

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03340/FPA
FULL APPLICATION DESCRIPTION:	Demolition of former Pickering Lodge Nursing Home and construction of 14 new homes and associated works
NAME OF APPLICANT:	John Moody and Son
ADDRESS:	Pickering Lodge Nursing Home Ewehurst Road Dipton
ELECTORAL DIVISION:	Burnopfield and Dipton Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.23 ha. of land, facing the A692 Front Street at Pickering Nook, between Hobson and Dipton, two mile north-west of Stanley. The A692 connects Consett with Gateshead.
2. The land is currently occupied by Pickering Lodge, most recently used as a Care Home, originally built as a school. An imposing complex of stone built buildings in a prominent location, the Lodge has fallen into disrepair, albeit it appears in good basic structural condition. Pickering Lodge is a non-designated Heritage Asset. The buildings face towards the main road, with the site surrounded by a continuous stone wall. The rear of the buildings include the remains of formal gardens, a patio area, hard-surfaced car-parking and ancillary modern extensions to facilitate the Care Home use.
3. The site is close to the traffic light controlled staggered junction that crosses the A692 at Syke Road. Between the junction and the site is a small woodland of mature trees. Flanking the site, also facing the main road is the stone built Wigham Terrace which is separated from the land by a narrow access road, without footways, which is adopted for a short length. This road serves both Burneze Place; consisting of two rendered semi-detached post-war dwellings, a large modern brick bungalow, and a modern detached two storey dwelling with first floor balcony, and Edward Street; a brick-built terrace dating from the earliest 20th Century facing three modern dwellings. There is therefore mix of house types, styles, scales, ages and materials surrounding the site.

The Proposal

4. The application proposes erection of 14 two-storey dwellings, in the form of two road fronting brick built terraces, with a pair of semi-detached dwellings to the rear of the site. All the dwellings, are two-bedroomed, excepting one, which has three. The development is accessed from the short length of adopted highway opposite the gable end of Wigham Terrace into a hammerhead arrangement that includes a footpath and an individual parking place for each dwelling, with a layby visitor space for every three houses. Each dwelling has a small private amenity area including an individual cycle store. There is a small area of communal landscaping to the rear of the site separating the parking from the boundary wall and more adjacent the entrance. The existing boundary wall around the site is proposed retained. The layout has been subject of a number of re-designs during the planning application process to reflect different issues.
5. This application is reported to Committee as a 'major' development.

PLANNING HISTORY

6. The site's planning history relates to the existing building's former use as a nursing home.
7. A demolition notice has been submitted for the existing building, separate from the planning application. This gave the Council some basic control over the nature of the demolition and site restoration only. The building is due to be demolished as this report is prepared.

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. 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.
11. The following elements of the NPPF are considered relevant to this proposal;

12. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
13. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
14. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
15. *NPPF Part 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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
19. *Conserving and Enhancing the Historic Environment* – Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

20. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
21. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

22. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
23. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
24. *Policy HO5 – Housing Development on Small Sites* – Hobson (including Pickering Nook) is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represent acceptable backland or tandem development; and should not exceed 0.4 hectares in area when taken together with an adjoining site.
25. *Policy HO22 – Recreational Public Open Space within Housing Layouts* - this Policy covers open space provision within housing sites. It states that provision should be made on site where possible, or via a financial payment in lieu of direct provision, where sufficient provision cannot be made on site. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy HO22 and paragraph 73 of NPPF.
26. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
27. *Policy TR3 – Cycling* – Requires cyclists’ needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

RELEVANT EMERGING POLICY:

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highways* – The scheme was redesigned during the application process partly at the request of Highways Engineers, the proposals now meeting required adoption and parking standards. There are no objections to the proposals.
30. *Northumbrian Water* – suggest a condition to ensure details of foul drainage and run-off rates are agreed and also direct the developer to the Hierarchy of Preference for the disposal of surface water prior to development commencing.

