

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	1/2012/0151/DM
FULL APPLICATION DESCRIPTION:	Erection of 56 dwellings
NAME OF APPLICANT:	Barratt David Wilson Homes and Burnopfield Cricket Club
ADDRESS:	Burnopfield Cricket Club, Lilac Crescent, Burnopfield
ELECTORAL DIVISION:	Burnopfield Fiona Clarke Principal Planning Officer
CASE OFFICER:	Telephone – 0191 3872226 Fiona.clarke@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site forms the existing Burnopfield Cricket Club site situated to the west of Lilac Crescent, Burnopfield. It measures approximately 1.2 hectares in area and is currently occupied by the cricket pitch and cricket club building which is a single storey flat roofed structure containing changing rooms, bar and facilities.
2. The eastern boundary of the site lies parallel to Lilac Crescent with houses on the opposite site of the road facing towards the application site. Lilac Crescent is characterised by two storey semi-detached properties which do not generally benefit from off-street parking. To the south eastern corner of the site 78 Lilac Crescent has its gable running at an angle to the application site boundary, and is separated from the site by a public footpath. The northern boundary of the site abuts Cricket Terrace and the front elevations of 1 – 12 Cricket Terrace face towards the application site. To the western end of Cricket Terrace there is a detached house and two pairs of semi-detached houses. The western boundary of the site adjoins a public bowling green and the southern boundary of the site is adjacent to a dense woodland rising steeply to the south.
3. Land levels are generally flat with the southern part of the site rising steeply. This currently creates a raised viewing area.
4. There is currently a telecommunications mast on the site which will be relocated.

The proposal

5. Planning Permission is sought to relocate the existing cricket club to a new site on land to the north west of Bowesville, Burnopfield (reference 1/2012/0157) this application is considered separately on this agenda. In order to facilitate the

proposed relocation of the cricket club the application which is the subject of this report has also been submitted which seeks planning permission for 56 dwellings on the existing site at Lilac Crescent. The submitted plans have been amended during the course of the application with regard to the design and layout of the proposed development.

6. A new vehicular access will be provided to the site from Lilac Crescent. This will be situated to the south of the existing cricket club car park.
7. The development will comprise of a mixture of detached, semi-detached and short terraces of houses, each containing three or four bedrooms. Mainly two storey houses are proposed with some being two and a half storeys high. The scheme has been designed so that the properties will front on to Lilac Crescent with the exception of the terrace of four houses occupying plots 15 to 18 which will face into the development. Dual frontage properties will be provided at the entrance to the development. Towards the southern part of the application site split level properties are proposed to take account of the slope of the site. This means that these will be two and a half or three storeys high at the front (facing into the estate) and two storeys at the rear as they will be cut into the site.
8. A small area of open space will be incorporated into the proposed development. Off street parking will be provided for each property.
9. Materials to be used will be a mixture of facing brickwork, render, artstone and concrete roof tiles.
10. The application is being reported to the committee for determination as it is classed as a major development.

PLANNING HISTORY

11. None relevant.

PLANNING POLICY

NATIONAL POLICY

12. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surroundings, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

13. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local Planning Authorities should adopt a proactive approach to mitigate and adapt to climate change. The move towards a low carbon future should be promoted through planning.
17. *NPPF Part 11 – Conserving and enhancing the natural environment.* Local Planning Authorities should aim to conserve and enhance biodiversity

REGIONAL PLANNING POLICY

18. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
19. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are considered relevant.
20. *Policy 2 - Sustainable Development* (essentially requiring new development proposals to meet the aim of promoting sustainable patterns of development).
21. *Policy 4 – Sequential Approach to Development* – Requires a sequential approach to development giving priority to previously developed sites in sustainable locations.

22. *Policy 7 – Connectivity and Accessibility* – requires the internal and external sustainable connectivity and accessibility of the North East of England, with focus upon the reduction in use of the private motor car and increase in green and sustainable infrastructure.
23. *Policy 8 - Protecting and Enhancing the Environment* (which requires new development to maintain local distinctiveness).
24. *Policy 24 - Delivering Sustainable Communities* - all development within the Region should be designed and located to deliver sustainable communities. Proposals should assess the suitability of land for development and the contribution that can be made by design in relation to 16 detailed criteria, including concentrating development in urban locations, reducing need to travel, proximity to infrastructure, health and well-being, biodiversity and crime prevention/community safety.
25. *Policy 30 – Improving Inclusivity and Affordability* (including affordable housing provision and provision of Gypsy and Traveller sites within the North East based upon up to date evidence base and development plan policies).
26. *Policy 38 – Sustainable Construction* – planning proposals should seek to encourage sustainable design of new buildings and facilitate the generation of at least 10% of the Region’s consumption of electricity from renewable sources.
27. *Policy 39 - Renewable Energy Generation* - planning proposals should, facilitate the generation of at least 10% of the Region’s consumption of electricity from renewable sources by 2010.

LOCAL PLAN POLICY:

28. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
29. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
30. *Policy HO4 – Large Sites Identified for Housing Development and Associated Development* – Sites are allocated for proposed housing on a number of sites.
31. *Policy RE4 – Protection of Rights of Way and recreational paths* - Only permits development which affects rights of way and recreational paths where they can be incorporated into proposals rather than diverted where possible.
32. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle maneuvering, etc.

