

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/00149/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	10no. bungalows and 4no. single level living apartments for affordable rent/shared ownership
<b>NAME OF APPLICANT:</b>	Livin
<b>ADDRESS:</b>	Former Dean Bank Grange, Hackworth Close, Dean Bank, Ferryhill, Co Durham
<b>ELECTORAL DIVISION:</b>	Ferryhill
<b>CASE OFFICER:</b>	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a previously developed parcel of land (some 0.3Ha) located to the west of Hackworth Close, Ferryhill. This southward sloping site was previously occupied by Dean Bank Grange (a Livin managed sheltered housing unit comprising 31no. flats occupied as retirement housing) with surrounding areas of open and private amenity space. Following its demolition in 2017 the site was enclosed by low level bird mouth fencing and left to grass, with a landscaped area comprising trees and shrubbery retained centrally towards the western site boundary.
2. The site is bordered to the north, east and south by public highway including a parking court area, with bungalows beyond to the north west, north, north east and south. To the east are allotment gardens. A public footpath to the west separates the site from further residential properties on Crompton Court.
3. Permission is sought to construct 14no. residential units, comprising 10no. 2 bed bungalows (6no. semidetached and 4no. terraced) and 4no. single level apartments constructed over two storeys. These would be marketed towards the over 55 age group and disabled persons. The apartments would be made available for affordable rent and the bungalows for affordable rent and intermediate low cost home ownership. All units would be served by private amenity space, with the existing landscaped area towards the western site boundary retained for communal use. The development would utilise an existing parking court located to the north west of the site which previously served the former Care Home and which currently serves neighbouring properties on Hackworth Close, with an additional 12no. off street parking spaces provided directly off Hackworth Close to the south and east of the site.
4. The applicant is to enter into a s106 agreement to secure 2no. dwellings (identified as plots 1 and 2) as affordable rented accommodation in perpetuity. Given the scale of the development, an open space requirement of 0.093ha would be required in accordance with the Councils Open Space Needs Assessment, of which a provision of 0.050ha is included within the defined site area. Therefore a financial contribution of £14,075 will be made to cover the shortfall of open space, within the S106 Agreement.

5. The application is being reported to the Planning Committee in accordance with the Councils scheme of delegation relating to major applications.

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## **PLANNING HISTORY**

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6. An application for the prior approval of the Planning Authority for the demolition of the former sheltered housing unit that occupied the site was agreed in September 2016 (ref: DM/16/02641/PND).

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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 dependent.
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’. The following elements of the NPPF are considered relevant to this proposal;
9. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
10. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
11. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *Part 10 – Climate Change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
13. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity.

## **LOCAL PLAN POLICY:**

14. The development plan is the Sedgefield Borough Local Plan saved policies:
15. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
16. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
17. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
18. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
19. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
20. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
21. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

## **RELEVANT EMERGING POLICY:**

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

23. *Town Council* – Has made no comment on the application.
24. *Highway Authority* – No objections.

25. *Coal Authority* – No objections, subject to the imposition of condition.
26. *NHS* – Has made no comment on the application.
27. *NWL* – No objections, subject to conditions controlling foul and surface water drainage from the site.

**INTERNAL CONSULTEE RESPONSES:**

28. *Ecology* – No objections.
29. *Environmental Health (Contaminated Land)* – No objections, subject to condition.
30. *Environmental Health (Noise)* – The granting of permission for the development may potentially result in a statutory nuisance in terms of the impact on existing residential dwellings during the construction stages. However, no objections are raised subject to the submission, approval and adherence to a Construction Management Plan (CMP).
31. *Landscape (Arboriculture)* – No objections subject to adherence to the submitted Tree Protection Plan and Arboricultural Method Statement.
32. *Spatial Policy* – Paragraph 14 of the NPPF is relevant and the scheme should be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The site was previously developed and centrally located within the urban area of Ferryhill and is not of high environmental value.
33. *Drainage* – The proposal should comply with the NPPF which states that those proposing development are responsible for drainage designs which reduce flood risk to the development and elsewhere, potentially through the use of Sustainable Drainage Systems (SuDS).
34. *Affordable Housing* – Offer support to the scheme which provides affordable housing despite falling under the threshold of 15no. units for which affordable housing provision of 10% would be mandatory.
35. *Education* – Has made no comment on the application.
36. *Sustainable development / Energy* – Has made no comment on the application.

