

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01379/FPA
FULL APPLICATION DESCRIPTION:	16no. affordable dwellings
NAME OF APPLICANT:	Livin
ADDRESS:	Land at Hunter Terrace and Tennyson Road, Chilton, Co Durham
ELECTORAL DIVISION:	Chilton
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to two separate parcels of land located to the north and south of Hunter Terrace, Chilton. The northern parcel has an area of 0.3Ha and comprises a mixture of grassland and cobbled roads left behind from former terraced housing which previously occupied the site. 5no. residential properties remain (no's 1-5 Hunter Terrace) located south of the site, with residential garage development to their rear (north). No's 1 and 2 Hunter Terrace are presently occupied under private ownership, with no's 3, 4 and 5 vacant.
2. To the east of this parcel of land is the Wheatsheaf PH and customer car park fronting onto Durham Road which forms the main thoroughfare through Chilton town centre. To the west are residential properties on Tennyson Road, Burns Road and Ford Terrace. To the north is the Chilton Health Centre.
3. The smaller southern parcel of land is 0.08Ha in area and consists of grassland with vegetation planting along its southern boundary. Historically this site was occupied by the former St John's Ambulance Hall, which was recently demolished. To the south lies Chilton Care Centre and an area of open space. To the east is Hutton House, with residential properties on Ford Terrace to the west.
4. Permission is sought to construct 16no. residential units comprising 10no. 2 bed bungalows and 6no. 2 bed dwellings across the two identified developable areas. Proposed plots 9-11 and 12-14 would comprise short terraces of two storey dwellings, with the remainder being semi-detached bungalows. All dwellings would be of brick and tile construction with white upvc fenestration. The applicant has submitted a detailed materials specification as part of the application.
5. All 16no. units would be made available for affordable rent providing a mix of both family housing and bungalows for older persons and/or disabled. 6no. dwellings would be made available for outright purchase after five years under the Government's Rent to Buy initiative with the applicant to enter into a s106 agreement to secure 2no. dwellings as affordable rented accommodation in perpetuity.

6. The 16no. dwellings would be accessed directly from Hunter Terrace and Tennyson Road and would be supported by 24no. off-street car parking spaces. In addition, works to provide 6 metres junction radii improvements on Hunter Terrace, Tennyson Road and Norman Terrace are proposed. The existing cobbled roads which intersect the northernmost site form part of the adopted highway, with the applicant looking to formally stop these up should permission be granted.
7. If approved the land owner would seek to compulsory purchase the 2no. privately owned dwellings on Hunter Terrace and a small number of garages to the rear to facilitate the development.
8. The application is being reported to the Planning Committee in accordance with the Councils scheme of delegation relating to major applications.

PLANNING HISTORY

9. Demolition consent was granted in March 2009 for the demolition of properties on former Victoria Terrace, Oswald Terrace and Westwood Terrace Chilton (planning ref: 7/2008/0590/DM). It was determined as part of this application that no's 1-5 Hunter Terrace would not be demolished. Demolition consent was later granted in October 2013 for the demolition of the St John's Ambulance Hall, Hunter Terrace with land to be levelled, soiled and grassed (planning ref: 7/2013/0393/DM). All cleared land forms part of the current application site. Planning approval was granted in June 2014 for the demolition of all remaining buildings across the site and the erection of 18no. affordable dwellings under planning approval ref: 7/2013/0363/DM. This approval was never implemented and subsequently withdrawn in January 2018 pending submission of the current application.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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;
12. *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.

13. *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.
14. *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.
15. *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.
16. *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:

17. The development plan is the Sedgefield Borough Local Plan saved policies:
18. *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.
19. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
20. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
21. *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.
22. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
23. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
24. *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

25. 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. An

'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process 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:

26. *Chilton Town Council* – Offer full support to the application.
27. *Highway Authority* – No objections.
28. *NHS* – Has made no comment on the application.
29. *NWL* – No objections, providing the application is carried out in strict accordance with the submitted document entitled "Proposed Drainage Plan". Details to be controlled by condition.
30. *Coal Authority* – No objections. The application site does not fall with the defined Development High Risk Area.

