

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03779/FPA
FULL APPLICATION DESCRIPTION:	Erection of 14 residential properties, associated highways and landscaping works
NAME OF APPLICANT:	Graform Limited
ADDRESS:	Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on land to the west of property known as Snook Acres which is on Front Street in Witton Gilbert. The site measures approximately 0.5 hectares and is currently used as a paddock. To the north of the site is Front Street highway with residential properties located beyond. To the south is the A691 highway and a roundabout to the west. The site is bounded by mature hedgerow and trees. The site is also located within the Sacriston Subglacial Channels Local Geological Site.

The Proposal

2. Full planning permission is sought for residential development of 14 new residential properties. Permission was originally sought for 19 properties however the scheme has been amended reducing the number to 14 properties. The proposed properties will be positioned in three blocks. A block along the north, a block along the south and a block along the west. The scheme would provide a mix of two, three and four bedroom properties which would be arranged in either terraced properties or apartments. The internal estate road runs through the centre of the site and along the south boundary. Access is taken from Front Street to the north. An area of public open space is also to be provided to the west of the site.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. Outline planning permission was refused in May 2002 for a farm shop on the site.

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority’s to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

14. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
15. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
16. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
17. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
18. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
20. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
21. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
22. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
23. *Policy U13 (Development on Unstable Land)* states that development on unstable land will only be permitted if it is proved that there is no risk to the development or its intended occupiers or users.

24. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

EMERGING POLICY:

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. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Environment Agency* has not raised any objections to the proposed scheme.

27. *Police Architectural Liaison Officer* has not raised any objections to the proposed scheme indicating that the crime risk assessment for this site is low.

28. *Northumbrian Water* have not raised any objections but has requested a condition for details of surface and foul water drainage to be submitted.

29. *Durham County Highways Authority* has not raised any objections to the proposed scheme.

30. *Durham County Drainage Team* has not raised any objections.

31. *Coal Authority* has confirmed that the application lies within a defined Development High Risk Area.

INTERNAL CONSULTEE RESPONSES:

32. *Public Rights of Way Section* have not raised any objections indicating that there are no registered or claimed public rights of way in the vicinity of the proposed development. The PROW Officer has indicated that footpath Nos 3 and 37 in the surrounding area could benefit from surface water improvements.

33. *Design and Conservation* has not raised any objections to the proposed scheme.

34. *Tree Section* has highlighted some trees and hedgerow which should be retained. It has also been indicated that the trees which surround the site when fully mature

may become problematic to future home owners increasing pressure to remove or reduce.

35. *Landscape Officer* has indicated that the proposals would have some significant adverse landscape and visual effects.
36. *Environmental Management (Noise)* has not raised any objections in principle.
37. *Environmental Management (Contamination)* has not raised any objections but has indicated that a condition is required for further site investigation works to be undertaken.
38. *Ecology Section* has not raised any objections in terms of the Extended Phase 1 Habitat Survey which has been submitted. Concerns have been raised in terms of impacts on the Sacriston Subglacial Channels Local Geological Site.
39. *Spatial Planning Policy Section* has stated that development of the site would provide economic benefits both in terms of employment in the construction and development process as well as in helping to sustain local services. It will also provide an element of affordable housing. However balancing against the above benefits, this site forms a prominent and attractive gateway and setting to the village therefore any development would require high quality design and landscaping as required by the NPPF. Para 64 of the NPPF suggests that development of poor design that fails to take opportunities for improving the character and quality of an area should be resisted. With this in mind comments from DCC Landscape along with DCC Conservation & Design will be crucial as the acceptability of the proposal. Potential harm to the local geological and geomorphological interest also needs to be weighed in the balance as a dis-benefit, subject to specialist views on the matter.
40. *Housing Development and Delivery Team* have confirmed that there is no requirement for affordable housing as the site falls below the threshold.