**PUBLIC RESPONSES:**

37. The application has been publicised by way of site notice and notification letters to neighbouring residents. 2no. letters of concern have been received from residents on Hackworth Close who raise no objections to the principle of developing this site as proposed but do express concern over parking provision in the surrounding area which may not be able to support the new development. Concerns are also raised over the safety of locating 2no. parking bays to the front of plots 13 and 14 to the south of the site.

**APPLICANTS STATEMENT:**

38. The site at Hackworth Close was formerly occupied by the Dean Bank Grange sheltered housing unit which was demolished in 2017 following decreasing occupancy levels and an options appraisal to determine the future sustainability of the building.

39. The application is for the construction of 10no. two bed roomed three person bungalows and 4no. single level-living apartments which take advantage of the natural topography of the site. The design aims to offer attractive homes for older person accommodation in a setting in which people will choose to live and form a strong socially sustainable community. The scheme takes advantage of existing landscaping and trees on the site and dwellings to the southern sections of the site are arranged around a shared communal garden area to encourage community formation and allowing residents to support each other.
40. The proposed scheme layout is arranged to complement the adjoining existing properties, while providing active street frontages and suitable parking provision. All garden areas offer overlooking to aid security and provide a feeling of safety.
41. Homes will offer both a choice of affordable rented accommodation or the option to purchase via low cost home ownership. Two homes will be offered via a S106 agreement for affordable rent in perpetuity and additionally a contribution to off-site open space provision.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, scale/design, privacy/amenity, highways, arboricultural impact, ecology, land contamination, coal mining, open space, drainage and planning obligations.

The principle of the development:

43. The application site is located within the Ferryhill settlement which is classified as a smaller town/larger village within the County Durham Settlement Study. Policy H1 of the Sedgefield Borough Local Plan concerning housing development within Ferryhill was not saved with the development plan now silent in this regard. Where the development plan is absent, silent or relevant policies are out of date, paragraph 14 of the NPPF explains that planning permission should be granted unless any adverse impact of the propose development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
44. In this instance there are no specific policies within the NPPF which indicate that the proposed development should be restricted. The overarching principles of the NPPF seek to secure development in sustainable locations. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
45. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

46. The application site is in an established residential environment with good links to local amenities and services in the town and surroundings. Until recently the majority of the site was occupied by a sheltered housing unit prior to its demolition, with the principle of 14no. residential units on previously developed land, in this sustainable and accessible location considered acceptable subject to all relevant material planning considerations. Redevelopment of the site would comprise 10no. 2 bed bungalows and 4no. 2 bed apartments (built over two storeys) that would be made available at affordable rent for the elderly and disabled. Such provision would support the aims of part 6 of the NPPF which seeks to deliver a wide choice of high quality homes across the County.

#### Scale/Design:

47. Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. The application site is not located within a Conservation Area or area of special control.
48. Set within residential surrounds the site was formerly occupied by a two storey sheltered housing unit which sat amongst neighbouring bungalows on Hackworth Close. The proposed bungalows fronting south and east onto Hackworth Close would be of a basic, modern design, respecting bungalow development to the north, north east and south. The proposed 2 storey apartment block located towards the centre of the site would be of split level design, having a bungalow scale when viewed from existing bungalows and the parking court to the north, and two storey appearance when viewed from the south (owing to the changing topography across the site). This two storey element would respect adjacent two storey development to the west on Ramsey Drive and Compton Court whilst being of a scale which would not appear disproportionate to the adjacent bungalow terraces to the north west and north.
49. The proposed semi-detached and terraced building forms would relate acceptably to surrounding terraces and detached properties further to the west with the elevational treatment to comprise a mix of off white render panels with timber style cladding and brickwork base to match materials used in the adjacent developments. A slate effect roof tile would also be used. Although not entirely sympathetic to the surrounding brick and tile built bungalows which surround the site, this modern development would not appear incongruous or out of character to its setting, providing a welcome mix of modern house types.
50. Given the change in levels across the site with land falling away to the south, the development would incorporate a staggered layout which follows existing ground levels, stepping down the site. The proposed bungalows and single level apartments would be of an acceptable scale and appearance which would not detract from their surrounds, satisfying the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

#### Privacy / Amenity:

51. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.

