

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/03152/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 14 two Bedroom Dwellings, including parking and associated landscaping
<b>NAME OF APPLICANT:</b>	Karbon Homes
<b>ADDRESS:</b>	Lawson Court West Pelton
<b>ELECTORAL DIVISION:</b>	Pelton
<b>CASE OFFICER:</b>	Steve France, Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of 0.33 hectares of open, close mown grassed land at the centre of West Pelton, the site formerly having been occupied by a flat roofed two storey Nursing Home. Located adjacent to the crossroads at the centre of the village, the site is bounded by roads on three sides, and includes a bus stop on the north boundary. There are some sporadic trees on the two main roadside boundaries that provided a setting for the removed buildings. The road on the east boundary is the access to the Summerfield development of local authority built mid-linked houses and bungalows. The boundary to the west is shared with a residential development centred around West Pelton House.
2. West Pelton is around 2.8 miles north-east of the centre of Chester-le-Street, adjacent the A693. Village facilities include a Post Office, mini-market, Community Centre, Churches and Nursing Home.

#### The Proposal

3. The application proposes 'erection of 14 two Bedroom Dwellings, including parking and associated landscaping'. This gives a density of 42 dwellings per hectare. The site proposes a single cul-de-sac accessed from Summerfield. Dwellings at the head of the cul-de-sac, adjacent West Pelton House, face into the development, those on the north boundary face outwards, towards the Edenfield development of local authority built bungalows. The proposed cul-de-sac features unallocated off-road visitor parking.
4. The application is reported to Committee as a 'major' application.

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## PLANNING HISTORY

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5. The site has no formal planning history.
6. A Dangerous Structures notice was received in 2016 by Building Control that led to the demolition and clearance of the former Nursing Home structure on the site.

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## PLANNING POLICY

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### 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 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
12. 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 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.

14. *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.
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 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
17. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change* – Advises on managing flood-risk, taking into account the impacts of climate change through use of the sequential test, ensuring flood risk is not displaced and informing proposals through a site specific Flood Risk Assessment.
18. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. 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.
21. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to

areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

22. *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.
23. *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.
24. *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.
25. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
26. *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.
27. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

28. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application:
29. *Policy HP8 – Infill within settlement boundaries* – Proposals for small scale residential development will be permitted within the defined settlement boundaries of a number of

listed settlements, including West Pelton, providing it is classed as previously developed land, is within reach of services, can be sustained through existing infrastructure and meets the general criteria of Policy HP9. This Policy is too restrictive to be considered wholly NPPF compliant, but has some weight.

30. *Policy HP9 – Residential Design Criteria (General)* – requires new development to meet a number of criteria including: relating well to the surrounding area in character, setting, density and effect on amenity of adjacent property, provide an attractive, efficient and safe residential environment, provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles

#### **RELEVANT EMERGING POLICY:**

32. 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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

33. *Highways* - The position of the existing bus stop and shelter on Edenfield to the north of the site is acceptable. A condition confirming engineering details should be attached to any approval.
34. *Northumbrian Water* – confirm they have no issues with the application, provided any development is conditioned to be carried out in strict accordance with the submitted “Flood Risk Assessment and Drainage Strategy” separating the foul and surface water drainage.
35. *The Coal Authority* – The Coal Authority does not object to the proposed development and confirms no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues..

#### **INTERNAL CONSULTEE RESPONSES:**

36. *Education* – have confirmed that no contributions are required.

37. *Design and Conservation Officers* - find no harm to the historic environment, and in urban design terms conclude the proposed scheme relates appropriately to the context and character of the site and its surroundings.
38. *Trees* – requested some of the trees proposed removed around the site and in particular adjacent to West Pelton House be retained. The design has been amended to include these.
39. *Spatial Policy* – set out those Development Plan Policies and elements of advice in the NPPF material to the consideration of the application.
40. *Drainage Officers* – require the site surface water drainage be restricted to Green-field run-off rates, ideally through on-site SuDS features, or justified through the sustainable drainage hierarchy.
41. *Ecology Officers* – ask that the location of the proposed bat boxes be identified and agreed.
42. *Contaminated Land* – agree with the applicant’s assessment that no soil remediation is required, but require a condition for ground gas monitoring.
43. *Noise* - The development is considered to fall outside of the scope of the TANS and no concerns or comments are raised. However during the construction works there may be issues with noise and dust if the developer does not introduce mitigation measures to control noise and dust emissions. A condition is suggested to minimise noise and dust from the works. This is also considered to mitigate the potential for a statutory nuisance from the development.

