

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/17/03602/FPA
FULL APPLICATION DESCRIPTION: 2no. 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 0.04Ha of land which is currently occupied by two blocks of terraced garages (14no. units in total) to the east of no's 22, 24, and 26 Armstrong Close, Newton Aycliffe. The site is bordered by neighbouring residential properties to the east, south and west, and by an area of undeveloped grassland (some 0.06Ha) to the north. The site is accessed from the main road serving Armstrong Close to the west with public footpaths bypassing the perimeter of the site to the south and east, linking to surrounding residential areas.
2. Livin Homes who own the application site and the adjacent grassland to the north wish to demolish the 14no. garage units and construct 2no. 2 bed bungalows (semi-detached in form). The dwellings would have a north-south alignment across the site and would include private gardens to the rear (east) and 4no. off street parking spaces to the front (west) of the site. A small area of highway verge to the front of the garages (some 17m²) would be lost to facilitate the development, although the existing grassland to the north is to be retained as amenity space.
3. The application is being reported to the Planning Committee at the request of Great Aycliffe Town Council which objects to the application on the grounds outlined below.

PLANNING HISTORY

4. Planning application ref: DM/17/00080/FPA relating to the construction of 5no. dwellings across the site (including grassland to the north) was refused by the Planning Committee in February 2017. A subsequent appeal concerning this refusal was subsequently dismissed by the Planning Inspectorate in August 2017 (PINS ref: APP/X1355/W/17/3171109 - appended to this report).

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. The application site falls within the geographical scope of the Great Aycliffe Neighbourhood Plan (GANP). This plan received support through a recent referendum on 22 June 2017 and now has development plan status, with the following GANP Policies considered relevant to the determination of this application:

GANP CH1 (Landscape character and townscape)

GANP CH3 (Existing amenity open spaces and recreational areas)

GANP H1 (In-fill developments and small sites)

GANP H3 (Parking standards for new residential development)

GANP H5 (Provision of in curtilage parking and storage)

GANP T1 (Parking impacts on existing infrastructure)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Great Aycliffe Town Council* – Object to the proposals on the grounds of the perceived exacerbation of existing parking problems in the area and the setting of a precedent which could encourage further applications of such nature to be submitted in the future, resulting in a cumulative negative impact. Furthermore, concerns are raised over the perceived impact on the character of the area and the erosion of the Beveridge vision of Newton Aycliffe. Specific reference is made to perceived conflict with the Great Aycliffe Neighbourhood Plan.

20. *Highway Authority* – No objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

21. *Environmental Health (Contaminated Land)* – Officers agree with the content and conclusions of the submitted Phase 1 Desk Study (Solmek, S160502, May 2015) advising contaminated land conditions be attached to any planning approval.

22. *Environmental Health (Noise)* – The granting of planning permission for the development may potentially result in a statutory nuisance being created. However, the

imposition of conditions relating to sensitive site operations and sensitive removal of asbestos would be sufficient to mitigate the potential of a statutory nuisance.

23. *Ecology* – raise no objections to the proposals.

PUBLIC RESPONSES:

24. The application has been publicised by way of notification letters to neighbouring residents. 4no. individual letters of objection have been received from local residents who raise the following key areas of concern:

Garages to be demolished are still in use;

Lack of garages within Newton Aycliffe;

Existing parking problems in street will only worsen;

Lack of manoeuvrability for bin wagons, emergency vehicles and delivery lorries;

Development would restrict access to neighbouring property;

25. In addition Town Cllr Fleming has raised objections to the proposals, citing reasons for refusal attached to the previous application for 5no. dwellings in this location whilst questioning the need for an additional 2no. dwellings.

APPLICANTS STATEMENT:

26. This revised and much reduced scheme for just two houses, now no longer involves any loss of green space at all - the development is on the site of the garages and thus on previously-developed land. The Planning Inspector in the last appeal decision letter made it clear that the development of this area of brownfield land was acceptable. It was only the green space that was a concern to him, and now no green space is to be built upon. Therefore this revised scheme is acceptable. The Planning Unit have concluded this to be so, and the Highways Unit raise no adverse comments on the scheme. Despite some neighbours concerns, the DCC Highways Officers regard the layout and spacing as acceptable. The objection concerns are noted and acknowledged; however this decision has to be made on a fair balance of all the relevant planning factors, some of which are admittedly competing. However the objections cannot be regarded as being outweighing - as per the balanced reasoning in this Planning Report and the previous Planning Inspector's comments at appeal. It is thus respectfully requested this application is approved without delay, as, on balance, it is acceptable, and of benefit to the County.

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

27. 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, Open space, Highways, Ecology and Land Contamination.

