

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	2/13/00105/FUL
FULL APPLICATION DESCRIPTION:	Demolition of a former fire station and associated buildings and construction of 18 affordable dwellings (11no 2 bedroom and 7no 3 bedroom).
NAME OF APPLICANT:	Home Group Developments Ltd Former Fire Station, Woodstone House Woodstone Village
ADDRESS:	Chester-le-Street Durham DH4 6BQ
ELECTORAL DIVISION:	Lumley
CASE OFFICER:	Graham Blakey, Planning Officer, 0191 387 2045, graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The former fire station near Woodstone village is located within greenbelt to the north of the village and lies equidistant between Woodstone and Bournmoor. The site lies to the north of a triangular piece of land that is bordered by the A1052 to the east, the B1284 to the south and High Row, a one-way exit road from the industrial estates, to the west, while a grassed field is located to the south of the site.
2. The existing buildings on the site are owned by the applicant and were previously used as a fire station and associated storage buildings. The remainder of the site comprises hard standing and to an upper level garaging. Generally, the topography of the area slopes from south to north towards the Lumley Park Burn. There is existing mature planting around the edges of the site, where vehicle accesses have not been created.
3. These proposals seek to construct 18 new dwellings comprising a mix of two and three bed homes. The general design for the proposals would see dwellings face onto a central shared surface courtyard, with associated landscaping, that provides parking for the development. The courtyard is broken down with trees together with either screen hedging or low screen walls. Private garden areas are located to the rear of each property, with those properties facing the courtyard having gardens facing out with the application site.
4. Vehicular access would be taken from the one-way street of High Row to the west of the site. Parking provision includes one space per two bed house and two spaces for every three bed home. Existing trees around the edge of the site would be retained to assist in screening the proposed development from the A1052 and High Row.

5. This application is being reported to the Northern Area Planning Committee due to the size of the scheme and the subsequent constitutional requirements.

PLANNING HISTORY

6. In 1974, consent was granted for a vehicular access from High Row.
7. In 1994, consent was granted for a first floor and ground floor extensions to the fire station building.
8. In 1999, permission was granted to vary the existing planning permission.
9. Again, in 1999, consent was granted for an extension to the car park hardstanding to the rear of the fire station building.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
12. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
13. The following elements of the NPPF are considered relevant to this proposal;
14. **NPPF Part 1 – Building a Strong, Competitive Economy** – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
15. **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.
16. **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.

17. **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.
18. **NPPF Part 9 – Green Belts.** The five purposes of Green Belt land are set out thus; to check unrestricted urban sprawl, to prevent towns coalescing, to safeguard the countryside from encroachment, to preserve the setting and character of historic towns and to assist urban regeneration. Planning Authorities are required to ensure substantial weight is given to any harm to the Green Belt, with 'very special circumstances' required to over-ride Green belt policies.
19. **NPPF Part 11 – Conserving and enhancing the natural environment.** The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

LOCAL PLAN POLICY:

20. **Policy NE4** – Appropriate development in the Green Belt - seeks to control appropriate development in the Green Belt, restricting the construction of new buildings to; agricultural and forestry uses, sport, recreation and other uses that preserve Green Belt openness, proposals for the limited extension, alteration or replacement of existing dwellings, the reuse or conversion of existing buildings and mineral extraction.
21. **Policy NE5** – New Dwellings in the Green Belt – There is a presumption against the construction of new dwellings in the Green Belt.
22. **Policy NE6** – Development affecting the Visual Amenity of the Green Belt – Development within or conspicuous from the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to the visual amenity of such.
23. **Policy HP13** – Affordable Housing. Will seek to negotiate for the provision of an element of affordable housing suitable for those who are unable to buy or rent in the open market.
24. **Policy BE2** – Public Art states that where development costs a total of £500,000 or more the Council will encourage developers to devote at least 1% of those costs to the provision of public art.
25. **Policy BE22** – Planning Obligations. Wherever necessary the Council will seek to enter into planning obligations from developers to either enhance the quality of a proposal that is acceptable in principle, or to enable a proposal to go ahead which might otherwise be refused.
26. **Policy T15** – Access and Safety provisions in design – Development should have safe access to classified road, should not create high levels of traffic exceeding capacity,

have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

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:

27. Highways: Under normal circumstances highways would oppose any residential development at this location as the site is some distance from the settlement and there are no footways on the development side of the highway.
28. Although there are footways on the A1052 and the C8B roads, the footways are on the opposite side of the road. There are no pedestrian facilities on the application side of the road. I consider that, in order to provide "safe, convenient and attractive routes for pedestrians" and to provide adequate pedestrian links to the adjacent bus stops footpaths should be provided linking the dwellings to the highway. In addition, our Public Transport colleagues agree that it would be beneficial to retain a part of the existing fire station exit in order to provide a bus stop and lay-by to cater for residents wishing to travel west, as the nearest bus stop is some 350m away. Finally, although the proposed shared surface is acceptable, it must incorporate 1.8m service margins, not the 0.5m margins shown.
29. Northumbrian Water: confirm that a public sewer crosses the site and is shown built over on the submitted plans. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible; however the presence of the Northumbrian Water assets could impact upon the layout of the scheme as it stands.

INTERNAL CONSULTEE RESPONSES:

30. Landscape (Visual): There are strong reservations that the proposed development could harm the openness of the green belt. The quantum of development is greater than the present development and the impact of this on the boundaries will affect the landscape and visual amenity as seen from the nearby public receptors comprising three roads and one public footpath. This is also considered an isolate site in a very sensitive urban fringe location that if redeveloped for housing may have long term implications on the survival of the adjacent green belt to the south. The proposals are considered to be in conflict with saved policies NE3 and NE6 of the Chester-le-Street Local Plan, and not consistent with emerging County Plan policies 13, 35, 39 and 40, as well as Landscape objectives WL2, 4 and 25.
31. Tree Officer: Initial landscape plans are weak on detail and need to contain full British Standard specification to protect trees, mainly located to the periphery of the site. A condition requiring details would be acceptable.
32. Environmental Health: The site is located close to noise sources that may impact upon the quality of life within the dwellings. Request that Noise Assessment be undertaken to quantify these impacts. Environmental Health Officer (EHO) has been in discussions with the applicant's chosen acoustic consultants over what is required by the assessment. The assessment has been received and the EHO is happy with the

conclusions of the report subject to viewing the details of mitigation measures by way of condition.

33. Contaminated Land: The Officer notes that the applicant has already undertaken the Phase 1 Desk Top Survey which is of a decent standard. Within that report they detail some Phase 2 Intrusive works which should be carried out and ask that a condition requiring these be added to any approval.

PUBLIC RESPONSES:

34. In total, three public responses to the application were received, all in objection to the proposals. In summary the key points raised were:
35. Bournmoor is only a small and it does not have the infrastructure (including road, schools and retail facilities) for building more houses. It would remove the green belt which separates Woodstone Village from Bournmoor, impacting upon the character of the village.
36. Demolition of this defunct building is a good idea, the area left should be retained as green boundary between Woodstone and Bournmoor. Without this green width of boundary the two villages will continue to merge, so enlarging the conurbation which already stretches from Fencehouses to Colliery Row – Hetton-le-Hole – Easington Lane – South Hetton. In such large conurbations it is hard to promote social harmony and responsibility.
37. New buildings on this site would interrupt the wildlife corridor which follows the course of the Lumley Burn from the River Wear around Bournmoor to the new Elba Park. Building on this site would mean that there would be houses reaching down to both sides of the Lumley Burn at this point.
38. In 2000 when the Chester-le-Street Local Plan went to public inquiry the Government Inspector decreed that no further building should be permitted on this piece of land separating the two villages. This should be upheld by Durham County Council.
39. The one way system down High Row has already seen a couple of near misses and minor crashes with vehicles coming from the trading estate [to the west] and travelling against the one-way system [to exit west bound on the B1284]. Using the High Row would encourage people from the new housing estate to travel against the one way system to travel to the B1284 and break the law.