INTERNAL CONSULTEE RESPONSES:

31. *Environmental Health (Contaminated Land)* – No objections, subject to condition.
32. *Environmental Health (Noise)* – Given the proximity of the site to the Wheatsheaf PH, there is potential of noise associated with fixed plant, use of the indoor areas and use of the beer garden to the rear. Any approval should be subject to a noise impact assessment (to be controlled by condition). Given the constraints of the site and proximity of existing residential properties, the granting of planning permission for the development may result in a statutory nuisance being created. The potential impacts of the demolition/construction phase should be suitably controlled by condition.
33. *Ecology* – No objections, subject to adherence to the recommendations as set out within section 4 of the submitted Ecological Appraisal (Quants Environmental, November 2017).
34. *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 is previously-developed and has benefitted from a resolution to grant planning permission (subject to the completion of the s106 legal agreement) in recognition that it would redevelop a former housing area.
35. *Drainage* – No objections, subject to the surface water management scheme for the development being implemented in accordance with the submitted Flood Risk Assessment.
36. *Affordable Housing* – The proposed development has an affordable housing need of 10%, equating to 2no. affordable units. These would be provided at affordable rent in perpetuity as outlined in the Affordable Housing Statement.

37. *Education* – There would be sufficient space to accommodate the pupils generated by the development in primary and secondary schools.
38. *Sustainable development / Energy* – Has made no comment on the application.
39. *Landscape* – No objections, subject to condition controlling tree protection arrangements and the submission of a detailed landscape scheme.
40. *Landscape (Arboriculture)* - The proposed development is unlikely to have a major impact on significant trees, although construction will be close to a number of small ornamentals to the south of the site that are marked for retention on the layout plan. These trees should be adequately protected pre commencement and for the duration of the development to BS5827 (2012).
41. PROW – No objections.

PUBLIC RESPONSES:

42. The application has been publicised by way of site notice and notification letters to neighbouring residents. No objections have been received in response.

APPLICANTS STATEMENT:

43. The proposed scheme will provide 16no. dwellings offering a mix of both family general needs housing and bungalows for older persons and/or disabled. All homes within the scheme will be available for affordable rent with six houses available for outright purchase after five years under the Government's Rent to Buy initiative. Additionally the provision of eight bungalows on the scheme for affordable rent, satisfies a much identified need for older persons accommodation and targets the growing demographics of this age group.
44. The proposed scheme compliments the adjoining residential areas and is conveniently located close to local amenities for residents. The scheme design is arranged in sets of semi-detached properties therefore allowing for side gardens and off street parking provision thereby reducing road congestion. The boundary enclosures to frontages are designed to provide an open feel offering natural surveillance, whilst the rear gardens are provided with a secure boundary.
45. We understand that the site was formerly terraced two storey housing, as such we feel this proposed development is less imposing than the previous terrace housing and will provide an open and attractive development.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

46. 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 and planning obligations.

The principle of the development:

47. Paragraph 47 of the NPPF requires Local Planning Authorities to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
48. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
49. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
50. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
51. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.
52. The application site is located within the Chilton settlement which is classified as a smaller town/larger village within the County Durham Settlement Study. Policy H1 of the Sedgfield Borough Local Plan concerning housing development within Chilton is out of date. 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.
53. 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.

54. 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.
55. The application site is located in an established residential environment with good links to local amenities and services in the town and surroundings. Historically the site was occupied by residential development which in recent years has been cleared apart from a small number of houses that were retained including some left vacant. Planning permission was granted in June 2014 for the clearance of the entire site and the erection of 18no. dwellings with the principle of residential development in this location considered acceptable.
56. The redevelopment of the site as currently proposed would provide 10no. 2 bed bungalows and 6no. 2 bed dwellings (built over two storeys) that would be made available at affordable rent. 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.
57. Subject to the following material planning considerations, the proposed development would be considered acceptable in principle.