52. The proposed bungalows fronting east onto Hackworth Close would face towards allotment land and no's 14-16 Hackworth Close beyond the main carriageway. A separation of approximately 22m would be achieved between the front elevations of proposed plots 5, 6 and 7 and the principal elevations of those properties directly opposite. A separation of 19m would be achieved between the side (north facing) gable elevation of plot no.5 and the front (south facing) elevation 24 and 25 Hackworth Close opposite. The rear (west facing) elevations of plots 5-8 would maintain a minimum separation in excess of 30m from the nearest properties to the west, beyond the parking court area. To the south of the development site, a separation of 22m would be maintained between the front (south facing) elevations of plots 13 and 14 and the front (north facing) elevation of no's 9 and 10 Hackworth Close.
53. Within the development site, a separation of approximately 10m would be achieved between the rear (west) facing elevation of plots 11 and 12 and the eastern gable elevation of Plot 13. However given the single storey nature of the dwellings, and the provision of a suitable boundary enclosure to restrict overlooking (1no. side facing lounge window in plot 13 would face the rear kitchen and bedroom openings of plots 11 and 12 opposite), it is considered that the privacy of future occupants of these dwellings would be safeguarded. Furthermore the single storey scale would ensure no unreasonable overshadowing of neighbouring plots.
54. With regards the proposed 2 storey apartment block within the centre of the site, satisfactory separation in excess of the minimum 21 and 14m would be achieved from neighbouring uses in all directions, ensuring no loss of privacy or overshadowing of surrounding plots.
55. Details of enclosures are confirmed in submitted plans and would ensure satisfactory privacy between neighbouring plots without appearing overbearing, whilst being of a sensitive scale and design which respect the surrounding street scene. Garden areas and communal amenity areas would be landscaped with such detail to be controlled by condition in the interests of amenity and visual impact. Furthermore, it is considered that permitted development rights for extensions and outbuildings should be removed by condition given the limited space available around each dwelling so as to ensure the existing separation distances are not unacceptably reduced in the interests of residential amenity.
56. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of site operations and operational hours so as to ensure the limitation of noise emission from the site during more sensitive hours. The Environmental Health section consider that any planning permission be subject to a condition requiring the submission, prior approval of and adherence to a detailed construction management plan. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