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:

33. *Sport England* – point out that the development will lead to the loss of land used as a playing field and the development must be assessed against Sport England’s policy of ensuring that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for sports pitches within the area. Sport England’s policy E4 requires that where sports pitches would be lost as a result of a proposed development they would be replaced by those of an equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development. Sport England comment that the replacement facility meets the quantitative and qualitative requirements of their policy.
34. Following negotiations with the applicant regarding the phasing of the proposed development Sport England have confirmed that they are satisfied with the timeline document and the confirmation that Crookhall Cricket Club can be used as a fall back position in the event that the new cricket facilities are not completed in the anticipated timescale.
35. *Environment Agency* – recommend that the development is carried out in accordance with the submitted Flood Risk Assessment.
36. *Coal Authority* – no objections subject to a condition requiring intrusive site investigation works prior to the development commencing.
37. *Northumbrian Water Ltd* – the applicant is working with Northumbrian Water to resolve issues concerning the disposal of surface water from the site. Providing that these issues can be satisfactorily resolved they have no comments to make.
38. *Highways* – confirms that the amended plans are acceptable. A condition is required to ensure that the estate roads are designed and constructed to meet current highways design standards and are constructed in accordance with the approved plans. It is pointed out that the developer will need to enter into an agreement under section 38 of the Highways Act 1980 to ensure the adoption of the roads and pay a commuted sum for the future maintenance of non-standard materials.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Planning Officer* – comments that there is support in principle for this type of scheme under the NPPF which promotes a presumption in favour of sustainable development.
40. *Landscape Officer* – commented that the row of houses at the top of the site are unlikely to benefit from any direct sunlight. It was recommended that a seasonal and sequential shadow projection plan be prepared by the applicant to establish the exact extent of this substantial disadvantage.
41. *Ecology* – noted that the bat report and mitigation was sound. Commented that a local newt population had been identified by a local resident and that the applicants Ecological consultant would need to make an assessment of this population and the potential impacts on the development. An additional report was submitted and the County Ecologist confirmed that he was satisfied with this.

42. *Drainage Engineer* – The proposed development will not exacerbate flood risk on the site or the surrounding area. The development is therefore considered appropriate in relation to flood risk.
43. *Rights of Way Officer* – comments that Public Footpath 186 Stanley abuts the west boundary of the site and that this footpath should remain unaffected by the development. If the boundary wall is to be replaced there must be no encroachment upon the current width of the path. It is also noted that Public Footpath 184 Stanley abuts the east boundary of the site, part of which also follows the adopted highway. This footpath must also remain unaffected by the development and there must be no encroachment upon its width.
44. *Technical Support (Open Spaces)* – advises that any areas of open space within the site to be transferred to Council ownership will require a commuted sum for maintenance.
45. *Pollution Control* – suggest conditions to require the following –
- The provision of a wheel washing facility at the main exit from the site.
 - No waste material to be burned on site and no building, packing or other materials shall be allowed to blow off site.
 - The submission of a dust management plan.
 - Works to be carried out only within specific times.
 - Screening of noise sources to take place during noisy operations.
 - Site works to comply with British Standard Code of Practice BS 5228 ‘Noise Control on Construction and Open Sites.’
46. In terms of ground contamination it is noted that investigations of shallow mine workings are to be investigated and gas monitoring is to take place. Contamination testing should be provided for areas of suspected fill.
47. A contamination report was submitted with the application and this has been analysed by consultants acting for the Council. The main conclusions were as follows-
- Further sampling and testing of soils is required.
 - A significant risk of undermining by coal workings has not been fully investigated.
 - The full period of gas monitoring has not been completed.
 - Asbestos testing should be carried out for UKAS accredited Soil Screening and Identification (or in addition Quantification).
48. *Targeted Recruitment and Training Project Officer* – advises that there is an opportunity to explore employment and skills training during the development to assist the local community by improving job prospects and employability.
49. *Sustainability Strategy Officer* – comments that the revised sustainability statement takes into account the issues around lack of natural light with the provision of sun pipes in the southern properties. The proposal to build to minimum Building Regulations does not meet the standard condition which requires development to attain 10% improvement on Building Regulations through the use of renewable energy technologies or fabric improvements. This matter can be conditioned.

PUBLIC RESPONSES:

50. Sixteen letters of objection have been received from fourteen properties

- Highways - Area congested by traffic, Lilac Crescent is not built to carry volume of traffic that currently uses it never mind additional traffic. Concerns about additional traffic exacerbating existing congestion. Access to main road is dangerous at both exits to Lilac Crescent, congestion already occurs at busy times. Concerns about construction traffic. Impact on safety of children going to school, increased environmental impacts. Parking already difficult. Scheme does not have appropriate safeguards to counter policy TR2. Speed ramps and huge potholes will make access by large vehicles difficult. Insufficient parking within the development to take account of the extra vehicles, additional spaces should be provided. A dedicated parking area should be provided for residents outside of the development. Possible damage to parked cars from construction vehicles. Concerns about where visitors will park. Winter weather makes the access to the street impossible, introducing more vehicles will make the area more hazardous. The roads are in a disgraceful state of repair and introducing more vehicles will make this worse.
- Flooding and drainage issues. Drainage has always been difficult – water runs from the woods, across the cricket pitch and into gardens. This will be worse when the houses are built.
- Covenant - The field was given to the people of Burnopfield and is governed by a covenant which is managed by the committee of Burnopfield Cricket Club acting as trustees – all the residents of Burnopfield should have been consulted on the application. Building is prohibited by the covenant
- Loss of the last remaining green area in the village.
- The developer should pay the full price for the site.
- Object to the removal of the phone mast.
- Impact on social infrastructure of village.
- Impact on transport, recreation and education which will impinge on safety and environmental issues.
- The development will remove the opportunity for all including children and youths to partake in recreational activity – new cricket club will not be a suitable replacement facility.
- Increased pressure on the school - increased numbers of children could lead to overcrowding and reduced standards of education.
- Ecology – concerns about the bat survey, local experience does not match the results of the survey. Vast array of wildlife including bats and birds. Loss of attractive green space.
- Amenity – Overshadowing, loss of privacy. Noise, dirt and dust during construction.
- Taking away the cricket pitch from the village removes the heart from the village, new site not within the village and the community will suffer. Development is akin to an ‘out of town’ shopping development and the negative impact on the high street that results. Loss of a community hub.
- Greenfield site.
- 56 houses will break up the landscape.
- Development will lead to overcrowding.
- Existing houses are not selling well, concern about the need for new homes. If the new houses do not sell the development will stop and may not start again for several months depending on sales, causing disruption to residents.
- There is no clear timescale for the development showing a lack of consideration for residents.