#### **PUBLIC RESPONSES**

44. A consultation exercise consisting of site notices posted on site, advertisement in the local press and direct mail consultations to 27 properties was undertaken. One response has been received from The Annex, one of the properties that makes up the subdivided residential use of West Pelton House.
45. The correspondent makes comment and raises objection on the following issues: The new dwellings are closer to the dwelling than the former nursing home, and will be able to look directly into kitchen and living room windows. An access is claimed along the boundary with West Pelton House. The mature trees should be retained. Whilst the proposed development is attractive, too many dwellings are proposed. Car parking is insufficient. Parking cars would disturb elderly residents. More cars passing will result in dogs barking leading to complaints. There are concerns regarding drainage and shallow mine workings.

#### **APPLICANT’S STATEMENT:**

46. The proposed development is one that will bring real benefit to the community of West Pelton and positively contribute to the built environment of the village.
47. This proposal will create a small, well designed development of 14 HCA funded rent to buy houses. The 2 bedroom properties will respond to local housing need and will significantly contribute to a sustainable community within West Pelton. The development is being undertaken by Karbon Homes, one of the largest housing associations in the North of England.

48. The architect designed development has been designed to high standards to create a strong sense of place and sense of community amongst its residents. The layout not only creates an active frontage on to the road to the north, Edenfield, but also has a family friendly central area where natural surveillance of the “cul de sac” access road will support interaction between neighbours, children’s play and enhance security of car parking and rear boundaries of properties. All rear gardens are either south or west facing to enhance the quality of the development for residents and adds benefits of natural solar gain.
49. The development preserves the privacy and amenity of adjacent residents while integrating well with its neighbours and the surrounding community, through: continuity of materials; typical pairing and short terraces of dwellings; public views and footpaths into and through the site retains a sense of connection with its surroundings. Landscape edges to the corners of the site provide areas of softened landscaping which create high quality public space for the existing and new residents. The proposals support the local ecology by retention of existing trees where practical, new native species planting and inclusion of bat boxes.

*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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OWU2PZGDHM300>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. 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 the development, housing supply, highway safety, and the planning balance.

### Principle of the Development

### The Development Plan

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester-le-Street District Local Plan, 2003, remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that the weight to be afforded to relevant saved local plan policy will depend upon the degree of consistency with the NPPF.
51. The Plan was adopted in 2003 and was intended to cover the period to 2013. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

### The NPPF

52. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - ii) specific policies in this Framework indicate development should be restricted.
53. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
54. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
55. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

#### Five Year Housing Land Supply

56. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.
57. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 dwellings per annum (29,127 houses by 2033)
  - 1,629 dwellings per annum (30,951 houses by 2033)
  - 1,717 dwellings per annum (32,623 houses by 2033)
58. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
59. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
60. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.



61. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
62. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.
63. In simple terms, Officers' conclusion on the acceptability of development will therefore depend upon an assessment of the benefits and disbenefits of the scheme. Namely this is whether the benefits that the scheme would bring are outweighed by any 'harm' that may be identified. That exercise can only be done once all relevant considerations have been assessed and accordingly, this balance is set out later in this report.

#### Housing Supply

64. The application proposes 14 new market houses, which is a potentially moderate benefit of the scheme in the planning balance. The available Policies in the Development Plan are of varying material weight in the planning assessment and are examined below. If the overall scheme is concluded sustainable and no adverse impacts are identified, the NPPF advises development should be approved, 'without delay'.