APPLICANTS STATEMENT:

40. *The scheme aims to create a new sustainable development, with its own identity, and sense of place. The arrangement consists of a simple courtyard that is overlooked by and protected by the surrounding dwellings that form the perimeter to the development.*
41. *A variety of house types are proposed comprising two and three bed units of varying design and depths. Wide frontage, shallow plan units will be located adjacent to the existing roads in order to provide frontage to both the courtyard and existing routes. These dwellings have lowered eaves reducing their massing and giving a more barn like appearance. To the south of the site, deeper plan units are used with their primary outlook onto the courtyard, with private gardens to the rear.*
42. *The development provides 18 new dwellings comprising a mix of two and three bed homes. The design employs simple building forms that reflect vernacular buildings in the*

surrounding area and contrasts these with contemporary interventions. The grouping of homes creates a scale of built form akin to that of a rural farmstead giving enclosure to a communal courtyard at the heart of the development.

43. High quality, durable materials will be used in the development's construction to ensure that the homes contribute positively to the area and continue to look attractive into the future. The proposed dwellings will be constructed using brickwork to match homes nearby. The brickwork will be divided by timber boarding adding interest to the elevations and uniting various elements such as entrances and fenestration.
44. The existing vehicular access from High Row is used to enter the site, avoiding cars turning from the A1052. The existing trees to the north west corner are a feature of the site and are retained as is the existing hedging. The existing planting will be supplemented by new hedging to the perimeter.
45. The courtyard has both hard and soft landscaping. The access road and the parking bays will be in a shared surface material such as tegular setts. The feel of the courtyard is intended to be that of pedestrian priority. Parking bays will not be delineated by paint rather they will be indicated by a change in colour of the setts. Trees and hedging will be planted to soften the courtyard.
46. The lay out of the dwellings and pedestrian routes promote security through passive surveillance with routes and parking areas overlooked. Existing trees around the edge of the site will be retained to screen the proposed development from the road and retain existing wildlife habitats. New planting within the courtyard and private gardens will further enhance the biodiversity of the site.
47. The site is designed to take advantage of the sun with the majority of gardens orientated to face south or west allowing homes to feature larger areas of glazing on these sides and benefit from solar gain.

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

48. 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 impact upon the openness of the green belt, the sustainability of the site, the layout and design of the development, the impact upon its surroundings, landscaping, and highway safety.

Impact upon the Openness of the Green Belt

49. The application site is located within the North Durham Green Belt, which was designated through the Local Plan process in 2006, the purpose of which was primarily to prevent unrestricted sprawl with the Tyne and Wear conurbation by keeping land permanently open. Despite various changes to planning policy the Government continues to attach great importance to Green Belts and the construction of new buildings in the Green Belt is still regarded as 'inappropriate' development and should only be approved in very special circumstances. However, paragraph 89 and 90 of the NPPF outlines a number of exceptions provided they preserve the openness of the Green Belt. One such exception is where development entails the partial or complete

redevelopment of previously developed sites, either redundant or in continuing use, which do not have a greater impact upon the openness of the green belt, or do not exceed the extent of the current or previous development.