PUBLIC RESPONSES:

41. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. Seven letters of representations have been received, including a letter from Witton Gilbert Parish Council.
42. Witton Gilbert Parish Council have indicated that they supports new development but not in its current form in type and design. A Neighbourhood Plan for the village is nearing first draft stage with one of the key policies promoting this site as a housing site. Whilst housing is supported in principle, the house types proposed are not considered appropriate and show little regard to the setting of Front Street and the unique character of Witton Gilbert. It is also important that the network of footpaths and alleyways are properly integrated into any new development to help form a more cohesive and connected community.
43. Representations received from local residents have raised concerns regarding the proposed development. It is considered that the scheme would have an adverse impact on highway safety as there would be an increase in traffic and insufficient parking. The proposed scheme is considered to be an overdevelopment which is out of keeping with its surroundings. Concerns are raised with regards to flooding and the pressure which will be put on services in the village. It is also considered that the development would create disruption

during the construction period. Finally, a resident has asked whether the buildings would meet zero carbon standards.

APPLICANTS STATEMENT:

44. The scheme is designed to provide much needed good quality new housing to retain and attract all age groups to the village.
45. The design sits down below the level of the existing road to form a new courtyard that is acoustically screened from the bypass and will be a pleasant a safe place for children to live and play.
46. An existing site access provides a safe vehicular access to the scheme.
47. The design uses local materials and architectural features to fit into the street scene.
48. Existing landscape features have been retained where possible, with new landscaping and POS/Play Area introduced.
49. The scheme has been reduced in number from 19 to 14 units in response to comments received during the planning process, with larger gardens and better car parking provision being provided

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; section 106 contributions; and ecology.

Principle of residential development

51. The site is bounded by existing residential properties to the north and east. With the A691 bypass to the south it is considered that the site can be classed as being within the built form of the village. The settlement of Witton Gilbert is classed as a medium sized settlement within the Council's Settlement Study which indicates that these villages tend to have fairly minimal facilities with some public transport services. It is considered that the development of this site for residential purposes would help in supporting the limited services currently within the village. Given the regeneration benefits which the proposal brings and that the development would help support local services, it is considered that the proposed development would be in accordance with the sustainability principles of the NPPF.

Residential amenity

52. The nearest neighbouring property is located over 40 metres away. This separation distance would ensure that there would be no loss of privacy and no adverse impacts created in terms of overbearing or overshadowing effects. It is considered that the residential amenity of neighbouring properties would not be adversely affected by the proposed development.

53. Each property proposed (except the apartments) would have individual rear garden amenity areas for the future occupiers. Whilst the majority of these garden areas provide ample amenity space, there are several which could be considered substandard as they are small areas of approximately 30sqm. These garden areas are associated with the smaller 2 bedroom properties. Ultimately, it would be for prospective purchasers of the properties to decide on whether the garden areas are of sufficient size for their needs. It is not considered that the substandard size of some of the gardens of sufficient to warrant refusal of the application. It is also noted that there is some public open space proposed as part of the scheme which would be available for use as amenity space for future occupiers of the properties.
54. It is noted that the site is within close distance to the existing A691 bypass and therefore noise impacts from traffic could be a potential issue on future occupants of the site. A noise survey has been submitted which indicates that subject to specific mitigation measures in relation to building construction, there would be no adverse impacts on the amenity of future residents. It is noted that there are other existing houses within Witton Gilbert which are located a similar distance away from the A691. It is considered that prospective buyers of the properties would be aware of the location of the bypass when purchasing houses on this site, therefore it is not considered residential amenity would be adversely compromised. The Environmental Health Officer dealing with contamination has not raised any objections but has requested that a phase 2 contamination report is submitted prior to works commencing on site. This issue can be adequately covered by a planning condition and a condition is subsequently recommended.
55. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