#### Locational Sustainability

65. The application site lies in a small village with a range of its own facilities and services. The village then exists in a hierarchy of mutually supporting small settlements that share services, which in turn rely on the larger surrounding settlements – i.e. Chester-le-Street and Stanley as larger service centres. With a bus stop on the site boundary, this issue is considered to meet the requirements of Policy HP8. This Policy is only partially NPPF consistent as it requires development to be on brownfield land and restricts development within defined settlement boundaries. That the site can be defined as brownfield, is within the settlement with access to its services and opportunity for sustainable travel to other service centres would give it positive material weight in the balance assessment

#### Design

66. The application proposes a potentially attractive development of architect designed houses, with detailing including head and cill and porch canopies. All dwellings have private residential amenity space. The layout incorporates a 'Secured by Design' ethos, a Police design initiative to increase developments' personal and property safety and security. A simple palette of materials is proposed, which will help the development integrate into the existing surrounding built environment.

#### Residential Amenity

67. Windows on the rear of the adjacent existing dwelling, The Stables, which forms part of the southern boundary of the site are obscure glazed and over 25m from the proposed facing dwellings. A footway and visitor parking is proposed alongside this elevation.

No objection has been received to this arrangement. The relationship is considered acceptable.

68. Proposed Plots 1 and 2 have an oblique view along the front of the existing dwellings to the rear of West Pelton House, namely The Annex and The Stables. The proposed upper windows of plots 1-5 are capable of overlooking these two properties' amenity areas. This is however a usual arrangement and is an improvement on the previous relationship with the Nursing Home complex. The layout has been amended during the course of the application to accommodate a claimed right of access along the site boundary – this has resulted in the plots 1–5 being moved an additional 700mm from the correspondent's dwelling. The relationship is not considered unreasonable.
69. In terms of both Design and Residential amenity, for new and existing residents, whilst the application responds well to the relevant local Plan Policy, HP9, this Policy is only partially NPPF compatible. Both The NPPF and NPPG give particular emphasis to the importance of good design, and the scheme can be considered in a positive light against this advice, this issue a benefit in the planning balance.

#### Open Space Provision

70. The application, as a 'major' housing proposal generates a need and an expectation for provision of public open space, with a preference that this will be provided on-site. Where the required provision is not proposed within the development the Open Space Needs Assessment provides a formula for identifying specific shortfalls of provision in an area, and an appropriate figure in mitigation. The applicant has agreed to pay the identified sum of £26,656 through a s.106 legal agreement should the application be approved. This obligation is considered to meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. As a requirement of this size of scheme, this provision is neutral in the planning balance.

#### Affordable Housing

71. The application is submitted by Karbon Homes, a Registered Social Landlord, who will be building their own product. The scheme however is below the threshold where provision of Affordable Housing is required, and the scheme is therefore described on the forms as Market Housing. This issue is neutral in the planning balance.

#### Other Issues

72. The adjacent West Pelton House development may be considered a non-designated Heritage Asset. Compared to the comparatively recent relationship between the neighbour and the former Nursing Home, the proposed arrangement is an improvement.
73. The Principal Highways Engineer raises no objection to the scheme subject to a condition requiring engineering details, ensuring compliance with Policy T15 of the Plan.
74. Drainage, and Contaminated land issues are considered capable of resolution through imposition of appropriate conditions, the wording of which, if they do not appear below, is proposed agreed through the Planning Committee Chairman in the event of a resolution to approve.
75. There are no Coal Mining Legacy issues to remediate on site.

76. No Ecology issues have been identified on this recently cleared site. Agreement over the position of bat boxes is requested.
77. As a major development closely surrounded by residential dwellings, a standard working hours condition is suggested.
78. The layout has been re-designed to accommodate a claimed right of access along the boundary of the site with West Pelton House.