#### Highways:

57. Saved policies H17 and D3 of the Sedgfield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.

58. The 14no. residential units proposed would be accessed directly from the surrounding road network. The existing hardstand parking court located to the north west corner of the site was historically used by the care home as well as surrounding residential properties and can presently accommodate up to 22no. parked vehicles on an informal basis. Since the demotion of the care home, this area has been used primarily by the 16no. bungalows on Hackworth Close which frame this area to the north and west. However this is an unallocated parking area with no designated spaces to the surrounding 16no. properties, all of whom are understood to be Livin tenants.
59. Based on a calculation of 1no. space per bungalow, this results in a surplus of 6no. spaces within this area. The proposed 14no. 2 bed units would be served by 12no. additional off road parking spaces as part of the development, located to the south and east of the site. Taking into account the 6no. surplus spaces to the north west, it is considered that 18no. off street parking spaces would be available for the 14no. new dwellings in the immediate vicinity.
60. A total of 30no. Livin properties would therefore have access to 34no. car parking spaces across the development site including the existing parking court area to the north west. Whilst regarded as a low level of car parking provision, there seems little or no opportunity to create any additional on-site car parking without reducing the number of units proposed (thereby impacting the viability of the scheme which already focuses on affordable provision) or without encroaching into the provision of on site landscaping. In view of the foregoing, the highway authority raise no objection to these proposals.
61. The 14no. 2 bed bungalows would be targeted towards the over 55s and disabled persons with the site located in a sustainable and accessible location within the Ferryhill settlement which does not place significant pressure on private vehicle ownership. Likewise the existing properties which surround the site are also Livin properties aimed towards the elderly who have historically shared the existing parking area with the former care home.
62. Although an increase in off street provision would have been preferable, the proposed levels are considered acceptable taking into consideration the location of the site and target ownership, and would not lead to residual cumulative impacts which could be classed as severe. The concerns of local residents in respect to parking are noted and the highway authority advise that the existing parking situation to the north of the site could be improved through the painting of white lines within the parking court area to help prevent poor parking and maximise the efficiency of available space. Although falling outside of the application site boundaries it is considered reasonable to secure this detail through a Grampian condition in the interests of highway safety with the applicant agreeing to this additional control.
63. Subject to the above, there would be no highway objections to the proposals and no conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and NPPF paragraph 32. The creation of the 6no. parallel car parking spaces and 1.8 meters wide footway to the front of Plots 9-12 inclusive would be partly located in the public highway and part in the private land associated with the former Dean Bank Grange. As such the applicant would need to contact DCC Highways adoption engineers to agree construction specifications and how the approved works will be formally adopted.

#### Arboricultural impact

64. Saved policy E15 of the Sedgefield Borough Local Plan seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. The majority of the application

site was previously developed although since demolition of the sheltered housing unit, the land has been left to grass pending redevelopment. A number of unprotected trees and low level hedgerow planting from the previous use remain in place towards the western boundary of the site, with a separate small grouping also located just outside of the defined site to the north west.

65. The application is submitted alongside a Tree Protection Plan, Arboricultural impact Assessment and Method Statements which indicate that most of the existing planting on the site is to be retained and accommodated into the proposed development within a central area of communal open space. Existing planting beyond the north west corner of the site would remain unaffected.
66. It would be necessary to remove some of the existing trees along the western site boundary to facilitate the proposed development and to establish a higher level of arboricultural management for the site. The remaining trees to be retained would be suitably protected throughout the course of development, with new footpaths to be installed within root protection areas to incorporate a 'no dig', tree friendly methodology. A separate landscape plan has been submitted detailing the planting of new trees, low level beech hedges and shrub beds throughout the development site to mitigate the loss of existing trees and provide a higher quality development scheme.
67. The Arboriculture section raise no objections to the proposed development subject to adherence to the actions set out within the submitted Tree Protection Plan and Method Statement. Subject to the above, the application is considered to satisfy the provisions of saved policy E15 of the SBLP.

#### Ecology:

68. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The ecology section raise no objections to the proposals, noting the original building which occupied the site to have been demolished in 2017 and the current condition of the site. There would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 11 of the NPPF. The applicant has provided separate assurances to the Ecology section that they have adhered to the conditions of their protected species license regarding the demolition of the former building and the alternative provision of bat boxes elsewhere on the site. This includes bat box provision within trees to be retained, with other to be incorporated into the gables of plots 1, 3, 9 10 and 13 as detailed on submitted plans.

#### Land contamination:

69. Part 11 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application has been submitted alongside a phase 1 desk study and a phase 2 site investigation report which identify further sampling of the topsoil and subsoil is required. Further remedial works are required in relation to the soils on site, with gas monitoring and identification of unrecorded coal seams ongoing. No objections are raised subject to the imposition of a condition controlling these further works prior to commencement of development. Subject to the above, the application would satisfy the provisions of Part 11 of the NPPF.