- The Cricket Club have not made any efforts to raise the necessary money to fix the cricket pitch and update the changing facilities – this is an easy solution for the club.
- The new facility will be less of a community hub than the current location as there are less people nearby and less public transport to the site.
- Using the club for functions will take business away from other existing facilities.
- The club pitches itself as a social hub for the community however there does not appear to be many events, by hosting more events the current site could be a success and create the revenue needed to remain.

51. A letter has been received from the residents of three properties expressing their concerns about drainage issues as outlined below-

- After periods of heavy rain, water runs out of Burnopfield Cricket Club grounds and floods the gardens of Hawthorne Villa, Cheviot Villa and Greencroft Villa. On occasion this has almost reached the height of the air bricks in the bay windows to the front of the houses.
- The water may be coming from the field drains or surface drains which have become damaged. Another source could be the woods where there has been a long standing problem with drainage onto the pitch and beyond.
- The residents are concerned that if the cricket field becomes a building site this problem would worsen. In addition cement, plaster, mortar, oil, petrol and other pollutants may find their way into gardens, ruining them.
- An official and thorough investigation should be undertaken into this problem before any work is begun on the cricket field.

52. One letter of support has been received on the following grounds –

- The club has produced some notable players.
- In the near future the playing area will become unplayable and the changing room building is in need of considerable repair. A large amount of capital is required which the club does not have.
- Unless a wealthy benefactor comes forward the ground will need to be sold if the cricket club is to exist. The alternative is to do nothing and to see the club decline.
- If the club is to survive it will require the sale of the existing land and relocating the club. This will provide larger playing areas with improved playing facilities, improved coaching facilities, clubhouse and changing facilities thereby bringing the club into a modern 21st century environment. At the same time continuing to provide a constructive form of leisure activity within the community, especially for young persons.
- The fundamental question is if Burnopfield Cricket Club is to survive then the ground needs to be sold otherwise the club will slowly fade away to extinction.

APPLICANTS STATEMENT:

53. The two planning applications, to be considered together, involve the relocation of Burnopfield Cricket Club to land to the north of Front Street, Burnopfield, with the existing cricket club site being redeveloped for housing to cross-subsidise the construction of the new cricket club facilities. Burnopfield Cricket Club is no longer able to meet the standards necessary for the level at which the club plays and, due to the site's physical constraints, there is no scope to address the deficiencies of its pitch and facilities nor attract any grant funding from cricket's governing body or Sport England. Without the ability to improve facility standards, in accordance with those required by the England and Wales Cricket Board (ECB), the club cannot hope

to attract and retain players at either junior or senior level, both of which are essential to the long-term sustainability of the club. In light of this, without the opportunity to provide new, enhanced facilities presented by these application proposals Burnopfield is likely to lose this important community facility. A S106 agreement has been prepared in order to tie the proposed residential development with the new cricket facilities in order to ensure the latter's full delivery.

54. The proposed residential development provides for 56 dwellings to be laid out in accordance with drawing ref: MWE 08081(P)11 Rev H. This comprises a mix of 3 and 4 bed houses of 2 & 2½ storeys, including 12no split-level homes along the southern boundary which have been designed to reflect the sloping nature of the site. An area of POS is provided within the layout.
55. A S106 agreement has been prepared to provide for a financial contribution of £16,800 for off-site play equipment (£300 per unit). As highlighted above the agreement also includes other matters associated with the re-location of the cricket club. Further benefits as a result of the development proposals are summarised below.
56. Replacement of the cricket club with residential development will also remove the ongoing problems that local residents have with on-street parking on the surrounding streets on match days.

SUMMARY OF BENEFITS

Item	Benefactor	Comment	£
Land Purchase	DCC	By negotiation	63,000
Off-site play	DCC	S106 agreement	16,800
Ecological Mitigation	DCC	ditto	20,000
New cricket field & club house/pavilion	Burnopfield CC & the community	Club house=£675k	1,414,260 (63k land value deducted)
Community Use Agreement	The local community	S106 agreement	No direct cost
Council Tax	DCC	As a result of the new houses	84,000pa estimated
New Homes bonus	DCC	ditto	1,000,000 estimated
Additional retail expenditure	The local business community	ditto	500,000pa estimated
Employment	The local community	As a result of the whole development, it is estimated that over 105 years of employment equating to at least 42 jobs of which 1/3 will be new	

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

57. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Application should be determined in accordance with the development plan unless material considerations indicate otherwise.
58. It is considered that the main planning issues in this instance relate to the principle of the development, affordable housing, design and layout residential amenity, ecology, highway safety, land stability and contamination issues, drainage, sustainability, section 106 agreement.