50. Policies NE4 and NE5 of the saved Chester le Street Local Plan both guard against inappropriate buildings and new dwellings in the green belt. However, paragraph 215 of the NPPF outlines the weight which Local Planning Authorities can attach to policies contained within Local Plans. Due to a lack of consistency between the NPPF and the saved policies, in this instance, it is considered that the exception outlined under paragraph 89 of the NPPF carries more weight than that of Policies NE4 and NE5 of the former Chester-le-Street Local Plan.
51. The site lies south of the Lumley Park Burn, between the two of the larger villages in County Durham. Separated at a distance of approximately 400 metres along the A1052, the villages are closely linked. Thus it follows that the openness of this small area of the green belt takes on added importance in separating these two communities. Currently, the site is being operated by the applicants as a depot and storage facility for their social housing portfolio, taking advantage of the former fire station in terms of its physical characteristics and its location. As part of the character is the presence of a large building on the site and a practice tower which is visible from all of the encircling roads. The layout of the road network in this area means that the site is surrounded by the public realm. The site can be viewed from 360 degrees with only summer maturing vegetation to shield the contrasting man made structures.
52. The applicant is proposing a scheme for 18 no. affordable houses on the site. These would be made up from two storey dwellings that would encircle a central parking and landscaped area referred to as the courtyard. The Council's Landscape Officer considered the scheme to detract from the openness of the green belt as the scale of the proposals is viewed as greater than the present development. This is a difficult view to uphold as the site has large industrial scale buildings, built for a specific purpose, that reach a physical bulk that is much larger than a grouping of two storey residential development. The presence of the single dwelling to the south east corner of the site, which when compared to the fire station building adjacent, offers an insight into the potential differences between current and proposed development. The current fire station offers a prominent frontage on the A1052 which the applicant wishes to seal off and create a landscaped boundary edge that would reduce the visual prominence of the site from arguably the greatest public viewpoint. Therefore, it is Officer's view that the proposed redevelopment of the fire station site would not have a materially greater impact upon the openness of the green belt than that of the current physical structures, and as such would comply with paragraph 89 of the NPPF.
53. The Landscape Officer also holds reservations that the proposals, if agreed, would lead to the longer term erosion of the green belt between Bournmoor and Woodstone Village. This site offers a rare difference between it and the surrounding agricultural fields in that it is previously developed. Given that the view above considers openness not to be detrimentally harmed by these proposals, it invokes an exception to the green belt planning policy. Development in the open fields of the surrounding area would not be able to achieve a similar outcome.
54. Objectors have requested that the closure of the fire station be a rare opportunity to remove the current development from between the two settlements and allow the site to go back to nature and increase the openness of the green belt between the villages. National Planning Policy allows exceptions to allow development on previously developed sites within the greenbelt where they do not detract from the openness of the countryside and this aspect has been addressed earlier in this report. There is also the potential that were the site to remain unaltered and no viable use can be found, there is

a risk that the site would be left to fall in to disrepair leading to a arguably greater impact upon the openness of the green belt. This not an outcome which the NPPF seeks to produce and the NPPF allows for exceptions in the form of sites like this application to come forward for new development.

55. As a result, the new development proposed to a previously developed site is considered to not detract from the openness of the green belt and be sustainably located, showing conformity with the NPPF.

Sustainability of the Development

56. The site is positioned between two settlements, alongside a main classified road with bus transport provision, with the former fire station buildings occupying the site. Both Bournmoor and Woodstone Village / Fencehouses contain the necessary facilities to support new residential development, with shops, schools and health care outlets all within 3-500 metres of the site. Despite a location away from these settlements there are footpath links up to Woodstone Village and Bournmoor from the site; however in the immediate vicinity of the site these are limited. As a result, and in negotiation with the Highways Officer, a series of adoptable footpaths within the site, to the vehicular entrance to the site, and the between plots 8 and 9 (to link to the A1052) are proposed. These would play a critical role in providing a pedestrian link external to the site and would promote alternative uses to the motor car.

57. This links into the core aim of paragraph 55 of the NPPF which seeks to promote sustainable development in rural communities. Also, the properties are all to be affordable dwellings, available to rent through the applicants Register Social Landlord portfolio. These would introduce much needed low cost housing (as referenced in the emerging County Durham Plan) at modern standards, thus adding material weight in support of the scheme.

Design and Layout

58. The applicant states that they have sought to design the general grouping of the buildings to be akin to that of a rural farmstead. The use of narrow depth and wide frontage properties have been used to provide a dual frontage to the properties particularly where they front on to the A1052. This has the effect of reducing the visual impact of these units from the public realm and ensuring that despite having a prominent location, these units provide a sufficient standard of design given their sensitive location. The materials palette of brickwork and areas of timber cladding with a modern concrete tile to the roof slopes, when added to the rear elevations of the wide frontage properties, all introduce visual interest to the proposals that improves the appeal of the scheme above that of contemporary volume housing.