Scale/Design:

58. 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.
59. The proposed development would provide a mix of bungalows and houses arranged in short terraced rows and semi-detached pairs. The proposed development form would be less dense than previously but the dwellings would be of a scale and design which would complement their predominantly terraced surrounds and would be constructed from alnwick blend red bricks and grey tiles with grey cladding panel sympathetic to the surrounding street scene. The applicant has provided a detailed materials specification which is considered acceptable. Proposals would satisfy the principles of Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Privacy / Amenity:

60. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan 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.
61. The proposed development would front onto Hunter Terrace and Tennyson Road, providing sufficient private amenity space to the front and rear of each plot in addition to off street parking provision. Plots 1 and 2 to the south of Hunter Terrace would maintain 21m separation from opposing plots 5 and 6 to the north. Plots 7-11 to the east of Tennyson Road would maintain a separation of approximately 24m from

opposing properties to the west. To the north of the site, plots 12-16 would look towards the Chilton Medical Centre with all plots maintaining a satisfactory degree of separation from one another.

62. The two storey elements would be focused towards the centre of the site (plots 9-14) facing east and west, with adjacent bungalow development to the south ensuring no loss of sunlight or over dominance.
63. Means of enclosure are detailed on submitted plans with rear gardens to be divided by 1.8m high close boarded fencing. The rear boundary of all plots would include a 1.8m high brick wall with the frontages remaining open plan in nature. The enclosures would ensure satisfactory privacy between neighbouring plots without appearing overbearing, or of a scale and design that detracts from the surrounding street scene. Gardens and communal amenity areas would be landscaped with such detail to be controlled by condition in the interests of amenity and visual impact.
64. Permitted development rights for extensions and outbuildings would 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.
65. The Wheatsheaf PH is located some 25m to the east of plots 7-14 and only 13m to the south of plots 15-16. Given the nature of this adjacent use and potential for noise from use of the main building, external drinking areas and the customer car park, it is deemed appropriate to request the submission of a noise impact assessment to demonstrate the likely impact of the existing noise climate on the proposed development and mitigation measures. It is considered that although the amenities of future occupants of these dwellings may be affected by the adjacent PH use, such impacts can be effectively mitigated and maintained thereafter through the imposition of a condition if approved.
66. 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 minimize noise emissions 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.
67. 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:

68. Saved policies H17 and D3 of the Sedgefield Borough Local Plan, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
69. The 16no. dwellings would accessed directly from Hunter Terrace and Tennyson Road and would be supported by 24no. off-street car parking spaces which complies with the minimum requirements outlined in the DCC Residential Car Parking Standards. The distribution of the off-street car parking across the site is acceptable.

70. Submitted plans show the existing footpath to the front of properties to be widened to 1800mm and resurfaced as required. Existing tight radii on Hunter Terrace and Tennyson Road have also been addressed by the creation of 6m junction radii to improve vehicular access and manoeuvrability through the site. Plans also detail the stopping up of sections of existing adopted highway within the northernmost section of the site which are no longer required. The applicant is to be reminded by informative of the requirement to contact DCC neighbourhood services in this regard.
71. Subject to the above, the application is considered acceptable in accordance with saved policies H17 and D3 of the SBLP and Part 4 of the NPPF. It is not considered that the residual cumulative highways impacts of the development would be severe.

Arboricultural impact

72. Saved policy E15 of the Sedgefield Borough Local Plan seeks to ensure that development 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, with cleared land left to grass pending future redevelopment. 1no. existing tree located to the rear of proposed plot no.3 is to be felled although this is not considered a specimen worthy of retention. A number of unprotected trees are marked for retention close to the southern boundary of the site (to the south of plots 1 and 2) with new tree planting dispersed across the site.
73. The proposed development is unlikely to have a major impact on significant trees, with approval recommended subject to a condition requiring the adequate protection of landscaping to the south of the site and the submission of a detailed landscape scheme covering all new landscape proposals. No objections are raised with the proposed development to satisfy the provisions of saved policy E15 of the Sedgefield Borough Local Plan.

