the Development Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, 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 with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan (saved policies 2009)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Erection of 24 semi-detached dwellings including affordable units with associated, services, infrastructure and landscaping.

Application Number DM/16/04013/FPA

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Comments

Date 27th April 2017

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