59. Internally, the layout of the courtyard responds well to the constraints of the site. The layout of the road way is simple and is not made up of tarmacadam, a theme that continues to the parking areas which use different coloured blocks to mark out their extent. The parking areas are separated by pockets of green that would contribute to give an aesthetic community space for the future residents of the development. Plots 17 and 18 sit at a higher level than the remainder of the development; however their original design left the proposed dwellings appearing somewhat separate from the rest of the development in terms of their design. The use of hipped roof lines for example was not replicated elsewhere on the scheme, and whilst potentially a positive to introduce architectural interest, in this instance the division created by the design outweighs the diversity in design.

60. Amended plans altered the design of both of these plots to better replicate the gable frontages seen in the main part of the development. This would ensure that light was received by the rear gardens of plots 14-16 and displayed a better relationship to the main part of the development. The changes made would enhance the design of proposed development and are supported by Officers.
61. Overall, the form, massing and design of the 18 units pay respect to their sensitive location and do so in an effective manner to protect the openness of the green belt.

Residential Amenity

62. The relative isolation from nearby domestic properties would mean that the proposals would not cause loss of amenity to existing domestic properties of Bournmoor and Woodstone Village. The site is located close to the industrial estate to the west and to the main road (A1052). The Council's Environmental Health Officer has viewed the proposals and has worked with the applicant's to achieve a scheme that would reduce the impact of the road to the east upon those properties which over look it. Mitigation measures in respect of acoustic noise ventilation and containment of noise have been identified by noise survey work and agreed by the applicant to be incorporated in to the scheme. The Environmental Health Officer is happy with these details and as such the proposal would provide future residents with a satisfactory level of amenity.

Highways

63. The application site occupies a relatively isolated location from the established pedestrian infrastructure of the nearby settlements. Therefore the Highways Officer had initially requested a substantial amount of footpath work and a new bus lay-by to be included within the scheme. Originally, the proposed footpath would leave the estate at the vehicular access point and wrap around the northern corner of the site within the highway verge to the link up with the current apron of the fire station, where a bus lay-by has been suggested. The applicant queried the requirement of both the footpath link and bus lay-by given the nature of the development being for affordable housing and the development running at a marginal financial viability.
64. Negotiations between the applicant and the Highways Officer have, however, reached agreement on the provision of the footpath link to provide access to the A1052. The footpath link would emerge from between plots 8 and 9 and, by having a dropped kerb, would allow crossing to the opposite side of the road. Visually, this better protected the appearance of the development in the green belt and is considered, on balance, to be the best solution to avoid a damaging impact upon the openness in this part of the green belt. The Highways Officer is satisfied by the details provided subject to the imposition of planning conditions to agree the detail of these works.
65. One objector has noted that there has been a history of vehicles exiting the nearby industrial estate to the south of the site and wanting to head south on to the B1284. The application site is located further to the north and the Highways Officer has confirmed that there would be a legal requirement for the applicant to fund the cost of a 'One Way' road traffic sign at the exit of the estate. Due to the direction of the road, they believe it would be unfeasible to construct a restrictive junction at this location.

Public Art and Open Space

66. Policy BE2 of the Local Plan requires that developers undertaking schemes which cost more than £500,000 should be encouraged to contribute 1% of the cost of the scheme for the provision of public art and landscaping projects accessible to the general public.