The Principle of the Development

59. The site lies within the established physical framework of Burnopfield surrounded by houses on two sides and open space a park and gardens to the remaining edges. In terms of the location of the site it is considered that it is well contained within the settlement and well related in terms of access to facilities within Burnopfield.
60. Burnopfield is a location where some new development can be accommodated to help support existing services and to ensure a sustainable pattern of development without jeopardising the aims of the emerging County Durham Plan.
61. Residential development on this site will comply with the broad aims of the NPPF which promotes a presumption in favour of sustainable development. The Government's key housing objective is to increase the delivery of sustainable new homes. Being located close to the centre of the village a range of local shops, services, schools and amenities are available within close proximity. In addition the site is located close to bus stops allowing access by public transport to the wider area. It is therefore considered that the application site occupies a sustainable location. Residents have expressed concerns that the development would take place on Greenfield land. The NPPF promotes the effective use of land by re-using land that has previously been developed. It does not preclude the use of Greenfield land providing that it is sustainably located. Due to the sustainability credentials of this site the principle of the proposed development is considered to comply with the NPPF.
62. The proposed development broadly aligns with the saved policies contained within the Derwentside District Local Plan.
63. In terms of the emerging strategic objectives of the County Durham Plan Burnopfield is a location where some new development is likely to be directed. The settlement is regarded as a third tier settlement within the latest Settlement Study which means that it is a suitable location for some growth to help support existing services and to ensure a sustainable pattern of development. While the majority of the housing requirement within the County Durham Plan is likely to be directed to the main towns and villages (first and second tier settlements) a smaller, residual allocation is likely to be shared out between the next most sustainable settlements (i.e. third tier settlements).
64. The site has been assessed in the Strategic Housing Land Availability Assessment (SHLAA) and regarded as 'unsuitable' due to the site being occupied by the cricket facilities. Aside from the open space issues, however, officers are of the view that the site would be regarded as 'suitable' within the auspices of the SHLAA – in other

words there do not appear to be any other fundamental planning constraints applicable to the site.

65. Notwithstanding the County Durham Plan, it is considered that the scheme would not represent a sufficient threat to the emergent aims of the Plan to be refused on prematurity grounds.
66. The proposed residential scheme on this site will finance the construction of new improved replacement facilities at Bowesville, Burnopfield and is fundamental to the overall plan to provide the replacement facilities. In terms of redeveloping the existing site for housing, there is support in principle under the National Planning Policy Framework (para 74) providing the facility is replaced by equivalent or better provision in terms of quantity and quality and in a suitable location.
67. The Open Space Needs Assessment (OSNA) suggests there is an under supply of outdoor sport space in Burnopfield (of approx. 2ha) and as such ideally the relocation of the cricket club would result in the retention of the existing open sport space to help address the under supply. The mechanics of the relocation of the club rest on the reuse of the existing site for housing to fund the improved facilities, while the new pitch will provide a larger area of sports space helping to address the overall shortfall reflected in the OSNA. The scheme therefore presents no conflicts with the general aims of the OSNA.
68. Development on the site of sporting facilities would not normally be considered acceptable due to the loss of sporting provision however as part of the development package there is a parallel application for replacement facilities. The housing development is only considered to be acceptable if the replacement facility is provided therefore a section 106 agreement will be required to ensure that the replacement cricket facilities are provided to allow continuity of play.
69. It is considered that there are no significant policy conflicts with regard to the location of the proposed residential development and therefore residential development on this site is acceptable in principle.

Affordable Housing

70. Paragraph 55 of the NPPF requires Local Planning Authorities to deliver a wide choice of high quality homes and where an identified need for affordable housing has been shown to exist, set policies for meeting the need, which contributes to the objective of creating mixed and balanced communities. Policy 30 of the RSS requires a range of dwelling types and sizes, including affordable housing and alternative forms of tenure, to meet the needs of all sectors of the community.
71. The provision of affordable housing throughout the County is a key priority; a target to deliver 262 units per annum has been set for 2012/13 to 2012/2013 within the northern Durham Delivery Area (which covers Burnopfield).
72. The Durham County Council Strategic Housing Market Assessment (SHMA) was published in 2008 and updated in 2012 this has been incorporated into the 'Preferred Options' of the County Durham Plan. Within this area of North Durham the target is for 15% affordable housing (on sites of more than 15 dwellings or greater than 0.5 hectares in area), subject to the impact on the viability of the scheme.
73. The applicant has been informed of the requirement to provide 15% affordable housing on the site however they have declined to provide any affordable housing

stating that this will render the scheme unviable, and therefore undeliverable,. A financial assessment has been submitted by the applicant that demonstrates this.

74. Paragraph 173 of the NPPF states –

‘Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable’.

75. In support of their viability assessment the applicant’s have stated that the planning application seeks to develop the existing cricket club site in order to release the funds necessary for the provision of the new cricket facility. They have advised that no grant funding is available for this scheme and that the money is to be raised through the sale of the proposed dwellings. As such they feel that it is necessary to maximise the capital which can be raised in order to ensure that sufficient funds are available for the development of the new cricket facility. They have advised that the scheme needs to provide a specific some of money to allow the Cricket Club to relocate to the new site and to provide the required level of facilities. The viability assessment details the costs of providing the new cricket facility however the developer has recently advised that it will not be possible to provide all of the finance for the cricket club development from the submitted housing scheme, therefore they have indicated that they will be using money from elsewhere to fully finance the cricket club development.

76. Officers have scrutinised the submitted viability information with the assistance of colleagues in the Assets department and negotiation on this matter have been lengthy.

