

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/17/00861/FPA |
| FULL APPLICATION DESCRIPTION: | 4no. dwellings including demolition of existing garages |
| NAME OF APPLICANT: | Livin |
| ADDRESS: | Garage Block, Villa Street, Spennymoor, Co Durham |
| ELECTORAL DIVISION: | Spennymoor |
| CASE OFFICER: | Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to 2no. blocks of terraced garages (20no. units in total), owned by Livin, located to the east of Villa Street, Spennymoor. Neighbouring residential properties on Villa Street and Craddock Street lie to the north and west, with an enclosed children's play park to the east. To the south lie allotment gardens which are accessed via a narrow lane bordering the west of the application site and adjacent to the gable elevation of no.1 Villa Street.
2. The proposal seeks the demolition of the 20no. garage units and the erection of 4no. semi-detached, 2 storey properties. These units would be for affordable home ownership, marketed as Rent to Buy where prospective tenants pay affordable rent for five years allowing them to save for a deposit if they wish to buy.
3. All 4no. dwellings would be north facing and set back from the adjacent carriageway to allow for off-street parking provision and incidental landscaping to the front of each property. Private amenity spaces serving each property would be to the rear with a footpath accessing the adjacent allotments to be maintained to the west of the site.
4. The application is being reported to the Planning Committee at the request of Spennymoor Town Council which supports the views of concerned local residents over the perceived impact on access and loss of parking provision in the area.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

6. 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.

7. 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;
8. *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.
9. *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.
10. *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.
11. *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:

12. The development plan is the Sedgefield Borough Local Plan saved policies:
13. *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.
14. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
15. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
16. *Policy E15 – Safeguarding of woodland, trees and hedgerows* – requires development proposals to retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.
17. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.

RELEVANT EMERGING POLICY:

The County Durham Plan

18. 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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Spennymoor Town Council* – Endorse the concerns raised by local residents over access and loss of parking.
20. *Highway Authority* – No highways objections to submitted plan ref: NE380 SL01 rev D (Proposed site layout), received 09 June 2017. There is no way a highways objection could be raised against this application based on Livin's business management plan for their garage sites. The applicant could consider the option of creating additional visitor parking bays on the grassed area to the west of Craddock Street if this area is under the applicant's control.

INTERNAL CONSULTEE RESPONSES:

21. *Ecology Section* – No objections to the proposals. If approved it is advised the applicant be reminded by informative of sensitive timing of works so as to avoid impact on breeding birds.
22. *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 proposed residential properties are to be located in close proximity to an allotment site which raises the potential for conflict from matters such as noise, smoke, pests, flying insects and odour. However allotments are community resources and are already sited close to existing properties.
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. *Arboriculture Section* – Consider the development to be achievable although there is likely to be future conflict between Plot no.4 and the existing trees to the east of the site

which may lead to excessive pruning or increased liability on the owner of the trees. To remedy this, the development would have to remove one dwelling. However, whether this would be appropriate or proportionate would be a decision for the planning officer.

PUBLIC RESPONSES:

25. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. 14no. letters of objection have been received and the key areas of concern can be summarized as follows:

Loss of existing garage units will displace vehicles onto highway;
Existing lack of off road parking in area will become worse;
Impact on pedestrian safety resulting from increased congestion from roadside parking;
Problems of access for emergency and waste collection vehicles;
Vandalism to parked vehicles in the area will worsen;
Restricted access for vehicles using roads as a result of congestion;
Current condition of garages is good;
Fear of having to park vehicles further away from properties;
Loss of trees;
Questions over who will occupy the houses?
Alternative areas would be better suited for residential development;
No need for additional housing in the area (high vacancy rates of existing stock and large scale developments nearby);
Existing services such as GP's and Schools are already struggling to cope with increased population;
Overdevelopment of site;
Poor outlook for proposed dwellings;

26. A 24no. named signed petition has also been received from residents who reiterate concerns over perceived parking and access problems. Increased congestion would damage kerbstones and pavements and present a highway safety threat to pedestrians. Vandalism of vehicles parked in the street is also cited as a current issue which may worsen as a result of the proposed works. Furthermore, dwellings would appear out of character with their surroundings, with no need for more houses in the area given present vacancy rates within the Spennymoor settlement.

27. Cllr Maddison raises concern over increased traffic congestion and highway safety resulting from increased roadside parking. Concerns are also raised over the surplus of empty homes within the town and recent approvals for large scale developments nearby which are already placing strain on the town's services without further residential development proposed here. Doubts have been raised over the extent of the authorities neighbour notifications process which although are not relevant material planning considerations, are covered within the remit of this report.