The principle of the development:

28. Paragraph 14 of the NPPF expects applications which accord with the development plan to be approved without delay. Paragraph 49 of the NPPF requires that applications for new housing be considered in the context of a presumption in favour of sustainable

development, with Paragraphs 47- 55 seeking to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.

29. Policy H1 of the GANP seeks to grant permission for suitable in-fill developments and small sites of less than 30 houses where:
- The development is proportionate to the scale of the settlement;
 - The development is within the built up areas for an in-fill development;
 - The development is well contained;
 - The development design respects the character and form of the settlement or locality;
 - The development clearly relates to part of an established settlement;

30. 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.

31. 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. Two additional dwellings in this location would relate to the surrounding settlement and make a small contribution to housing supply (and social objectives). Given the site also constitutes brownfield land (currently occupied by garage development); its re-use is encouraged in the NPPF.

Scale / Design:

32. Part 7 of the NPPF, saved policies H17 and D1 of the Sedgefield Borough Local Plan and Policy H1 of the Great Aycliffe Neighbourhood 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.

33. The proposed dwellings would be semi-detached in form and of single storey, bungalow design, incorporating a hipped roof. Although surrounding dwellings are of two storey scale, the proposed bungalows would not appear incongruous in their wider setting with the semi-detached building form reflecting the development pattern of surrounding properties, particularly to the east, whilst fitting acceptably within the wider plot, not appearing as overdevelopment. The introduction of bungalows in this location would provide a wider mix of housing types within the area consistent with the principles of Part 6 of the NPPF which seeks to deliver a wide choice of high quality homes.

34. Sufficient space would be left for private gardens to the rear (east), with off street parking to the front (west).

35. The dwellings would be of buff coloured brick construction with a black flat profile tile roof and white upvc fenestration which would complement surrounding building materials in the area. 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 and Policy H1 of the Great Aycliffe Neighbourhood Plan.

Privacy / Amenity:

36. 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.

37. The proposed bungalows would be west facing, maintaining a separation of approximately 27m between their front facing principal elevations and the opposing east facing elevations of numbers 20, 22, 24 and 26 Armstrong Close opposite. A single storey projection at no. 28 Armstrong Drive would extend within 20m of the principal elevation of proposed plot no.2; however this relationship is still considered acceptable, particularly given the single storey height of the proposed dwellings which would minimize any overshadowing or loss of light, with no directly overlooking windows impacting on privacy.
38. To the east, the proposed rear facing elevations of proposed plot no.1 would maintain a separation of 22m from the principal rear facing elevation of no.5 St Oswalds Court opposite with the rear elevation of Plot no.2 to the south not overlooking any property in this direction. Such separation is considered acceptable and given the single storey height of the proposed bungalows and the existing and proposed boundary enclosures (1.8m high timber fencing) which would effectively screen any ground floor windows, no concerns are raised with regards to overshadowing, loss of light or privacy.
39. To the north the gable elevation of proposed plot no.1 would face the undeveloped grassland to be retained with the nearest property in this direction some 34m away.
40. The blank gable elevation to the south of plot no.2 would only achieve a separation of 10m or so from the principal rear elevations of no's 7 and 9 St Oswald's Walk beyond a public footpath. However given the positioning of this bungalow to the north of the opposing 2 storey development to the south, and the hipped roof design, there would be no significant concerns of overshadowing or loss of sunlight to these neighbours. 1no. bathroom window would be installed in the south facing elevation of plot no.2 which would be obscured glazed by condition. Irrespective of this detail it is considered that existing and proposed boundary enclosures (1.8m high timber fencing) would effectively screen opposing windows at the ground floor level.
41. Control over possible future extensions and outbuildings which may encroach into the aforementioned separation distances would also be appropriate by condition in the interests of residential amenity.
42. Both bungalows would occupy reasonably sized plots and benefit from private rear garden spaces commensurate in scale to surrounding plots, whilst front garden space is to be utilized for off street parking.
43. 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.
44. 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.

Open space:

45. 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. This is supported by policies CH1 and CH3 of the Great Aycliffe Neighbourhood Plan.