77. Paragraph 54 of the NPPF advises that LPA's should be responsive to local circumstances and plan housing to reflect local needs. Affordable housing is normally provided on site in order to meet the needs of the local community and to ensure that a balanced mix of housing is provided. In this case Officers have attempted to compromise with the applicant and in an attempt to act flexibly have suggested that the affordable housing could be provided off-site by the payment of a sum of money. Officers in the Council’s Housing Strategy Team have calculated that the payment should be £258,501 based on the scale of the development and its location. In recognition of the viability issue and in order to try to secure some affordable housing, it was suggested that the Council would accept a reduced contribution of £129,000. The applicants have however stressed that because the scheme is not viable it will not be possible to make any contribution towards affordable housing.

78. In addition it has also been suggested to the applicant that the scale of the replacement cricket pavilion could be reduce to provide slightly more modest building while still providing the level of facilities required. The Cricket Club have declined to consider this and have stated that the facilities have been designed with the sustainability of the club in mind. They have therefore declined to amend the application.

79. Detailed negotiations and careful analysis of the figures have taken place over several months between Officers and the applicant's in order to try to resolve this issue with a view to securing an element of affordable housing. However the applicant's have demonstrated that it will not be possible to incorporate affordable housing into the proposed development or provide an off site contribution through the submission of a viability assessment. The viability appraisal has been fully tested and it is recognised that the proposed development is not deliverable with the provision of affordable housing. Therefore the scheme has been assessed in accordance with paragraph 173 of the NPPF and in this instance it is not appropriate for affordable housing to be provided.
80. While it is regrettable that affordable housing is not being provided as part of this development it must be recognised that the proposed development package will result in important community facilities being provided with the provision of a new cricket club. This will offer greater sporting opportunities to local residents than can be provided at the current site. A part of the section 106 agreement it is proposed that there will be a Community Use Agreement which will allow the wider community to use the cricket club facilities. The proposed new cricket club is considered to be a local benefit both to cricketers and other members of the local community.

Design and Layout

81. Part 6 of the NPPF states that Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Part 7 of the NPPF attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Local Planning Authorities should aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
82. The layout of the proposed development has been amended during the course of the application following the advice from Officers to achieve a better layout and a higher standard of design. Opportunities on this site are restricted by the constrained nature of the site and the fact that the applicant has advised that due to viability reasons the site needs to accommodate the proposed number of dwellings, therefore it has not been possible to negotiate a scheme containing less properties.
83. The layout of the estate has been designed so that the properties adjacent to Lilac Crescent will face onto the existing street rather than presenting their backs to the street. This enhances the appearance of the streetscene and provides a good street frontage. The properties on plots 15 to 18 will however face into the estate with their rear gardens facing towards Lilac Crescent. This design solution has been reached due to concerns of the Highways Officer regarding parking on Lilac Crescent in the vicinity of these properties. While the back of the properties will face onto the street they are set slightly back from Lilac Crescent being separated from the street by the triangular garden on 78 Lilac Crescent. Rather than using traditional fencing adjacent to Lilac Crescent brick pillars and fencing will be used to enhance the appearance of the rear of these properties.
84. The properties at the entrance to the proposed development will be designed with a dual frontage to face both onto Lilac Crescent and into the proposed development. This will provide an attractive entrance to the development. A range of house types are proposed to provide interest and variety. Some of the properties will curve around the estate road and this will enhance the appearance of the estate. In order

to accommodate the sloping site conditions the properties adjacent to the southern boundary of the site will be built into the hillside. Rather than providing a continuous terrace of properties the houses on these plots have been designed as a terrace of four houses and four pairs of semi-detached houses. The gaps between these properties will provide views into the adjacent woodland which will help to integrate the development into its surroundings.

85. Each dwelling will have its own allocated parking and some properties are designed with garages. In addition visitor parking will be provided. While it would have been preferable for more parking to have been provided to the rear of the properties this has not been possible due to the constrained nature of the site and the number of dwellings that the applicant is proposing for viability reasons. A range of different types of paving is proposed which will enhance the appearance of the development and will break up the surfacing presenting a pleasant environment..
86. A small area of open space is provided within the development which will be landscaped.
87. Overall the proposed development is considered to achieve a good standard of design which will complement the local area. The design and layout of the estate will comply with the aims of the NPPF and Local Plan Policy.

Residential Amenity

88. The proposed dwellings will be set at an acceptable distance from the properties on the opposite side of Lilac Crescent so as not to provide a loss of amenity.
89. There is a minimum distance of 20 metres between the rear of the closest property (plot 50) to the nearest property in Cricket Terrace (no. 7 Cricket Terrace). While this falls marginally short of the guideline of 21 metres it is not considered that the amenity of the property would be significantly affected to an extent which would justify a refusal of the application. Due to the angle of the properties in Cricket Terrace and the positioning of the proposed properties in the development the separation distance increases between Cricket Terrace and the proposed dwellings. At the western end of Cricket Terrace this distance would increase to 26 metres.
90. During the course of the application an amendment has been made to the positioning of the dwelling on plot 19. This has been moved further away from 78 Lilac Crescent. The side elevation of the proposed property does not contain any windows therefore overlooking will not result. At the closest point, measured from the corner of 78 Lilac Crescent to the corner of the property on plot 19, there will be a separation distance of only 9 metres, whereas at the southern corners of the properties this distance increases to 17 metres. Where the side gable of a property would be directly facing the rear elevation of a neighbouring property the Council normally ask for a separation distance of 12.5 metres. Plot 19 will not face directly onto 78 Lilac Crescent and is off set by an angle of approximately 55 degrees which will increase the amount of light afforded to the rear of the property when compared to a situation where a gable directly faces a rear elevation. It should be recognised that the proposed property on plot 19 would be split level as it would be built into the hillside. This means that the property will be higher at the front where it would be closest to the neighbouring property. The rear elevation of 78 Lilac Crescent faces in a south westerly direction which would mean that it would continue to benefit from sunlight for the majority of the day. While it is recognised that there would be some loss of light to the rear of 78 Lilac Crescent It is considered that the gable elevation of Plot 19 is positioned sufficiently far away from not to result in a loss of light or overbearing impact sufficient to justify refusal of the application.