Layout, design and visual amenity

56. Given the shape of the site, the layout of the proposed scheme is unusual as the estate road comes off the main highway from the north runs through the centre of the site, and then runs along the south boundary. This layout does allow for a built frontage onto Front Street. The proposed house types are all linked terraced properties but there is a mix of 2, 3 and 4 bedroom dwelling as well as apartments. The majority of trees and hedging on and around the site are to be retained although it is acknowledged that a section of hedgerow along the north boundary would be required to be removed to accommodate the proposed houses.
57. The Design and Conservation Officer has not raised any objections to the proposed scheme and has acknowledged that the reduction of the scheme from 19 houses to 14 provides more green space which enhances the development. Concerns have been raised from the Landscape and Tree Officers regarding the loss of hedgerow and the visual impacts the site would have from the north and west. The Parish Council have also raised concerns that the proposed scheme would not be in keeping with the surrounding area.
58. It is acknowledged that the site would be visible from the north and the west, however it is considered that this development would be viewed as part of the built environment of Witton Gilbert and therefore would not have an adverse impact on the surrounding landscape of the open countryside. Witton Gilbert have

a variety of different house types, particularly along Front Street, and it is considered that the proposed houses would not have an adverse impact on the visual appearance of the street scene or the surrounding area.

59. Details within the submitted design and access statement indicate that the properties would be constructed from a mix of stone and red brick with grey roof tiles. A condition is recommended for final details of the materials to be submitted and confirmed. Details of hard standing and landscaping should also be submitted for approval and a condition is recommended accordingly. A boundary treatment plan has also been submitted which indicates that the means of enclosures within the site will be a mix of railings and hedgerow, brick walling and timber fencing. These boundary details are considered appropriate and would not be visually intrusive.
60. Overall, it is considered that the layout, design and appearance of the proposed development would be acceptable. The visual amenity of the surrounding area would not be compromised and the landscape character of the surrounding area would not be adversely affected by the development. The proposal is considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the local plan.

Highway and access issues

61. The proposed development is to be accessed directly from the adopted highway to the north of the site. Visibility from this access can be adequately achieved and is therefore considered acceptable. The proposed layout of the estate is considered acceptable from a highways perspective and there is sufficient parking provision which would be in compliance with the Durham County Council's Residential Car Parking Standards. The County Highways Officer has not raised any objections to the proposed scheme.
62. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

Section 106 contributions

63. Policies R1 and R2 of the local plan seek to ensure that the provision of open space for outdoor recreation is evenly distributed and is maintained at a level which meets the needs of its population. The scheme incorporates 687sqm of public open space which will be available for use by future occupants of the properties and the general public. This amount of open space would meet the requirements of 14 new properties in line with policy R1 of the local plan. It is also noted that the Durham County Council Open Space Needs Assessment (OSNA) identifies parks and gardens as a deficiency in this locality. The open space proposed in this scheme would be most likely used as extended garden areas for the proposed houses. The implementation of this public open space area would be secured through a section 106 legal agreement. Policy Q15 also encourages the provision of artistic elements in the design and layout of new development. To comply with policy Q15, developers can make financial contributions which can be used to provide public art within the locality. The developer has agreed to a financial contribution of £5000 for public art and this would be secured through a Section 106 legal agreement.
64. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and

also existing residents of the local community. The development would be in accordance with policies R1, R2 and Q15 of the local plan.

Ecology

65. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
66. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
67. An Ecology Survey of the site has been submitted with the application. This survey concludes that the site has low ecological value. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
68. Overall it is considered that the proposed development would not have an adverse impact on protected species or habitats would not be compromised. The proposal would be in accordance with part 11 of the NPPF.
69. The Council's Ecologist has indicated that the site is within the Sacriston Subglacial Channels Local Geological Site. The Ecologist has indicated that the scheme cannot be supported as the development involves a considerable change of the ground level and is likely to destroy the features of the geological site. It is accepted that the existing levels of the site do differ by about 3 metres from the north to the south, and this proposal would involve backfilling the level the site. The Subglacial Channel Geological Site has already been impacted upon with the highway of Front Street crossing through it and more recently the A691 bypass which cuts through the Geological site. It is considered that the benefits that the development brings in terms of introducing a range of new housing stock into the village as well contributions towards open space/recreational facilities and public art would outweigh the potential harm to the local geological site.