APPLICANTS STATEMENT:

28. The Applicant has requested the following statement be provided for the attention of the Planning Committee in support of their application:
29. It is the responsibility of not just the local authority through their application of planning policy, but also of all of us, be that companies, landowners, or individuals, to make the most effective and efficient use of any and all land within settlement boundaries, and particularly that which has been previously developed – such as this application site. That is a key tenet of planning policy – many would say the most important one in these times of housing shortage.

30. Provision will be proactively made to try and accommodate any displaced parked cars should tenants require off-street car parking and it can be made within their curtilage – which is the most obvious place to park a household's car. However, obviously that will have to be done on a case-by-case basis and with the help of other parties where necessary.
31. It is a fact that these garages do not have a 100% occupancy rate. The rate is much lower and the trend is only getting even lower. The garages are all obviously single-storey and many of them that are rented are just used for general storage, household over-spill, and as a way of dealing with the clutter accumulated through life; instead of recycling it or selling it on.
32. All of these factors make it clear that the garages are not an effective or efficient use of this urban land resource - and that is the key test when this new housing scheme is being considered.
33. Is the proposed cluster of four houses a more effective and efficient use of this land resource, and does the layout proposed have an acceptable impact on the amenity of existing occupiers? The answers to both these questions is 'yes' – that is clear from all the internal and external consultee professional responses.
34. The DCC Highways Unit response makes it clear that any refusal on highways safety, traffic, congestion, overspill car-parking or other vehicle related grounds would NOT be sustainable at planning appeal; despite what some of the objectors raise.
35. Yes, there are impacts, but they do not outweigh the acceptability of this development for new housing - which the county and the country desperately needs in a wide variety of types, styles and locations. The officer has made a careful balancing judgement and outlined the many reasons why this application should be approved.
36. The officers and the county solicitor will underline that any Planning Inspector at an appeal (if the application was to be refused), would give weight only to the material planning considerations. The points raised by the objectors simply do not have sufficient weight in the planning balance to support a refusal; and thus any appeal against a refusal would stand an excellent chance of success – with the distinct possibility of an adverse costs award against the Council, such are the few issues in balance and how clearly they weigh in favour.
37. Even a flagpole casts a shadow – and there are often some disbenefits to redevelopment schemes, which otherwise are on balance acceptable and should be approved; as is the case here. There is simply not 'enough' in planning terms to reasonably resist this redevelopment scheme.
38. All parties want to avoid a costly appeal if they can, and that is why it is respectfully requested that the Planning Committee take up the officer's recommendation to approve this scheme; as per the careful and professional analysis made in the case officer's report.

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

39. 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, Arboricultural Impact, Highways, Ecology and Land Contamination.

The principle of the development:

40. 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 paragraph 14 of 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.

41. 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.

42. Spennymoor 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. Four additional dwellings in this location would make a small contribution to housing supply (and social objectives). Most of the site also constitutes brownfield land and its re-use is encouraged in the NPPF.

43. The proposal would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF and is considered acceptable in principle, subject to an assessment of the other benefits and adverse impacts of the proposals.

Scale / Design:

44. 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 sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.

45. The application site is not located within any Conservation Area or area of special control.

46. Each of the proposed 4no. dwellings would be of two storey scale, commensurate to neighbouring two storey residential properties which surround the site to the north and west. The semi-detached building form would sit comfortably within the terraced surrounds and the plot size would not appear out of place, incongruous, overdeveloped or cramped. Sufficient space would be left for private gardens to the rear (south) of each plot, with off street parking and small landscaped garden areas to the front (north).

47. The dwellings would be of grey buff brick construction with a Marley Eternit Birkdale fibre cement slate roof and white upvc fenestration which would not be out of place in this setting.
48. It is 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:

49. 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.
50. The proposed dwellings would be north facing, overlooking an area of public highway. To the east this development would border a children's play park which is sufficiently screened by existing boundary vegetation to be retained. Allotment land lies to the south, with the nearest properties in this direction some 60m away on Poplar Drive. No.1 Villa Street, with the aforementioned grassed access track serving the nearby allotments lies immediately to the west. Given these dwellings would be set back into their plot, the side (west facing) elevation of the end unit would only partially align with the side (east facing) elevation of no.1 Villa Street which would avoid any direct overlooking of the existing first floor gable window at no.1 Villa Street. The projection of the houses beyond the rear elevation of no.1 Villa Street would be under 3.5m and would not significantly impact on the residential amenity of the neighbouring occupier.
51. 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.
52. All proposed dwellings would occupy reasonably sized plots and have private front and rear garden spaces commensurate to surrounding plots.
53. With regards the amenities of neighbouring residents during the demolition and construction phases, appropriately worded conditions would ensure control over the timings of works so as to ensure the limitation of noise emission from the site during more sensitive hours.
54. In view of the foregoing and subject to the aforementioned conditions the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

Arboricultural Impact:

55. Saved policy E15 of the Sedgefield Borough Local Plan requires development proposals to retain areas of woodland, important groups of trees, copses and hedgerows wherever possible, replacing any trees which are lost.
56. The application site contains no trees, although the adjacent play area to the east does contain a significant number, particularly along its western boundary with the application site. Although some neighbour concern has been received over the loss of these trees,

none of these are protected and there are no plans to remove any to facilitate the proposed development.

57. The application includes an Arboricultural Impact Assessment and Tree protection plan (AllAboutTrees, January 2017) which confirms that it would not be necessary to remove any trees to facilitate the proposed development. Furthermore the proposed plans include some tree planting within front gardens.
58. Areas to be protected by barriers are set out within this report, which if adhered to would avoid any significant damage to neighbouring vegetation during construction. Any approval should be recommended subject to conditions to ensure the appropriate tree protection measures are implemented on site as per the findings of this report and to agree landscaping details.
59. The views of the Councils Arboriculture section have been sought who raise no objections in this regard. It is considered that development of this site could result in future conflict, in-particular between the cherry trees to the east of the site that are likely to branch laterally in the future over the eastern most dwelling of the development plot. This may lead to demand for pruning or an increased liability on the owner of the trees. Given the findings of the report which confirm no harm to adjacent trees and the proposed implementation of landscape scheme to complement the proposed development, such mitigation and replacement planting is considered acceptable in planning terms.
60. It is not considered that the proposed development would conflict with saved policy E15 of the Sedgefield Borough Local Plan with insufficient grounds for refusal in this regard.

Highways:

61. 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.
62. The potential loss of any off-street car parking provision and subsequent displacement of vehicles onto the public highway is of considerable concern to local residents as demonstrated by the level of local opposition to the scheme. The views of the highway authority have been sought with regards the loss of 20no. existing garage units and the potential highways impacts resulting from the displacement of parked vehicles from this site onto the public highway.
63. The applicant has confirmed that of the 20no. units to be demolished, 16no. are currently occupied. 1no. tenant within this group currently resides some 350m away on St Pauls Gardens, with a further 4no. on Clyde Terrace to the north where there is existing on street parking provision available. The remaining 11no. tenants live within a 60m radius of the garage site entrance.
64. The possibility of creating some additional parking on a grassed area to the north of the garage block (to the west of no.93 Craddock Street) has been raised as a possible option by Highways to help alleviate demand caused by the displacement of vehicles from the site. Livin has confirmed that they would be open to any future suggestion of a joint funding initiative should it be decided that the site be viable to develop if approved. However it is not possible to consider this matter as part of this application as the area of land falls outside of the applicant's ownership (County Council owned) and is beyond the boundaries of the application site. Any development of this land for increased parking provision would also result in the loss of a small area of grassed open amenity

space. In any event the Highway Authority does not consider that it is essential that replacement parking is provided to make the scheme acceptable in highway terms.