91. Within the proposed development acceptable levels of privacy and amenity will be provided for the future residents of the properties.
92. The Council's Pollution Control Team has requested that a number of conditions be imposed to minimise the impact of the proposed development on the occupiers of surrounding residential properties. Circular 11/95, The Use of Conditions in Planning Permissions, sets out a number of requirements that conditions should meet and Paragraph 22 of the circular states that a condition which duplicates the effect of other controls will normally be unnecessary. In planning terms it is considered reasonable to impose conditions requiring wheel washing facilities to be installed on site, require a dust mitigation plan and restrict the hours of operation. With regard to the other suggested conditions requiring the screening of noise sources and the prevention of burning of materials on site it is considered that these would be better dealt with through other legislation. The Pollution Control Team have also suggested that a condition is imposed to require that the construction works comply with British Standard Code of Practice BS 5228 'Noise Control on Construction and Open Sites', officers are of the view that a planning conditions could not be imposed regarding this matter as again this can be regulated by other legislation.

Ecology

93. Section 11 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains to biodiversity where possible. An Ecological survey was submitted with the application and the Council's Ecologist has advised that this was acceptable in terms of bats but noted that a local resident had drawn the Council's attention to a local newt population and that the Ecological report would need to be amended to consider the impact of the proposed development on this population.
94. An amended assessment was submitted which concluded that as there are no ponds within the site there is no risk to breeding ponds or eggs and therefore there would be no impact on the ability of Great Crested Newts to breed or reproduce. The risk of newts being present within the site was classed as negligible. It was concluded that whilst a European Protected Species Licence would not be required that monitoring measures be put in place throughout the development.
95. The County Ecologist has raised no objection the proposed development it is therefore considered to comply with the aims of the NPPF in terms of biodiversity.

Highway Safety

96. Policy TR2 of the Derwentside District Local Plan requires that new development provides a safe vehicular access and adequate provision for vehicle manoeuvring and parking. The Council's Highways Officer has commented that he has no objections to the proposed development. Following his advice a number of amendments have been made to the internal road layout of the development to achieve an acceptable scheme.
97. A number of comments have been made by objectors in relation to the use of Lilac Crescent to access the site. While the concerns of residents are note these have been considered by the Highways Officer and he is of the view that the existing roads are adequate to serve the development.
98. The Rights of Way Officer has commented that public footpaths run along the western and eastern boundaries of the site and these must remain unaffected by the

development and there must be no encroachment upon their width. The applicant will be informed of this.

Land Stability and Contamination Issues

99. The NPPF requires contamination and stability issues to be taken into account in making planning decisions. In determining applications Local Planning Authorities are required to take into account ground conditions and land instability including from natural hazards and former activities such as coal mining.
100. The Coal Authority has advised that the site is within an area where probable shallow coal workings are recorded along with a mine entry on the southern site boundary. They indicate that the coal mining legacy potentially poses a risk to the proposed development and intrusive site investigations should be carried out prior to the commencement of the development to establish the exact situation regarding coal mining legacy issues. A condition should be imposed to ensure that these works together with any necessary remedial works are carried out prior to the commencement of development on the site.
101. The applicant's Geo-Environmental review, which looks at ground contamination, has been examined by consultants acting on behalf of the Council and they have noted that the major constraint for the development seems to be the risk of shallow mining. This matter is to be further investigated. It is noted that gas monitoring is to take place. It is recommended that contamination testing is provided for all areas of suspected fill and that asbestos testing is carried out. These matters will be conditioned.

Drainage

102. Residents of the area have raised concerns about drainage and in particular surface water run off from the site and how this could affect their properties in the future. The Council's Drainage Engineer has pointed out that it is the responsibility of the developer to control pollution and run-off from the site during the works and run-off must be controlled within the boundary of the site. With regard to possible flooding the Drainage Officer has commented that it is proposed to provide a surface water storage system on site with on site infrastructure which will limit surface water run off to match existing run off rates. The storage will be contained within the site and flow controls constructed within the site. The surface water will ultimately discharge into an adopted sewer in the vicinity of the site and adopted by the sewerage undertaker.
103. The Drainage Engineer advises that the proposed development will not exacerbate flood risk either on the site or to the surrounding area and the development is therefore considered appropriate in relation to flood risk.

Sustainability and Energy Efficiency

104. The NPPF requires Local Planning Authorities to support the move to a low carbon future and requires account to be taken of landform, layout, building orientation and landscaping to minimise energy consumption.
105. A sustainability assessment was submitted with the application and the proposal has been amended following the comments of the Sustainability Strategy Officer. Concerns were expressed that the most southerly properties would be affected by shading from the adjacent woodland and as such the properties would require greater heating and lighting. Sun pipes are now proposed in the southern properties which will reduce the need for additional lighting. The applicant has however

declined to increase insulation on these properties stating that current Building regulations will be met. While it is disappointing that further insulation cannot be installed on these particular properties it should be noted that the proposed development will be subject to the usual condition requiring the scheme to attain a 10% improvement on the Building Regulations through the use of renewable energy technologies.

Section 106 Agreement.