#### The Planning Balance

79. Whilst the relevant Planning Policies identified have led to a positive conclusion, they are only partially NPPF compliant the proposals must be considered through a 'tilted' planning balance – 'tilted' because of the 'presumption in favour' of granting planning permission unless adverse impacts significantly and demonstrably outweigh the benefits – then it is necessary to weigh up both the harm and the benefits of the proposal in order to reach a conclusion as a matter of planning judgement.
80. There are no specific policies in the Framework that indicate that development should be restricted

#### The Benefits of the development

81. The development would bring a residential scheme that would add to the Council's housing supply.
82. Whilst not quantified in the planning submission, the development would also bring New Homes Bonus payments to the Council, along with the creation of direct and indirect jobs through the construction phase and the supply chain. Whilst these are only temporary benefits, the economic activity that future residents would bring to the area, first from fitting out their new dwellings, and then from their occupation are also of positive material weight. Further benefits that reflect the three strands of sustainable development defined in the Framework include that the development will widen housing choice and redevelop brownfield land. The benefits of the proposals therefore include Environmental, Social and Economic elements.

#### Adverse Impacts of the development

83. The residential amenity concerns conveyed by the neighbour are not such that they fail Policy HP9 requirement for 'adequate privacy in the rooms, gardens and other outdoor areas of the proposed dwellings and adjacent properties' and are not 'significant'.

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## **CONCLUSION**

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84. The application has been considered in the first instance against the appropriately weighted saved policies in the Chester-le-Street District Local Plan, and concluded as compliant with the proportionate weight given to Policies HP6, HP9 and T15 in so far as they reflect the NPPF.
85. The scheme has been considered against the three strands of 'sustainable development' as set out in the NPPF and concluded to be such.

86. In applying the advice in paragraph 14, no issues have been raised that identify development should be restricted.
87. The scheme has then been assessed against the 'tilted balance' in paragraph 14 both in terms of the policies in the Framework taken as a whole, and the 'tilted' weight in favour of granting planning permission. No adverse impacts have been identified that 'significantly and demonstrably' outweigh the benefits of the scheme.
88. On this basis the proposal is recommended approved.

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## **RECOMMENDATION**

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89. That the application be approved subject to the completion of a legal agreement to pay £26,656 in lieu of on-site open space provision and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
  - 3474/10/02/rev.A Proposed Site Layout
  - 3474/20/01 Proposed House Type 2B4P
  - 3474/40/01 Proposed Site Sections and Elevations
  - 3474/10/03 Proposed Fence Types
  - 3474/90/01/rev.B Proposed Landscaping PlanReason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP8, HP9 and T15 of the Derwentside District Local Plan 1997 (saved policies).
3. Notwithstanding any details of materials submitted with the application the erection of the dwellings hereby approved shall not commence without the written agreement of the Local planning authority for the proposed external walling, roofing rainwater goods, fenestration and boundary treatments. The development shall be constructed in accordance with the approved details.  
Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies).
4. Notwithstanding any details submitted with the application, implementation of the highways layout and site access must not commence until full engineering and hard-surfacing materials details have been submitted and approved in writing by the planning authority. No dwelling hereby approved shall be occupied until the approved highways layout and site access is implemented in full, in accordance with the approved details.  
Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T15 of the Derwentside District Local Plan 1997 (saved policies).
5. All retained trees must be protected during the course of development works by a scheme of protected fencing set out in accordance with BS 5837:2012 in accordance with the information set out on Landscaping Plan 3473/90/01/rev.B. Said protected fencing must be erected before development works commence and retained in situ for the full period of external building works

6. Development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "09/08/2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 1904 and ensure that surface water discharges to the surface water sewer at manhole 2919. The surface water discharge rate shall be set a green-field run-off rates and shall not exceed the available capacity of 14.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

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 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.