67. The applicant has indicated that they have undertaken a viability appraisal which demonstrates that the scheme is not profitable, reliant upon a £680,000 public subsidy to be achieved. An additional requirement for 1% of the development cost to satisfy Policy BE2 will further compound the viability issues with the scheme. The applicant has also questioned the need for such provisions and that consideration should be given to balancing these requirements with other benefits such as sustainability measures and the provision of affordable housing.
68. The proposed development would secure 100% affordable housing across the site and the viability of the scheme is clearly an issue. The homes would be built to Code for Sustainable Homes level 3. While Officers would normally negotiate the percentage for art in addition to other benefits on balance Officers consider that the provision of a good quality, sustainable affordable housing scheme with attractive communal areas outweighs any potential negatives of relinquishing the need for the percentage for art payment in this instance.
69. Within the County Durham Open Space Needs Assessment (OSNA), a report which details the level and quality of the open space within the county, the area around the application site is well served by public spaces. Within walking distance, as stipulated by the OSNA report, there is access to amenity open space, allotments, outdoor sports space and play space, of which all of a suitable quality. As such, the proposed development is well served by the existing open space provision in this immediate area.

Section 106 Agreement

70. Circular 05/2005 provides guidance with regard to section 106 agreements. This advises that a clear distinction needs to be made between planning gain and inducements offered by a developer, which are not necessary to make the development acceptable in planning terms. The guidance stipulates that a planning obligation must be –
- Relevant to planning;
 - Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development; and
 - Reasonable in all other respects.
71. Furthermore, 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 is;
- Necessary to make the development acceptable in planning terms;
 - Directly related to the proposed development; and
 - Fairly and reasonably related in scale and kind to the development.
72. As stated previously Policy HP13 of the Chester-le-Street Local Plan requires housing developments of more than 15 units to provide affordable housing on the basis of an initial target figure of 30%. Such provision is normally provided through a section 106 agreement. In this case all of the proposed dwellings would be classed as being affordable housing therefore the development exceeds the level of affordable housing which would normally be required by Policy HP13. It is however important to ensure that the proposed bungalows remain affordable housing in perpetuity and whilst only 30% affordable housing would normally be sought the applicant has agreed to enter into a section 106 agreement to ensure that this 30% of the proposed bungalows remain

affordable housing in perpetuity. The provision of a section 106 agreement relating to the provision of 30% affordable housing in perpetuity on this site would meet the tests contained within the circular and Community Infrastructure Regulations. It would however be difficult to argue that 100% affordable housing would be required to make the development acceptable. The additional 70% affordable housing should therefore be regarded a voluntary contribution.

73. It is therefore recommended that the permission is granted subject to the entering into of a section 106 agreement to secure the provision of affordable housing.

Other Issues Raised

74. The Council's Arboricultural Officer has offered views regarding the maturing trees which surround the site. They are happy that their retention is part of the proposals and have offered advice relating to the root protection areas and soil depths. These are not insurmountable issues and it would be appropriate to condition details for consideration post permission.

CONCLUSION

75. The site occupies a previously developed location within the green belt which paragraph 89 of the NPPF allows for new development without harming the openness of the green belt. The proposals here are not considered to harm the openness of the green belt when compared to the existing form and scale of the development on the site. The design and layout of the proposals are of a standard sufficient enough for this sensitive location and do not detract from the green belt and the future residential amenity of the occupiers of the proposed scheme.

76. The site would not lead to highway safety issues, despite access and egress coming from a one way road and would provide sufficient infrastructure to access the highway network. The applicant's have justified their reasoning behind their exception from payments in lieu of open space and public art provision due to viability issues.

77. Thus the proposals are considered to accord with the aims and objectives of the NPPF, in particular paragraph 89, and policies NE6, HP13 and T15 of the saved Chester le Street Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to entering into a section 106 agreement and to the following conditions