46. Policy CH1 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.
47. Policy CH3 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.
48. A previous application for the construction of 5no. dwellings across this site included the loss of the area of undeveloped grassland to the north. This was refused permission and a subsequent appeal dismissed by the Planning Inspector, making specific reference to the detrimental impact which would result from the loss of this open space area. Within their objection, Great Aycliffe Town Council state that certain paragraphs of the Inspectors decision remain relevant to the current application, namely the development of open space and subsequent erosion of the Beveridge vision of Newton Aycliffe, detrimental to the character and appearance of the housing area. A copy of this decision is appended to this report for information.
49. The applicant has sought to address all previous concern relating to the loss of open space within their revised submission, focusing new development only on the proposed garage area, whilst confirming that the grassland to the north is to be retained. Whilst a very small area of grass verge to the front of the garages adjacent to the highway would be lost to facilitate the proposed development, this 17m² patch of land has no amenity value, serving instead as a narrow grass verge which separates the garages from the adjacent highway. The proposed layout plans indicate that this area is to be occupied by an off road parking space to serve plot no.1, allowing for vehicles to park within curtilage and off the adjacent road.
50. The applicant's intention to retain the grassland to the north is considered to overcome the previous concerns about the loss of open space, which were upheld by the Planning Inspector. Whilst some existing grass verge will need to be removed to provide off street parking in relation to the new development, this is not considered to affect the functional role of the larger retained area. The proposals are therefore not considered to conflict with saved policy L5 of the Sedgefield Borough Local Plan or policies CH1 and CH3 of the Great Aycliffe Neighbourhood Plan.

Highways:

51. 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. Policy GANP T1 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.
52. Within the previous appeal decision for 5no. dwellings (appended to this report), the Planning Inspector concluded that whilst the proposal would result in the loss of 14no.

garages which currently occupy the site, it is common ground that only 7no. of these are occupied. Although these may not currently be used to house vehicles, there is no substantive evidence that they are not being used for this purpose and there is consequently potential for vehicles to be displaced onto the highway.

53. The previous planning appeal decision reflected initial observations made by the highway authority in relation to the original submission who raised no objections to the construction of 5no. dwellings on this site. Armstrong Close is a lightly trafficked residential cul-de-sac with a number of parking bays within the cul-de-sac that allow vehicles to be parked clear of the main carriageway with demand for these spaces likely to vary at different times of the day.
54. It was previously considered by the highway authority and the Planning Inspector that due to the relatively small number of dwellings in the street, whilst there may be some additional vehicle movements and manoeuvres as a result of the proposed development of 5no. dwellings, there is no evidence that would indicate that this would generate significantly more noise than currently arises from vehicle movements on the highway, or that any cumulative impacts of the development on the highway would be severe. Furthermore, whilst existing and any future vehicles which park on the highway would reduce its effective width, any parked vehicles would not prevent other vehicles from using the road. Whilst the proposed development may result in some additional demand for on street parking resulting from the displacement of vehicles which may be stored within the garages to be demolished, the Planning Inspector concurred with the highway authority, that there is capacity in the street to accommodate the proposed development without prejudicing either highway safety or the living conditions of the occupiers of existing houses.
55. The current application seeks permission for only 2no. dwellings, occupying a smaller section of the site with a reduced impact on the surrounding street scene compared to previous. The views of the highway authority have again been sought who state that initial observations made by engineers to the previous application remain relevant in this case with no highways objections raised. Of the 14no. units to be demolished, only 7no. of these are currently occupied. The addresses of those 7no. occupants previously 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. With the frontage of the development site already left clear to permit access to these garages, any displacement of vehicles resulting from the proposed works would relate onto to those vehicles which are stored within the garages and not to any vehicles which park on the highway verge adjacent to the site.
56. Those being displaced as a result of the proposed works, and who are seeking alternative accommodation have been previously 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 garages which will be retained. These parking areas are not demarcated but do provide space for approximately 6no. vehicles off the main highway without detrimentally affecting manoeuvrability through the site. Furthermore, the number of dwellings within the development has been reduced to 2no. which would reduce the overall level of vehicle movements within the close compared to previous.
57. With regards the proposed 2no. bungalows, submitted plans show these to be served by 2no. in-curtilage parking spaces each. Such provision would comply with the minimum parking requirements outlined in the Durham County Residential Car Parking Standards 17.7.13 and those set out within GANP Policies H3 and H5.

58. The Proposed Site Plan shows a 1.8 metres 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 multiple width vehicular access crossings with the DCC Highways Adoption Engineer along with the procedure for the adoption of same if required. Likewise, there is an existing street lighting column set back 1 metre or so from the edge of the existing road kerb line that would end up in the middle of the proposed 1.8 metres wide footway in the land edged blue. This street lighting column will need to be relocated to the rear of the proposed 1.8 metres wide footway. The applicant can be reminded of these details by informative.

59. Subject to the above, the highway authority raise no objections to this proposal which would be seen to satisfy the provisions of Part 4 of the NPPF, saved policies H17 and D3 of the SBLP and GANP policies H3, H5 and T1. In the context of this application, taking into consideration the continued support of the highway authority and the lack of any objections raised by the Planning Inspectorate in relation to 5no. dwellings in this location, the residual cumulative impacts of proposed development for a reduced 2no. bungalows are not considered to be severe.