65. With regards the 16no. displaced tenants, it cannot be assumed that all of these currently use the garages for parking purposes or that everyone who does would choose to park their vehicles on the public highway immediately adjacent to the application site if displaced. There is possibility for those displaced to be accommodated closer to their properties with the applicant having indicated that proactive steps would be made to try and accommodate any displaced parked cars should tenants require off-street car parking and it can be made within their curtilage.
66. Concerns have also been raised over the impact of development on access by emergency services and waste disposal vehicles as they negotiate their way through these streets. However these vehicles manoeuvre through many different street environments and it is unlikely that access on these estate roads would be completely restricted and at all times. For this reason, it is not considered that accessibility for such vehicles would be significantly affected to a detrimental level.
67. With regards the proposed site plan, a 1.8 metres wide footway/vehicular access crossing arrangement would be provided to the front of the site as agreed with the highway authority which would see a continuation of the southern channel line from Villa Street across the front of Plots 3 and 4.
68. On the basis of the 4no. 3 bedroomed dwellings having 2 no. on-site car parking spaces each, supported by 2no. visitor car parking spaces, this level of on-site car parking provision would be deemed to comply with the minimum requirements outlined in the DCC Residential Car Parking Standards 17.7.13.
69. Whilst the loss of existing garages and any associated displacement of vehicles onto the adjacent carriageway is regrettable, it is the case that Livin could decide as part of its ongoing review of its garage stock to terminate all garage licences on a notice period of 1 week and without the need to provide any alternative parking provision. This may not occur and Livin has indicated a willingness to explore alternative options within its own remit as housing provider.
70. From a planning perspective and having regard to Highways Advice, it is considered that the potential displacement of up to 16no. vehicles could be absorbed within surrounding streets and would not give rise to an unacceptable increase in highway safety, parking and congestion issues.
71. With no requirement for all those displaced vehicles to park in the area immediately surrounding the application site, and given the addresses of those tenants concerned, it is considered that the redevelopment of this site would unlikely give rise to any significant or detrimental impact on amenities or highway safety as a direct result of the congregation of vehicles immediately adjacent to the application site. Furthermore, there is no reason to assume that displaced vehicle owners will be forced to park their private vehicles any further away from their properties than at present. Whilst fear of vandalism to private vehicles currently parked on the roadside is noted as a cause for concern should displacement occur, unfortunately such issues are an existing issue which stem beyond the boundaries of this application and as such cannot be considered as a justifiable reason for refusal for this application alone.
72. There is no perceived significant 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 enough to justify a refusal on highway safety grounds.

Ecology:

73. 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. The Ecology Section has considered the proposals and have no objection, subject to an informative reminding the applicant of the possible impact on breeding birds. There is no conflict with the requirements of the Habitat Regulations and Part 11 of the NPPF.

Contaminated Land:

74. 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.

Other matters:

75. Public consultation:

Concerns have been raised over the level of public consultation for the application with some properties notified currently vacant, and others not notified at all. The Planning Authority has distributed notification letters to neighbouring properties immediately adjoining the application site and displayed a site notice adjacent to it for a period of 21 days in line with statutory requirements. The Planning Authority do not hold records of vacant residential properties.

76. Existing vacancy rates across settlement and number of approved dwellings to be built:

Such matters are not considered as material planning considerations relevant to the determination of this application.

77. Strain on local services:

It is not considered that the provision of 4no. additional dwellings would lead to any significant and detrimental impact on the ability of local services to support the local population.

78. Who will occupy the dwellings:

Such detail cannot be considered as a material planning consideration relevant to the determination of this application. Livin homes have however confirmed that the units if approved would be available for affordable ownership and marketed as Rent to Buy.

Planning balance:

79. 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.

80. Whilst the loss of 20no. existing garages units within a local community made up largely of terraced properties would be regrettable; these are privately owned by Livin who could close these at any time as part of their business plan. As such, their ongoing

viability for their original purpose is very much in doubt regardless of the outcome of this application.

81. 16no. of these garages are presently occupied with one of these occupied by a resident who lives approximately 350m away and a further 4no. living nearby in areas where there is alternative parking provision. The remainder all live within close proximity to these garages. At worst, the resulting displacement of 11no. vehicles onto the public highway as a result of these works would be limited and can be satisfactorily accommodated across the wider streetscape with no necessity for all displaced vehicles to park in this exact location given the garage occupants do not all reside directly adjacent to this site. Such displacement would unlikely result in any significant and detrimental highway impact. As explained, Livin will seek to support those who are displaced where assistance is sought.
82. On balance, the benefits of redeveloping this site to provide an additional 4no. sustainably located dwellings of an appropriate design and layout that contribute to the level and mix of housing in the area would outweigh the negative impacts associated with losing these garages.

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.
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 significantly and detrimentally compromising highway safety, residential amenity, ecology, adjacent trees 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:
NE380 SL01 rev D (Proposed site layout), received 09 June 2017
NE380 H2 rev A (3B5P House), received 14 March 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. All planting, seeding or turfing comprised in the approved details of landscaping as detailed on approved plan ref: NE380 SL01 rev D (Proposed site layout), received 09 June 2017 shall be carried out in the first available planting season following the practical completion of the development. Any trees or plants which within a period of 5 years from the substantial completion of the development which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

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

7. No development, including demolition, shall commence until protective fencing has been placed around trees adjacent to the site, the details and position of which shall first have been submitted to and agreed in writing by the Local Planning Authority. The approved tree protection measures shall be retained throughout the construction period.