106. The NPPF provides guidance with regard to section 106 agreements. This advises that local planning authorities should consider whether an otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests -
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
107. The section 106 agreement sets out a number of obligations relating to both the current application and the application for the replacement cricket facility. Relevant to this application are the Developers covenants in relation to the phasing of the development and the payment of a commuted sum in lieu of on site play provision.
108. In terms of the phasing of the development the developer will agree not to commence the residential development until the cricket club development has commenced and to not permit occupation of more than 25 dwellings until the Cricket Club development is complete. This is required to meet the requirements of Sport England to ensure that the replacement Cricket Club is provided in a timely manner to allow the continuity of play. As a fallback position the Cricket Club have sought agreement from another local Club that they can use their facilities in the event that the works are delayed and the pitch is not available for use during the 2014 season. This obligation meets the tests contained in the NPPF relating to 106 agreements in that the phasing is necessary for the development to take place as it would not be acceptable for the housing development to take place without the replacement facility being provided. It is directly related to the development as the proposed housing development will take place on the existing Cricket Club therefore displacing the club from its existing site. It is fair and reasonable to require the replacement facility to be provided in the phased manner put forward in the section 106 agreement.
109. The other obligation contained in the section 106 agreement which relates to this development requires the payment of a commuted sum in lieu of an equipped play area being provided on the site. A play area would not be provided on the site due to the constrained nature of the site therefore in order to address the increased impact on play facilities locally caused by the provision of additional family housing it is necessary in planning terms to require the payment of the commuted sum to make the development acceptable. The commuted sum requirement is clearly directly related to the development and is fairly and reasonably related in scale and kind to the development. It is therefore considered that the section 106 agreement meets the requirements of the NPPF.

110. As the Section 106 agreement relates to both this application and the associated application for the replacement cricket facility it contains a number of clauses that relate specifically to the cricket club application. These relate to the payment of an ecology mitigation plan, a woodland management plan and a community use agreement for the cricket club facilities. The acceptability of these clauses in terms of the CIL regulations is assessed in the report relating to the new cricket facilities.

Other Issues

111. Residents have expressed concerns that the site is subject to a covenant which prevents buildings being erected. Covenants are not regulated by the Planning system and are not material in the determination of the application. In addition, concerns have been raised about the price paid for the site and the lack of sales of existing housing however these are not material planning considerations. An objection was raised expressing concerns about the removal of a telecommunications mast which currently occupies the site. This will be relocated off-site. Concerns have also been raised by objectors about the impact on local businesses. While the proposed development may have a marginal impact due to less people visiting businesses in Burnopfield on match days this impact is not likely to be significant and would not be a reason to refuse the application. The impact would be the same if the cricket club were to close.

CONCLUSION

112. The application site is situated in a sustainable location centrally located within the settlement of Burnopfield with good access to local services and facilities. The NPPF encourages new housing development in sustainable locations such as this and the proposed development would not compromise the aims of the emerging County Durham Plan. Development of this site would comply with the Derwentside District Local Plan.
113. Detailed consideration has been given to the provision of affordable housing. In accordance with the NPPF a viability assessment has been submitted which indicates that the site would not be deliverable if the scheme incorporated affordable housing. Therefore it has been concluded that affordable housing cannot be insisted upon in this instance.
114. The layout of the development has been amended during the course of the application to achieve a better layout and a higher standard of design. This has resulted in a well designed development being proposed. While the proposed housing development would impact on the amenity of some of the adjacent properties this is not sufficient to justify refusal of the application.
115. The Council's Ecology Officer has raised no objections to the application.
116. While a number of objections have been received to the application on the grounds of highway safety from the residents of the adjacent properties the Highways Officer has offered no objections to the application and is satisfied that the scheme will not be detrimental to highways safety. It will be necessary for Rights of Way that run adjacent to the boundaries of the site to remain open and unobstructed during the construction period.
117. Conditions are suggested to deal with coal mining legacy issues and gas monitoring. As surface water storage system is proposed which will limit surface water run off and the Council's Drainage Engineer is satisfied with the proposal.

118. A section 106 agreement is proposed relating to ensure that the new cricket facility is to be provided within an acceptable timescale. The agreement also requires the payment of a commuted sum in lieu of an on site play being provided on site.
119. The proposed scheme will result in a high quality development which would comply with local and national planning policy and approval is therefore recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the applicant entering into a section 106 agreement relating to the phasing of the cricket club development and the payment of a commuted sum in lieu of an equipped play area being provided on site 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;

Site location plan 08081 (P)12
Proposed Planning Layout – 08081 (P) 11 Revision F
Boundary Treatments and Materials Layout - 08081 (P) 13 Revision C
Site Elevations – 08081 (P) 20 Revision C
Ashford - 2010/ASH/C/01
Aylesbury – 2010/AYE/C/01
Farringdon – 2010/FAR/C/01
Morpeth – 2010/MOR/C/01
Rochester – 2010/ROC/C/01
Somerton – 2010/SOM/C/01
Tavistock – TAV/C/01
Appleby – 2010/APP/01
Ashbourne – 2010/ASH/SP/01

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 of the Derwentside Local Plan 1997 (saved 2009).

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by M Design number MD0553/rep/001 and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off generated by the site to the existing 9.5l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4. No development shall take place until a site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any land instability issues are found resulting from, for example past mining activity, during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any unexpected hazards are found which have not been identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with policy EN27 of the Local Plan.

5. Prior to the commencement of the development a survey of the site for landfill gas shall be undertaken. The scheme, consisting of the survey results and any mitigation or remedial works required, shall be submitted to and approved in writing by the Local planning authority before work commences. The development shall be implemented in full accordance with the approved scheme.

Reason: To ensure that risks landfill gas to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with policy EN27 of the Local Plan.