Ecology:

74. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application has been submitted alongside a preliminary ecological appraisal (Quants Environmental, November 2017) identifying no habitats of significant ecological value to be affected by the proposed redevelopment of the site. Subject to adherence to the mitigation measures as detailed within section 4 of this report, including but not restricted to the undertaking of a watching brief of the site and the installation of bird boxes (locations to be agreed), no ecological objections are raised, with the application considered to satisfy the provisions of Part 11 of the NPPF.

Land contamination:

75. 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 2 geo-environmental appraisal and gas risk assessment (Patrick Parsons, January 2018) confirming further soil remediation works are required prior to commencement of development on the site. No objections are raised subject to the imposition of a condition controlling these necessary works prior to commencement of development. Subject to the above, the application would satisfy the provisions of Part 11 of the NPPF.

Planning obligations:

76. Affordable Housing – The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. The definition of affordable housing, as contained in the Framework is: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should remain at an affordable price for future eligible households or include a subsidy to be recycled for alternative affordable housing provision. The 2016 SHMA for County Durham identifies an annual need for approximately 378no. additional affordable units across the County.
77. The applicant is a social housing provider who has stated that all of the 16no. units would be made available at 100% affordable rent. The 6no. houses would be made available for rent to buy with a rental period applicable for 5 years followed by an option to purchase. In addition, Livin will enter into a S106 agreement to secure 2no. dwellings as affordable rent in perpetuity.
78. Open Space contribution – Saved policy L5 of the Sedgefield Borough Local Plan seeks to ensure the retention of areas of open space unless special circumstances apply. 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.
79. Historically the application site was occupied by residential properties and the St John's Ambulance Hall. Following the clearance of these sites, the majority of the land was grassed over pending redevelopment. The northernmost parcel does not form an area of designated open space within the authority's open space needs assessment, although a section of the southern parcel (not formerly developed) does. The proposed layout would see the redevelopment of both parcels of land and would provide limited areas of open amenity space primarily in the form of soft landscaped areas interspersed throughout the development.
80. The applicant has provided supporting information indicating that the viability of the Chilton Regeneration Scheme could be threatened if any additional fees to offset the absence of open space provision were to be pursued with the proposals heavily reliant upon HCA funding. The views of the Councils Spatial Policy section have been sought in this regard who agree that in this instance, given the information provided in respect of the challenges associated with bringing the site forward, this represents evidence in the context of para 173 of the NPPF sufficient to waive the open space contribution.
81. Large areas of open space (unaffected by the development) exist close to the site to the north, east and south which is readily accessible (all within walking distance). It is further noted that until recently the site was occupied by 25no. terraced properties. The current proposals represent an overall reduction in the level of development at the site with no net increase in demand for informal play space. In addition the scheme is 100% affordable and forms an important part of a wider regeneration initiative in the area with associated community and social benefits to result.

Planning balance:

82. 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.
83. The application site concerns previously developed land, centrally located within the Chilton 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 16no. affordable residential units within an established residential setting would contribute to the mix of house types meeting a defined need for bungalows across the County. Furthermore, affordable housing provision (with 2no. to remain in perpetuity) would be provided in line with the requirements set out within the 2016 SHMA.
84. The environmental benefits of the scheme would see the removal of existing deteriorating garage structures and vacant housing stock which has fallen into disrepair, and the delivery of a well-designed scheme which integrates well into its surrounds, supporting the wider regeneration initiatives of the Chilton settlement. 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.
85. 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.
86. Having regard to the above, it is considered on balance that the adverse impacts of the development are significantly outweighed by the overall benefits.