EXTERNAL CONSULTEE RESPONSES:

31. *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:

32. *Spatial Policy* - have provided an assessment of the status of relevant local plan policies and have concluded that as the principal relevant Policy, HO5 is now out of date, the proposal must be assessed under Paragraph 14 of the NPPF. This process sets a high bar for resisting a proposal.
33. The first 'limb' of the paragraph 14 test requires a planning balance assessment which weighs up any identified 'adverse impacts' and 'benefits' of the scheme against adverse impacts. Notwithstanding this test, case law has confirmed that 'saved' local plan policies - where they relate to any identified harm and benefits – are included in the planning balance assessment. It is for the decision taker to determine the level of weight that should be afforded to them in accordance with their status. Some of the 'saved' policies in the Local Plan remain relevant when considering aspects of the scheme.
34. Fourteen units would boost housing supply which whilst small may be afforded limited weight in the determination of an application. The development of the site would contribute to the economy through the delivery of houses, both during their construction but also via new residents supporting local services. This can be

considered as a benefit. Whilst the site is not particularly close in terms of access to services and facilities it is located next to several bus stops with a frequent public transport service.

35. *Drainage and Coastal Protection* – Engineers set out the Surface Water Management Train and advise they do not condition approval at full planning stage, requiring detailed information to be submitted with the application.
36. *Design and Conservation* - In relation to heritage impacts; the site and the buildings it contains are not statutorily recognised (i.e. not being listed, scheduled, registered or included within a designated heritage asset). Pickering Lodge has however been previously identified as a non-designated heritage asset. Demolition has been resisted by the Heritage Team in past, and this would still be the case seeking to secure retention and re use of the building in the first instance; a core conservation principle. However in light of consent to demolish this historic building being granted through a separate prior notification application, without consultation with the heritage team, demolition regrettably cannot be opposed.
37. In terms of Urban Design, the proposed replacement housing scheme would be considered acceptable in that it would have a strong contextual relationship to its surroundings appearing as a logical urban expansion to the village and the design pays sufficient reference to the scale, form and architectural cues of the properties in the village. If approval is granted it would be suggested that conditions are attached requiring specification details of the materials proposed for use, doors and windows.
38. *Environment, Health & Consumer Protection (Noise)* – consider suggested conditions will mitigate any potential noise implications from the scheme.
39. *Environment, Health & Consumer Protection (Contamination)* – acknowledge the information submitted with the application and request a standard ground investigation condition be attached to any approval.
40. *Ecology* – Recommend the recommendations in the submitted bat report should be conditioned as part of any planning permission. This however relates to the demolition of the building which is not controlled by the planning application process.
41. *Tree Officers* – the Arboricultural report supplied is satisfactory and complies with current standards. All trees within the report are situated outside the site boundary, however it is agreed that specimens outlined for removal are within poor condition and should be removed; removal should be undertaken prior to development. The trees are not within DCC land.
42. *Education* - The development is located within the Stanley local school place planning area, of which the following schools could serve the development based on a 2 mile safe walking distance:- Burnopfield Primary School. In relation to secondary schools, the development is located within the North Durham local school place planning area. The nearest school to the proposed the development is North Durham Academy. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

PUBLIC RESPONSES:

43. Twenty three letters of consultation were sent out to surrounding residents, with a letter sent on behalf of four local residents (including one couple) received in response. A number of detailed concerns are raised in relation to the implications of the limited extent of the public highway, service vehicle access, parking, drainage and rights of way. The volume of traffic the development will create, and its impact on the existing roadway, parking and access on to the main road are all concerns. The amount of development proposed on the site is questioned, as are the proposals for the heights of walls around the site. Stone buildings are suggested as fitting in the local better than the proposed brick units.
44. Confirmation that foul drainage and historic contaminated land issues will be addressed is sought.

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=OXNFKUGDHW300>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, and highway safety.

The Development Plan

46. 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 Derwentside District Local Plan 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 existing Local Plans depends upon the degree of consistency with the NPPF.
47. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. 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

48. 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.

49. 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.

50. 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.

51. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as relevant policies within the Local Plan are out-of-date where outlined below.

Five Year Housing Land Supply

52. 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.

53. 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)

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

Policy Principle

59. In terms of compliance with the Development Plan, Policy HO5, 'Housing Development on Small Sites', is advised as not 'up-to-date'. Therefore paragraph 14 of the NPPF is engaged and this requires, granting permission unless, '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'. There are no policies in the NPPF which indicate that development should be restricted. Failing compatibility with the NPPF only in terms of its size threshold, saved Policy HO5 can still be afforded some weight in the determination of this application

Impact upon the Surrounding Area and Neighbouring Amenity

60. The main part of the scheme, the two terraces, faces outwards from the front of the site towards the A692. These dwellings have a small amenity area each that includes a cycle store. The development plan provides no requirements for new residents' amenity, with consideration of this issue reverting to paragraph 17 of Framework which requires, 'a good standard of amenity'. The revisions in the layout have significantly increased the amount of amenity space per dwelling, which whilst acknowledged by Officers as small, is now at a level where refusal on this issue is not considered viable, the provision being adequate.