Reason: To ensure the nearby trees are appropriately protected during construction in the interests of the visual amenity of the area and to comply with policy D1 and E15 of the Sedgefield Borough Local Plan.

8. 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.

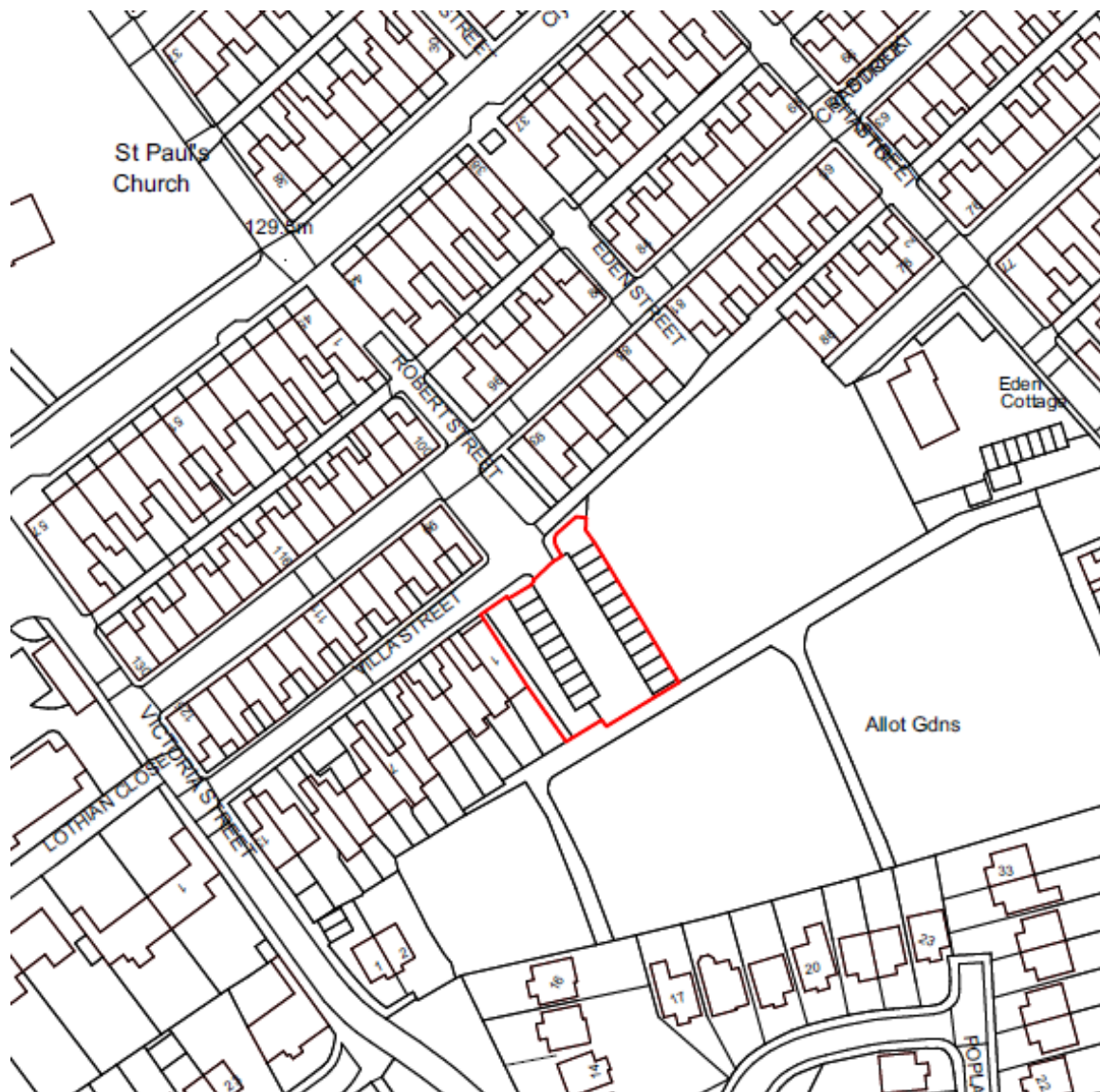
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

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
Internal responses from Ecology, Arboriculture, Environmental Health and Contaminated Land



Planning Services

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4no. dwellings including demolition of existing garages

Comments

Date 22 June 2017