CONCLUSIONS

87. The proposals would provide a mixture of 16no. affordable dwellings within the Chilton settlement in a sustainable, brownfield location. Such provision would contribute to the mix and supply of housing within the settlement, whilst seeing the removal of deteriorating garage structures and vacant dwellings which are falling into disrepair, in line with the wider regeneration objectives of the Chilton settlement.
88. Planning permission was granted for the erection of 18no. dwellings in this location as recently as June 2014 although this consent was never implemented. The principle of infill residential development nevertheless remains acceptable and in compliance with the aims of the NPPF and relevant development plan policies.
89. The development would result in a scheme that can be appropriately integrated within the surrounding residential environment without compromising highway safety, residential amenity, landscaping, ecology, drainage or land contamination. Redevelopment of the site would provide much needed affordable housing throughout

the entire scheme and a section 106 legal agreement would secure the provision of 2no. affordable units in perpetuity.

90. All representations have been carefully considered and 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.

RECOMMENDATION

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 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:
L-01 (Location Plan), received 09 May 2018
SK.103 revD (Proposed site plan), received 14 June 2018
SK.110 revA (2B4P House – Plans elevations and sections), received 09 May 2018
SK.112 revB (2B3P Bungalow pair – Plans and elevations), received 09 May 2018
SK.113 (2B3P Bungalow pair – Plans and elevations), received 09 May 2018
SK.114 (2B3P Bungalow pair –Plans and elevations), received 09 May 2018
C-GA-04 revP1 (Proposed levels plan), received 09 May 2018
C-GA-05 revP1 (Proposed drainage plan), received 09 May 2018
C-GA-003 revP1 (Stopping up plan), received 09 May 2018
External Materials Schedule and samples, received 09 May 2018
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of development hereby approved, a detailed noise impact assessment, compliant with the methodology stated in BS 4142: 2014, demonstrating the noise rating level from nearby commercial noise sources shall be submitted to and approved in writing by the Local Planning Authority. Should the assessment demonstrate that the rating level of existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be proposed in agreed in writing by the Local Planning Authority. Approved noise mitigation measures shall be implemented in full prior to first occupation of the dwellings hereby approved and maintained thereafter.
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgefield Borough Local Plan.
4. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to

1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgfield Borough Local Plan.

5. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 'Noise and Vibration Control on Construction and Open Sites' during the planning and implementation of site activities and operations.

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 privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgefield Borough Local Plan.

6. 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 Sedgefield Borough Local Plan.

7. 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 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.

8. 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.

9. No development shall commence nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees and hedges, within and adjacent to the site to be retained have been submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented onto site prior to commencement of development and retained thereafter for the period of development. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to adversely affect any tree.

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

10. No development shall take place unless in full accordance with the recommendations detailed within section 4 of the submitted ecological appraisal (Quants Environmental, November 2017) including but not restricted to:

A watching brief of the demolition of the buildings by a suitably experienced bat worker, carrying any licenses necessary, as detailed in the report;

The installation of at least 4no. double woodstone house martin nests to be installed under the eaves of the double storey dwellings and at least 4no. Schwegler 1SP sparrow terraces, installed on either the bungalows and/or the double storey dwellings.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

11. 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 or c are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 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 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

- (b) During the implementation of the remedial works 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.
- (c) Upon completion of the remedial works, 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.

12. Development shall be carried out in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Plan" dated "January 2018". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5712 and ensure that surface water discharges to the *surface water* sewer downstream of manhole 5709. The surface water discharge rate shall not exceed the available capacity of 5.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

13. The surface water management scheme for the proposed development must be carried out in full accordance with the submitted Flood Risk Assessment, Rev A (January 2018)

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 the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and 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.