61. The gable end of the proposed semi-detached dwellings is separated from the facing windows and balcony of 4 Burneze Place by 18m, well in excess of the suggested guideline of 12.5m set out in the Development Plan. With only functional windows, i.e. wc and hall windows in the new gable, the relationship is considered acceptable.

62. The retention of the existing wall to the rear of the development site will ensure that headlights from late night vehicle movements in the site should not have an unreasonable affect on the residential amenity of existing dwellings in Burneze Place.

63. The residential amenity implications of the scheme, compared to the requirements of Policy GDP1 and paragraph 17 of the Framework are considered acceptable.

Highway Safety

64. Highway safety is a concern of local residents and the restricted extent of the adopted highway has both historically, and in terms of the proposals created concerns. The new access to the scheme is set precisely to join the adopted road, and provide footpaths into the site, which will widen the existing width adjacent Wigham Terrace. The presence of the access may discourage parking on the gable end of that Terrace which has historically been problematical to local residents. The development will not carry out any works beyond the existing adopted highway, and will not exacerbate or mitigate any existing issues relating to the roadway and its drainage. Subject to agreeing a revised radius to the junction onto the A692,

Highways Engineers have raised no wider concerns for the impacts of the scheme in terms of the function or capacity of surrounding roads.

65. The internal highway layout, redesigned to meet County Highways Officers' requirements, meets adoption and parking standards at the expense of a functional appearance. Rear yards include cycle storage ensuring the scheme meets the requirements of both Policy TR3 and TR2. To refuse the proposals on highways grounds, residual cumulative impacts of development must be 'severe'.

66. Whilst not a concern to Highways Officers, a condition is proposed removing permitted development rights for any walls, fences or boundary markers that would further obstruct the available sightlines on the egress from Burneze Place, in the interests of highway safety on this private road.

Other considerations

Scale and character

67. Policy GDP1 of the Plan requires developments to be in keeping with the character and appearance of the area, with form, mass, layout, density and materials appropriate to the site's location. Existing residents have indicated a strong preference of the development to be stone-fronted to match existing road fronting terraces. The description of the site environs at the beginning of this report indicates however that there is no overall vernacular to the area. The site frontage is an attractive terrace design, appropriately responding to density, character and form of the adjacent terraces, with the proposed appearance and materials, i.e. bricks, considered appropriate to this form of development, and reflecting the palette of materials in the wider local environment. The development is concluded to meet the expectations of Policy GDP1(a).

Affordable Housing

68. Less than 15 units, there is no requirement for affordable housing provision on this site.

Drainage

69. Drainage Officers had requested additional detail over the scheme submitted. A condition will ensure an acceptable scheme is ensured with additional detail being sought as this report is written and will result in compliance with Policy GDP1(i).

Contamination

70. Environmental Protection Officers concur with the applicant's submitted surveys that additional investigation works are required, and suggest appropriate conditions – these are attached below. This will ensure local residents concerns on this issue are addressed and the advice of part 11 of the NPPF is taken into account.

Education

71. The County Education Department has indicated that there is sufficient capacity in the school system to accommodate any demand the development may generate. The scheme has therefore been appropriately assessed against paragraph 72 of the NPPF.

Landscaping and Ecology

72. There are no trees on the site – Arborists advising that any works to the trees on the adjacent land should be carried out in advance of development works.
73. County Ecologists are satisfied with the submitted reports, requesting conditioning of the suggested mitigation. There are no adverse impacts on protected species from the development.

Open Space / Play Space

74. The redesigned scheme provides only limited on-site landscaping. A contribution worked out on a formula based around the likely demands of 31 new residents through the OSNA formula, equating to £28,985. This is sought from the developer through a s.106 legal agreement. These monies would be ring-fenced for use in the Burnopfield and Dipton Electoral division.
75. This obligation is considered to meet the tests: of being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These requirements are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. Such contribution would ensure that the scheme meets the requirements of Policy HO22 of the Development Plan.