Ecology:

60. As the proposal involves demolition, regard must be given to potential impacts on bats, a protected species. In this case the garages to be demolished 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, with no conflict with the requirements of the Habitat Regulations and Part 11 of the NPPF.

Contaminated Land:

61. 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. The application has been submitted alongside a Phase 1 Desk Study (Solvtek, S160502, May 2015). Officers concur with the findings and conclusions set out within this report and are satisfied that approval may be granted, subject to condition. Subject to the above, the application would be considered to satisfy the provisions of Part 11 of the NPPF.

Other matters:

62. Concerns raised by the Town Council and members of the public are addressed where possible within the main body of this report. Those areas not covered are addressed as follows:

63. *The setting of a precedent which could encourage further applications of such nature to be submitted in the future, resulting in a cumulative negative impact.*

Each application must be determined on its own merits. There is no reason to assume that the granting of approval for this specific case would result in the approval of other schemes in the surrounding area for similar schemes. Aycliffe is a large town and as such any perceived cumulative impact of such schemes would unlikely be realised at a localised level but rather dispersed across the settlement.

64. *The perceived impact on the character of the area and the erosion of the Beveridge vision of Newton Aycliffe.*

The proposed works would only see the development of the garage site and not the adjacent amenity space which is to be retained. The development site is brownfield in nature and would not detrimentally impact the original Beveridge vision of maintaining areas of open space across the settlement.

65. Garages to be demolished are still in use.

The 14no. garages are all owned by Livin who have identified that they are to be removed as part of a wider assessment on garage stock. Regardless of the outcome of this application, Livin would be entitled to vacate these garages and seek their demolition (subject to a demolition consent application where only the method of demolition and subsequent restoration of the site can be assessed).

66. Lack of garages within Newton Aycliffe.

Such matters cannot be considered as relevant to the determination of the current application. This application concerns the loss of 14no. garages of which only half are in current use. The applicant has previously encouraged any displaced tenants to approach them regarding suitable accommodation elsewhere.

67. Lack of manoeuvrability for bin wagons, emergency vehicles and delivery lorries;

The Planning Inspectors previous decision (appended to this report) considered that there was sufficient capacity in the street to accommodate the proposed development without prejudicing either highway safety or the living conditions of the occupiers of existing houses. The road width is capable of supporting emergency, refuse and delivery vehicles even whether on street parking is apparent.

68. Development would restrict access to neighbouring property;

The proposed site boundary extends forward from the front of the proposed dwellings to the west although the dwellings and curtilage would be set back from the adjacent carriageway. The neighbours dropped kerb would not be entirely restricted by the proposed development and would remain accessible should approval be granted for the proposed scheme.

CONCLUSIONS

69. Paragraph 14 of the NPPF expects applications which accord with the development plan to be approved without delay. Paragraph 49 of the NPPF requires that applications for new housing be considered in the context of a presumption in favour of sustainable development, with Paragraphs 47- 55 seeking to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.

70. The proposal represents a sustainable form of development that would make a minor contribution to meeting housing need in the area with a minor economic benefit arising from developing the site, utilising local workforce, and through the economic activity of those future residents. The current scheme would not impact the adjacent grassland which is to be retained in open use with 2no. dwellings to be satisfactorily accommodated onto the site without resulting in overdevelopment or an incongruous development form which would otherwise detract from the surrounding residential street scene.

71. Whilst the loss of 14no. existing garages units is 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 to those vehicles stored within these 7no.

garages and can be satisfactorily accommodated without resulting in any significant and detrimental highway impact as previously confirmed by the highways authority and the Planning Inspector. As explained, Livin will also seek to support those who are displaced where assistance is sought.

72. 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 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-00-010 Rev B (Proposed site plan), received 01 November 2017

2724-D-00-011 Rev B (Bungalow plans and elevations), received 01 November 2017

2724-D-00-012 (Enclosure details), received 01 November 2017

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

3. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the south facing bathroom window of proposed plot no.2 shall be frosted/opaque and shall remain so

Reason: In the interests of the privacy of the neighbouring occupier 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. An asbestos survey shall be undertaken before any demolition commences. If asbestos or asbestos containing materials are found these shall be removed and disposed of by a licensed contractor before demolition commences.

Reason: In the interests of protecting neighbouring amenities in accordance with saved policies H17 and D1 of the Sedgefield Borough local Plan.

7. 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 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. 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.

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, Environmental Health and Contaminated Land



 Planning Services	2no. dwellings (including demolition of garages)
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