#### Coal Mining:

70. Part 11 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable historic unrecorded underground coal mining activity at shallow depth.
71. The applicant has obtained appropriate an up-to-date coal mining information for the proposed development site and has used this information to inform the Phase 1 Desk Study which accompanies the planning application. The study confirms that historic shallow mine workings pose a risk to the stability of the proposed development with further site investigations recommended. A Phase 2 Site Investigation also accompanies the application which is unable to confirm the undertaking of the intrusive site investigation as recommended within the Phase 1 Study. The Coal Authority raises no objections to this planning application subject to the imposition of an appropriate planning condition to secure these works.
72. Subject to adherence to this condition, the application is considered to satisfy the provisions of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Further detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

Open space:

73. Saved policy L5 of the Sedgefield Borough Local Plan seeks to ensure the retention of areas of open space. Historically the application site was occupied by a sheltered housing unit with surrounding parcels of open space. Following the demolition of this building the land was grassed over pending redevelopment, but at no time formed designated open space within the authority's open space needs assessment. The proposed redevelopment would provide areas of open amenity space and private garden land interspersed throughout the site. Large areas of open space exist close to the site at the Dean Bank Recreational Ground to the south and there is adjacent allotment land to the east.

Drainage:

74. Part 10 of the NPPF seeks to ensure that those proposing development are responsible for drainage designs which reduce flood risk to the development and elsewhere, potentially through the use of Sustainable Drainage Systems (SuDS). Surface water arising from a developed site should, as far as is practicable, be managed to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere.
75. Given the scale of the development and the topography of the site, noting existing drainage capacity in the area, the applicant has discussed the requirement for the creation of a SuDS scheme as part of the proposed development with Drainage Engineers, identifying a suitable SuDS location within the proposed communal landscape area to the centre of the site, and agreeing a basin scale which would be deemed adequate for a development of this size. Such details are accepted in principle but remain subject to scrutiny upon receipt of a detailed plan and supporting calculations. It is considered reasonable to condition approval subject to the written approval of all SuDS details prior to the commencement of development, and adherence to approved details thereafter.

#### Planning obligations:

76. Open Space provision - The Open Space Needs Assessment (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 L2 of the SBLP and paragraph 73 of NPPF. Paragraph 173 of the NPPF is clear that to ensure viability, the costs of any requirements to be applied to development, should provide competitive returns to a willing land owner and willing developer to enable the development to be delivered. Given the scale of the proposals the Local Planning Authority would expect S106 open space contributions of 0.093ha, of which a provision of 0.050ha is included within the development site area. The applicant has agreed to provide an additional financial contribution of £14,075 to cover the shortfall of open space, to be covered within a S106 Agreement.
77. Affordable Housing - The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. The 2016 SHMA County Durham identifies an annual need for approximately 378no. additional affordable units across the County. The applicant is a social housing provider who has stated that all of the 14no. units would be made available at affordable rent and shared ownership levels, with two if these to be offered for affordable rent in perpetuity. Given the scheme totals only 14no. units there is no requirement for any of these units to be provided at affordable levels (falling under the 15no. threshold). The provision of 14no. units with 2no. of these to be provided as affordable within perpetuity is therefore welcomed, with any approval subject to the satisfactory completion of a s106 agreement securing this provision.

#### Planning balance:

78. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. In cases where existing policies for the supply of housing are out of date, paragraph 14 of the NPPF is engaged and the acceptability of a proposal needs to be considered in the context of the planning balance test. This requires that applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.
79. The application site concerns previously developed land, centrally located within the existing Ferryhill settlement, in close proximity to shops and services within the main town. The economic benefit resulting from the delivery of these properties through their construction and the future economic activity of residents would be seen as a benefit. Likewise, the provision of 14no. residential units aimed at older and disabled persons within an established residential setting would contribute to the mix of house types whilst meeting a defined need for older persons flats and bungalows across the County. Furthermore, affordable housing provision (with 2no. to remain in perpetuity) would be in line with the requirements set out within the 2016 SHMA.
80. The proposed dwellings would be of a scale and design sympathetic to their surrounds without impacting the amenities of neighbouring properties or the wider character of the street scene with associated parking provision to be provided away from the main highway.
81. It is acknowledged that the redevelopment of the site would lead to some temporary disturbance to local residents during the construction period. However such concerns can be effectively managed through condition, controlling working hours and

construction activities so as to minimise the adverse impacts relating to site development. Furthermore, whilst the loss of an area of informal, privately owned amenity space and limited landscaping is regrettable, this has only recently been made available and it was never the intention to retain this land for such use. Submitted plans indicate the retention of improved on-site open space areas and landscaping and the provision of compensatory planting together with a financial contribution to address any shortfall in open space provision.