Economic Benefits

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

Noise and site works

77. At the request of Environmental Protection Officers, it is intended to impose the current standard site works condition and a noise condition to protect the amenities of surrounding existing residents.

Heritage Assets

78. Pickering Lodge has been identified as a non-designated Heritage Asset, and as such there would usually be an expectation that consideration of its retention would be the starting point for any redevelopment of the site. However, a demolition notice has already been served on the Council by the developer. This procedure gives the Council control of only the nature of demolition and site restoration. It seeks to protect the amenities of surrounding residents, but does not allow any consideration of the merits of retaining the building. There are therefore no adverse impact from the development in respect of Part 12 of the Framework.

The Balancing Exercise

79. The application brings the benefits of adding to the County's housing supply in a location that proportionate to the size of settlement can be considered 'sustainable'. It increases opportunities for home ownership. Spatial Policy Officers describe this benefit as, 'limited'. The short term benefits to the local economy brought by the

construction phase are also identified as of positive material weight. Economic activity by new residents counts in the application's favour.

80. The lack of open space within the scheme can be appropriately mitigated through monies in lieu, secured through a legal agreement. Local concerns relating to contaminated land can be addressed through conditions suggested by Environmental Protection officers as can potential effects on bats and the construction process.
81. Local concerns relating to highways issues should not be exacerbated by the proposals, and it is not the role of the scheme to address existing problems relating to the ownership, upkeep and drainage of the private highway.
82. No negatives have been identified that would significantly and demonstrably outweigh the identified benefits. There are no specific policies in the Framework that indicate development should be restricted.

CONCLUSION

83. The scheme brings some benefits, and with no adverse impacts identified, the 'tilted balance' leads to a recommendation for approval of the proposals, subject to the required legal agreement, and the identified conditions.

RECOMMENDATION

84. That the application be **APPROVED** following the applicant entering into a s.106 agreement to provide £28,985 for the provision of open space and play space in the electoral division, and 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:
 - 23990-110 REV S PROPOSED DETAILED SITE PLAN
 - 23990-1150 REV G AMENDED PROPOSED LANDSCAPING PLAN
 - 23990-1110 REV K PROPOSED SITE PLAN ROOF
 - 23990-1120 REV H PROPOSED HOUSE TYPES 1
 - 23990-1130 REV G PROPOSED HOUSE TYPE 2/STREET ELEVATION
 - 23990-1160 REV F PROPOSED DRAINAGE PLAN
 - 23990-1170 REVISION F PROPOSED ADOPTED ROADS AND FOOTPATHSReason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, HO22, TR2 and TR3 of the Development Plan.
 3. The development shall be constructed in the following: elevational materials: Brick - Westcroft Red Multi (Forterra), Roof-tile - Nelskamp Platanum II Anthacite (Crest), Fenestration - Fenestration to be Kommerling PVC windows erected as shown on

Drawing Number 23990-1130F. For external hardstanding: Marshals charcoal 200mm by 100mm paving block for the parking areas, Marshals 450mm by 450mm Richmond natural slabs for rear garden areas, Marshals Brindle paving block 200mm by 100mm for secondary footpaths and tarmac for highway footpaths where proposed adopted. For secondary footpaths that impact existing tree roots bound gravel. Where changes to the existing perimeter wall is proposed stone, coursing and capping must match that existing.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Development Plan

4. The landscaping scheme as detailed on plan 23990-1150 REV G PROPOSED LANDSCAPING PLAN must be fully implemented by the end of March of the planting season following the completion of the final residential unit. The completed landscaping scheme must then be maintained for a minimum period of 5 years from that date in accordance with the following schedule:

- All shrub areas to be kept free of weeds using weed suppression measures and weed killer as appropriate
- All natural grassed areas to be cut a minimum of 12 times per year, as appropriate
- All tree stakes and tree ties to be checked once a year and replaced as required
- Any dead or dying plants to be replaced within 12 months.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Development Plan

5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details. Said scheme must include set out and justify its approach to the Sustainable Drainage Hierarchy of Preference.

Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GDP1 of the Development Plan and NPPF Part 10. Given the need to assess the drainage implications of the site – both foul and surface drainage – through the sustainable drainage hierarchy to inform an acceptable drainage design, and that this has implications for the groundworks at the beginning of development, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

6. Contamination: Pre-Commencement

A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

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.

7. Contamination: Construction Period

If the Phase 1 identifies the potential for contamination, 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.