Other issues

70. Concerns have been raised by local residents regarding drainage of the site and flooding issues. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted on the application and no objections have been raised. Northumbrian Water and the Council's Drainage Officer has requested that a condition is imposed for final details of the surface and foul water drainage to be confirmed prior to works commencing on site. A condition is

recommended accordingly. Given no objections have been raised by Environment Agency, Northumbrian Water and the Council's Drainage Officer it is considered that the proposed development would not adversely compromise the surrounding area in terms of drainage or flooding issues.

71. The Coal Authority was consulted on the proposals and they have indicated that the site lies within a development high risk area. To ensure the stability of the land a coal mining risk assessment is required to be submitted and approved by the Coal Authority. A condition is therefore recommended for a coal mining risk assessment to be submitted and approved prior to works commencing.

CONCLUSION

72. The proposed development is considered to be within the built environment of the settlement of Witton Gilbert and would not encroach into the open countryside. The village has limited services and introducing further residential accommodation into the village would help support these services. It is therefore considered that the proposal can be considered sustainable development and would be in accordance with guidance contained within the NPPF.
73. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
74. The proposed scheme would introduce a modern housing estate with the properties built from materials that would not appear out of place within the local area. The development provides a strong built frontage along the north boundary with Front Street. There are concerns from the Council's Landscape Officer as well as the Parish Council that the development would be visible and not in keeping with the surroundings. Whilst these concerns have been fully considered, it is not considered that these issues are sufficient to warrant refusal of the application. The proposals are considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the City of Durham Local Plan.
75. The proposed access to the site would provide adequate visibility splays. The proposed internal layout arrangement is acceptable and sufficient parking is provided. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
76. The proposed scheme provides 687sqm of public open space within the site which would meet the requirements of future occupiers of the development. A financial contribution of £5000 towards public art in the locality would be secured through a section 106 legal agreement.
77. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.

78. The site is within the Sacriston Subglacial Channels Local Geological Site and the development may impact on geological features. It is considered that the benefits that the development brings in terms of introducing a range of new housing stock into the village as well contributions towards open space/recreational facilities and public art would outweigh the potential harm to the local geological site.
79. The Environment Agency, Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
80. It is acknowledged that the proposal has generated some opposition from local residents which live close to the site. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

RECOMMENDATION

That Members **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £5000 towards public art in the locality; the provision of public open space within the site; 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:

Plan Ref No.	Description	Date Received
02 A	Bin Store Plan and Elevations	27/04/2016
PL08A	Boundary Treatment Plan	27/04/2016
PL09A	Existing and Proposed Site Sections	27/04/2016
PL10B	Housetype A	27/04/2016
PL12B	Housetype B	27/04/2016
PL13B	Housetype C	27/04/2016
PL14B	Housetype D	27/04/2016
PL15A	Housetype E	27/04/2016
PL07G	Proposed Site Plan (showing Ground Floor Plans)	27/04/2016
PL06H	Proposed Site Plan (showing Roof Plans)	02/06/2016
PL16	Autotrack Drawing	28/04/2016
PL01A	Site Location Plan	02/06/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No development hereby permitted shall commence until details of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

4. No development hereby permitted shall commence until details of all hard standing areas have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

5. No development hereby permitted shall commence until a coal mining risk assessment has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the stability of the site and to comply with policy U13 of the City of Durham Local Plan.

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

- (c) 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.

Reason: 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, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

7. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Extended Phase 1 Habitat Survey prepared by AJT Environmental Consultants date received 3rd May 2016.

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

9. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion 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 appearance of the area and to comply with policies E1, E2, E2A, and H13 of the City of Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



Planning Services

**Erection of 14 residential properties,
associated highways and landscaping
works at Land adjoining Snook Acres,
Front Street, Witton Gilbert, DH7 6SY
Ref: DM/15/03779/FPA**

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Date 14th June 2016