82. Having regard to the above, it is considered on balance that the adverse impacts of the development are significantly outweighed by the overall benefits.

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## CONCLUSIONS

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83. Paragraph 14 of the NPPF details how Planning Authorities should approve development proposals which accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date; Planning Authorities should only grant permission where any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits.
84. The proposals would provide significant social and economic gains through providing 14no. dwellings, including affordable provision, to the mix and supply of housing within the settlement, utilising previously developed land within an established residential setting. In environmental terms the development could be achieved without causing harm to the character and appearance of the area. The development would result in a scheme that can be appropriately integrated within the surrounding residential street scene without compromising highway safety, residential amenity, open space provision, landscaping, ecology, drainage, coal mining or land contamination. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission, the proposal is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and the agreed financial contribution of £14,075 to offset the shortage of open space provision, 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:  
16017 P100 (Site Plan), received 17 January 2018  
16017 P120 (Plans), received 17 January 2018  
16017 P205 (Sections), received 17 January 2018  
16017 P215 (Site sections), received 17 January 2018

16017 P220 (Roof plans), received 17 January 2018  
16017 P300 (Elevations), received 17 January 2018  
16017 P301 (Elevations), received 17 January 2018  
16017 P302 (Street elevations), received 17 January 2018  
773/LA1 (Landscape Plan), received 17 January 2018  
773/LA2 (Bed planting plants), received 17 January 2018

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

3. Prior to the commencement of the development hereby approved, intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. A report detailing the findings of these investigations shall be submitted to and approved in writing by the Local Planning Authority alongside a scheme of remedial works (where relevant) prior to the commencement of development. The approved remedial works shall be implemented on site prior to the commencement of development.

*Reason: The application site is located within a defined development high risk area where there may be coal mining features and hazards which would need to be considered in relation to the determination of the application in accordance with Part 11 of the NPPF.*

4. 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 a of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance

with part b of the condition. The development shall be completed in accordance with any amended specification of works.

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

*Reason: The site may be contaminated as a result of past or current uses. The Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.*

5. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP 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 07:30 – 18:00 Monday – Friday, 08:00 – 14:00 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.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgfield Borough Local Plan.*

6. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.  
*Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.*
  
7. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.  
*Reason: To prevent pollution of the water environment in accordance with Part 10 of the NPPF.*
  
8. Prior to the first dwelling progressing beyond damp proof course level, plans detailing a SuDS system to ensure the appropriate surface water drainage discharge of the site shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in full accordance with the approved details prior to the first occupation of the development hereby approved and maintained thereafter.  
*Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Part 10 of the NPPF.*
  
9. Prior to first occupation of the dwellings hereby approved, the existing public car parking spaces in the complete parking court area to the front of no's 2-8 Hackworth Close shall be demarked in white thermoplastic road marking paint or similar, details to be agreed in writing by the Local Planning Authority.  
*Reason: So as to ensure a satisfactory level of parking provision is maintained in accordance with saved policies H17 and D3 of the Sedgefield Borough local Plan.*
  
10. Prior to the first occupation of the dwellings hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping including details of any SUDS/drainage works, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*
  
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species  
*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*

12. Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwellings hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgfield Borough Local Plan.*

13. No development shall take place unless in full accordance with the submitted Tree Protection Plan, Arboricultural impact Assessment and Method Statements (AllAboutTrees, 10 October 2017).