BACKGROUND PAPERS

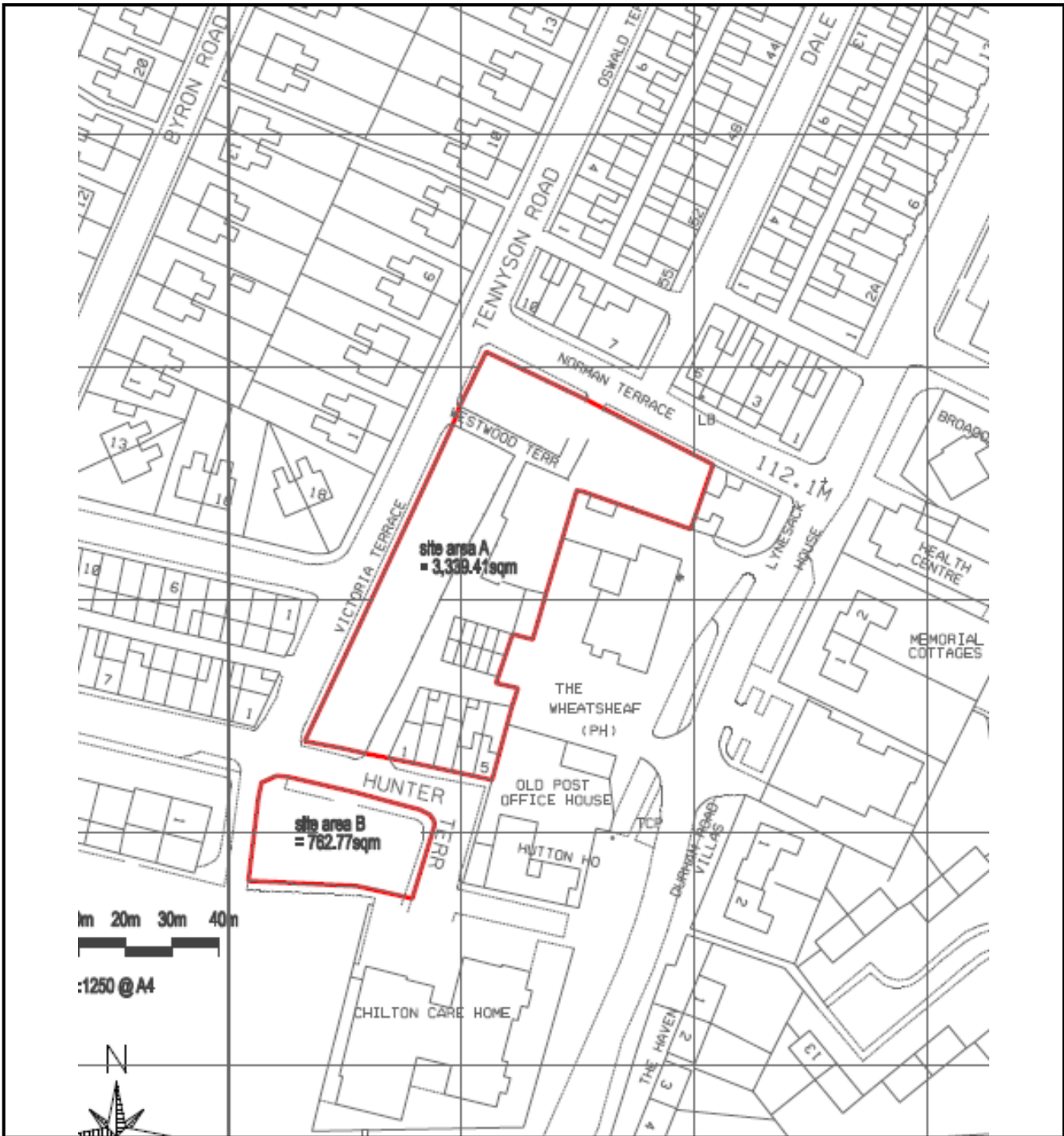
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory response from the Highway Authority, Coal Authority and NWL

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



Planning Services

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16no. affordable dwellings

Comments

Date 19 July 2018