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.

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.

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. Contamination: Completion

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.

9. Contamination: Noise:

No unit on the development hereby approved shall be occupied until until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAm_{ax} in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: in the interests of the amenity of local residents as required by Policy GDP1 of the Development Plan and Part 11 of the NPPF.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) boundary markers consisting of a raising of height of the existing boundary wall, or any new or additional boundary marker may be erected on the site boundary on Units 13 and 15, other than those agreed through condition 3 of this approval

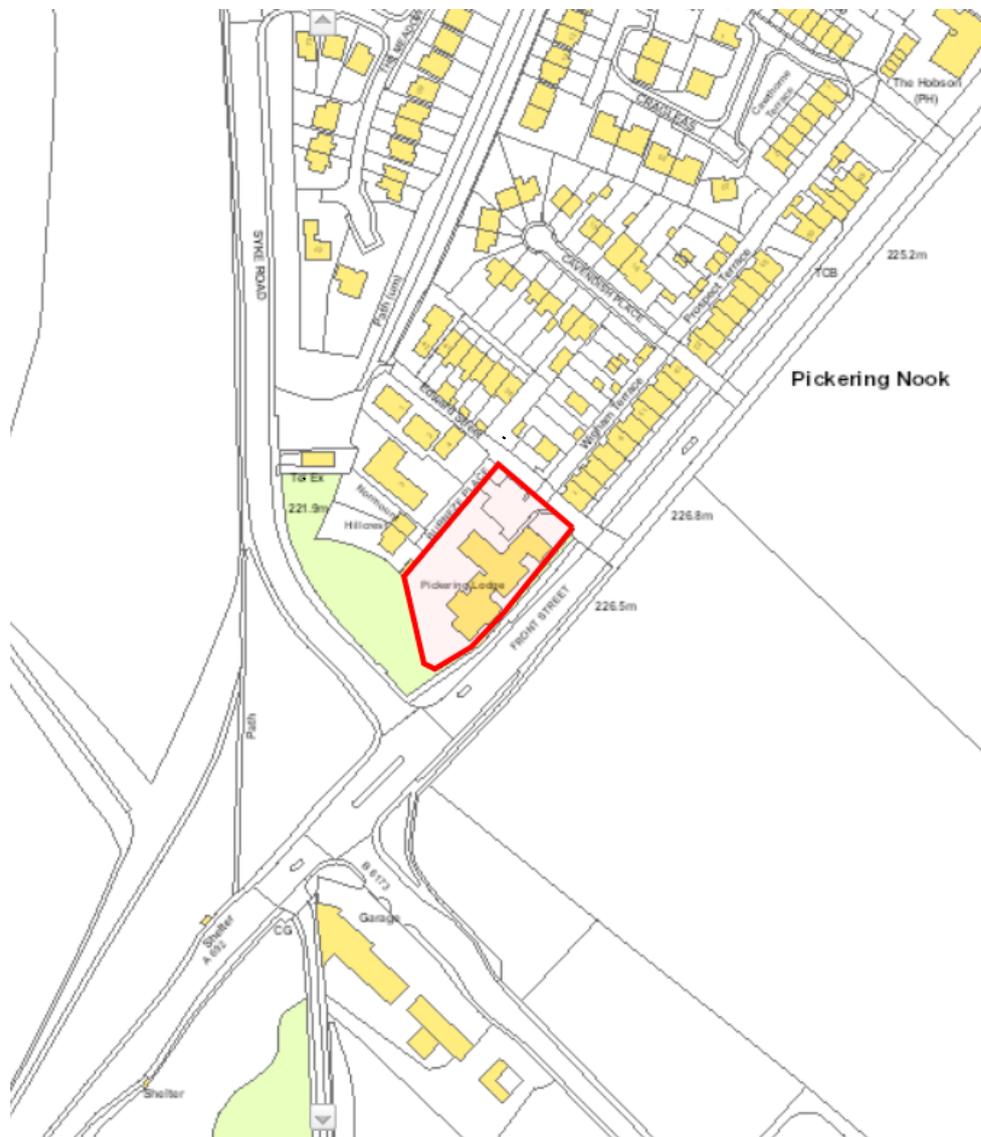
Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy TR2 of the Development Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Construction of 14 new homes and associated works.

Application Number DM/17/03340/FPA

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Comments

Date 1st March 2018

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