6. Prior to the commencement of the development asbestos testing shall be undertaken. The scheme, consisting of the survey results and any mitigation or remedial works required, shall be submitted to and approved in writing by the Local planning authority before work commences. The development shall be implemented in full accordance with the approved scheme.

Reason: To ensure that asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with policy EN27 of the Local Plan.

7. Prior to the commencement of the development on site a vehicle wheel washing facility shall be installed at the main exit from the site. All construction traffic leaving the site must use the facility and it shall be available and maintained in working order at all times during the period of site operations connected with construction.

Reason – In the interests of the amenity of the occupiers of neighbouring residential properties and to comply with Policy GDP1 of the Derwentside District Local Plan.

8. Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of water suppression, containment of finely divided materials, how internal roads and highways will be cleaned, and details of daily visual inspections. The development shall be carried out in accordance with the approved dust management plan.

Reason – In the interests of the amenity of the occupiers of neighbouring residential properties and to comply with Policy GDP1 of the Derwentside District Local Plan.

9. Site works (including deliveries and temporary site generators) shall only be carried out during the following hours –

Monday to Friday – 08.00 to 18.00

Saturday – 09.00 to 14.00

Sunday and Bank Holidays – No working should take place.

Reason – In the interests of the amenity of the occupiers of neighbouring residential properties and to comply with Policy GDP1 of the Derwentside District Local Plan.

10. Prior to the commencement of the development details of means of enclosure for each property shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason - In the interests of the visual amenity of the area and to comply with policy GDP1 of the Derwentside District Local Plan.

11. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. The landscaping works shall be carried out in accordance with the approved details.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason - In the interests of the visual amenity of the area and to comply with policy GDP1 of the Derwentside District Local Plan.

12. No waste materials shall be burned on site.

Reason – In the interests of the amenity of the occupiers of neighbouring residential properties and to comply with Policy GDP1 of the Derwentside District Local Plan.

13. Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of water suppression, containment of finely divided materials, how internal roads and highways will be cleaned, and details of daily visual inspections. The development shall be carried out in accordance with the approved dust management plan.

Reason – In the interests of the amenity of the occupiers of neighbouring residential properties and to comply with Policy GDP1 of the Derwentside District Local Plan.

14. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason - In order to minimise energy consumption and to comply with the aims of section 10 of the NPPF.

15. No development shall take place until full engineering details of the proposed estate roads and footpaths have been submitted to and approved in writing by the Local Planning Authority. The footways and accesses shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan.

16. No dwelling hereby approved shall be occupied until that part of the approved service/access road which provides access to it has been constructed up to base course level in accordance with details to be submitted to and approved by the Local planning authority. The final wearing course shall be applied within two months of the occupation of the final dwelling.

Reason - In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan.

17. The proposed development shall take place in accordance with the recommendations contained within the Great Crested Newt Monitoring Addendum to Burnopfield Cricket Club Great Crested Newt Risk Assessment dated July 2012 prepared by Penn Associates.

Reason – In order to ensure that the proposed development would have minimal impact on biodiversity in accordance with Section 11 of the NPPF.

REASONS FOR THE RECOMMENDATION

The development was considered acceptable having regard to the following development plan policies RSS Policies 2, 4, 7, 8, 24, 30, 38, and 39 and Policies GDP1, EN11, HO4, RE4 and TR2 of the Derwentside District Local Plan, sections 4, 6, 7, 10 and 11 of the NPPF.

In particular the development was considered acceptable having regard to consideration of issues of the principle of the development, affordable housing, design and layout, residential amenity, ecology, highway safety, land stability and contamination issues, drainage, sustainability and energy efficiency and the section 106 agreement.

Sixteen objections were received relating to highways, drainage, the covenant on the site, and amenity issues amongst other matters. The Highways and Drainage Officers were satisfied with the proposal and any loss of amenity to neighbouring properties was not considered sufficient to justify refusal of the application. One letter of support was received

STATEMENT OF POSITIVE ENGAGEMENT

The Local Planning Authority in arriving at the recommendation to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
Supporting Statement prepared by Signet Planning dated March 2012
Non-Technical Summary prepared by Signet Planning dated March 2012
Transport Statement prepared by Tim Speed Consulting dated July 2011
Planning Application Summary prepared by Signet Planning dated March 2012
Statement of Community Involvement prepared by Signet Planning dated March 2012
Services Report dated July 2011
Business Plan dated 2011
Draft section 106 Agreement
Ecological Survey prepared by Penn Associates dated September 2010
Phase Two Ground Investigation Report prepared by Arc Environmental
Flood Risk Assessment prepared by M Design
Drainage Report dated July 2011
Design and Access Statement prepared by MWE
Coal Mining Risk Assessment prepared by Arc Environmental dated 10th May 2011
Affordable Housing Statement prepared by Signet Planning dated March 2012
Viability Assessment prepared by Barratt Homes
NPPF (2012)
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Derwentside District Local Plan 1997 (saved 2009)
Response from County Highway Authority
Response from Senior Sustainability Strategy Officer
Response from Design and Conservation Officer
Response from Streetscene Officer
Response from Pollution Control Team
Response from Targeted Training and Recruitment Officer
Response from Landscape Officer
Response from County Ecologist
Response from Rights of Way Officer
Response from Senior Drainage Engineer
Response from Sport England
Response from Environment Agency
Response from Northumbrian Water Ltd
Response from Coal Authority
Response from Police Architectural Liaison Officer
Neighbour consultation responses



Planning Services

56 dwellings at Burnopfield Cricket Club,
Lilac Crescent, Burnopfield
Application Number 1/2012/0151

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Comments

Date January 2013

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