8. In view of the proximity of the proposed development to nearby residential premises the applicant shall prepare and submit a Construction/Demolition Management Plan (CDMP) to the local planning authority for approval. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:
- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
  - 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. Durham County Council’s accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
  - 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 CDMP 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 the interests of residential amenity, to ensure compliance with Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies), and the advice of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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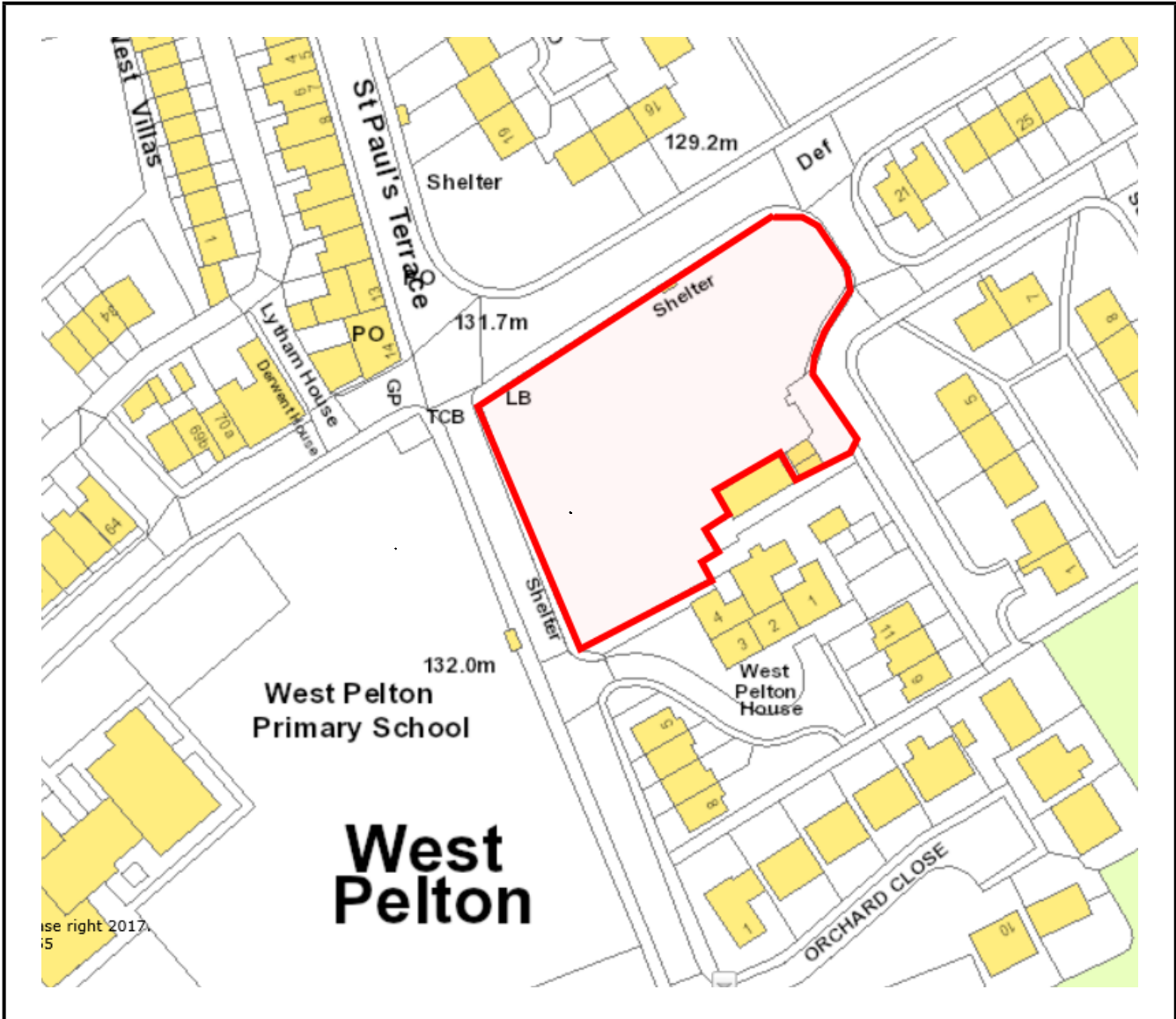
90. The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Chester-le-Street District Local Plan 2003 (saved Policies 2007)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



**Planning Services**

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Erection of 14 two Bedroom Dwellings, including parking and associated landscaping

Application Number DM/17/03152/FPA

**Comments**

**Date** 21 December 2017

**Scale** NTS