*Reason: In order to ensure protection to existing trees on site in accordance with saved policy E15 of the Sedgfield Borough Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

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## **BACKGROUND PAPERS**

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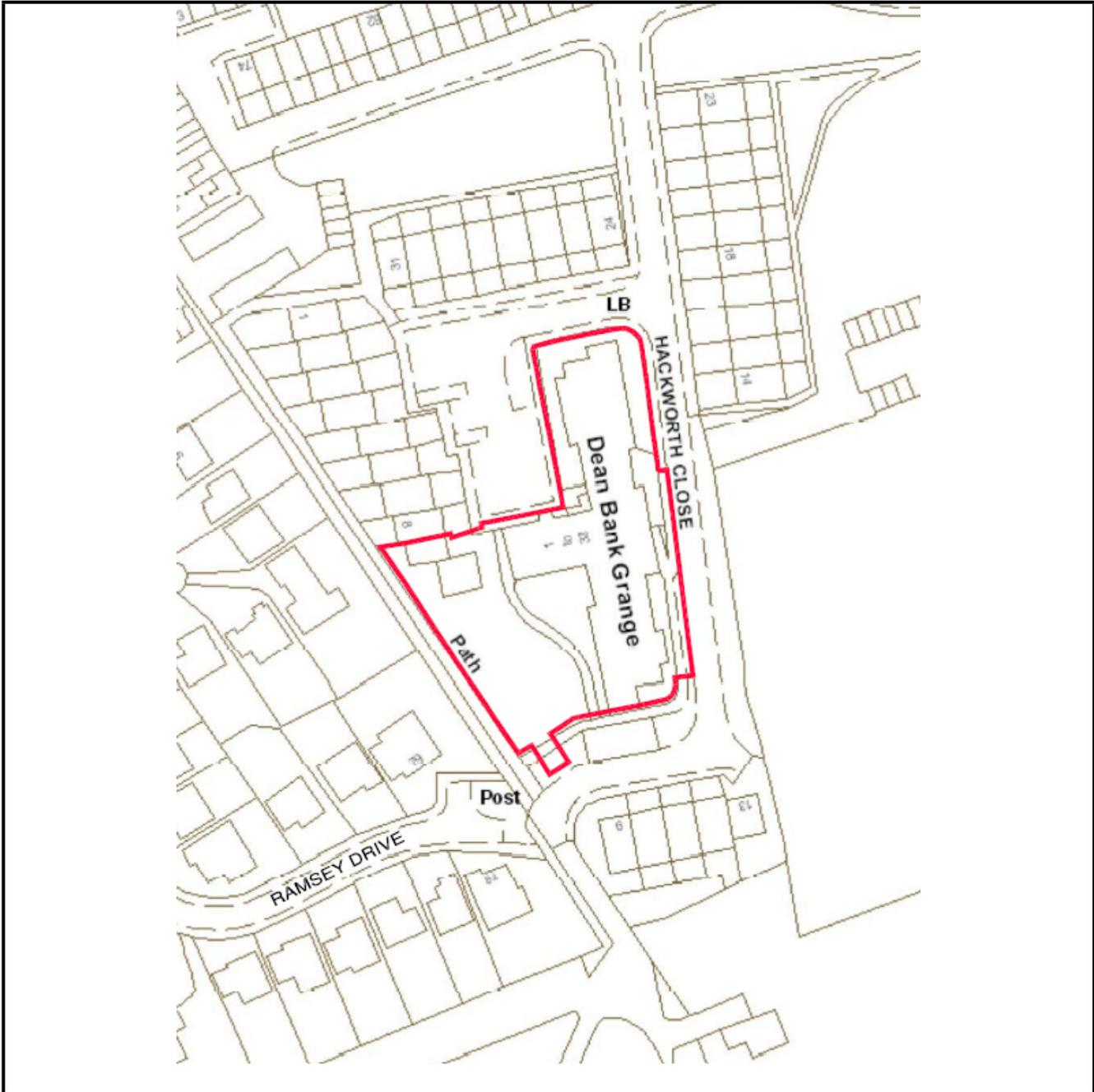
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgfield Borough Local Plan

Statutory response from the Highway Authority, Coal Authority and NWL

Internal responses from Ecology, Environmental Health and Contaminated Land, Landscape, Spatial Policy, Drainage and Affordable Housing



**Planning Services**

10no. bungalows and 4no. single level living apartments for affordable rent/shared ownership

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**Comments**

**Date** 22 March 2018