1. The development hereby approved must be begun no later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 and 92 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Date	Plan #	Revision	Title
09/05/2013	2251-D-00-001		Location Plan
29/08/2013	2251-D-00-002	C	Proposed Site Plan
09/05/2013	2251-D-00-003	A	Plots 1-3 Plans and Elevations
09/05/2013	2251-D-00-004		Plot 4 Plans and Elevations
09/05/2013	2251-D-00-005	A	Plots 5-8 Plans and Elevations
09/05/2013	2251-D-00-006	A	Plots 9 & 10 Plans and Elevations
09/05/2013	2251-D-00-007	A	Plots 11-16 Plans and Elevations
29/08/2013	2251-D-00-008	B	Plots 17 & 18 Plans and Elevations
09/05/2013	2251-D-00-009		Existing House Elevations
09/05/2013	2251-D-00-010		Existing Fire Station Elevations
09/05/2013	2251-D-00-011		Proposed and Existing overlay Elevations
28/06/2013	6.120.1	A	Landscape Layout
09/05/2013			Design and Access Statement
09/05/2013			Solmek Desk Study Report, Woodstones, Fencehouses
02/07/2013			Noise Survey and Façade Acoustic Design Strategy, Woodstone House, Woodstone Village

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policy RL1 of the Chester-le-Street Local Plan.

- Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. 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 HP9 of the Chester-le-Street Local Plan.

- No development shall commence until plans showing full engineering details of the proposed footpaths, the estate roads, and works to remediate the fire station apron have been submitted to and approved in writing by the Local Planning Authority. The proposed footpaths, estate roads and apron works shall be constructed in accordance with the approved details and available for use prior to the occupation of the first dwelling.

Reason: In the interests of highway safety as required by policies HP9, T8, T12, T13, T15 and T17 of the Chester-le-Street Local Plan.

- No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with policy HP 9 of the Chester-le-Street Local Plan.

- No development shall commence until a detailed hard and soft 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:

- Entrance feature brick walls including elevational details, precise location and extent
- Trees, hedges and shrubs scheduled for retention.
- Native species hedges
- Trees with a conical habit with the open space areas.
- Incorporation of flower and berry bearing species within garden areas
- Planting species, sizes, layout, densities, and 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.
- Details of all utility services installations and alignments.
- Post- construction remedial works.
- 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.

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 HP9 of the Chester-le-Street Local Plan.

7. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with policy HP9 of the Chester-le-Street Local Plan.

8. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until a plan indicating the protection of all trees and hedges to be retained, and where necessary are protected by the erection of fencing, placed as

indicated on a plan to be submitted to and agreed in writing by the Local Planning Authority. Any fencing place shall be inspected by the Local Authority and agreed in writing as satisfactory. Fencing should comprise of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012 unless otherwise agreed in writing by written consent of the Local Planning Authority.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. without the prior written agreement of the Local Planning Authority

Where required, a schedule of works to retained trees and hedges, a detailed arboricultural method statement, and, a tree monitoring schedule shall be submitted. No removal of limbs of trees or other tree and hedge work shall be carried out unless approval has been granted by the Local Planning Authority.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan, without the prior written approval of the local planning authority. Any methods of installation must be considered following guidance in BS 5837:2012 'Trees in Relation to Construction' and carried out in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees)

Any construction within the Root Protection Area (RPA) must be the subject of a site specific arboricultural method statement (AMS) submitted to and approved in writing by the Local Planning Authority. The Method Statement must include, but is not confined to, site levels before and after construction, product details and specifications, a plan of works and porous surface details for any construction within the RPA

The tree works hereby approved shall be carried out in accordance with BS 3998 2010: Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council)

Reason: In the interests of the visual amenity of the area and to comply with policy HP9 of the Chester-le-Street Local Plan.

9. No development shall take place until a site investigation has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the Local Planning Authority. This should incorporate a 'Phase 2 Report'

This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the Local Planning Authority

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

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 risks to workers, neighbours and other offsite receptors in accordance with paragraph 121 of the NPPF.

10. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with policy HP9 of the Chester-le-Street Local Plan.

11. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of:
- Monday to Friday – 08.00 – 1800
 - Saturdays – 08.00 – 1200
 - Sundays – None
 - Public and Bank Holidays – None

Reason: In the interests of residential amenity in accordance with policy HP9 of the Chester-le-Street Local Plan.

12. Notwithstanding the details submitted with the application, acoustic noise mitigation measures to reduce noise impacts for future occupants shall be submitted to the Local Planning Authority prior to the commencement of the development and implemented in accordance with details agreed.

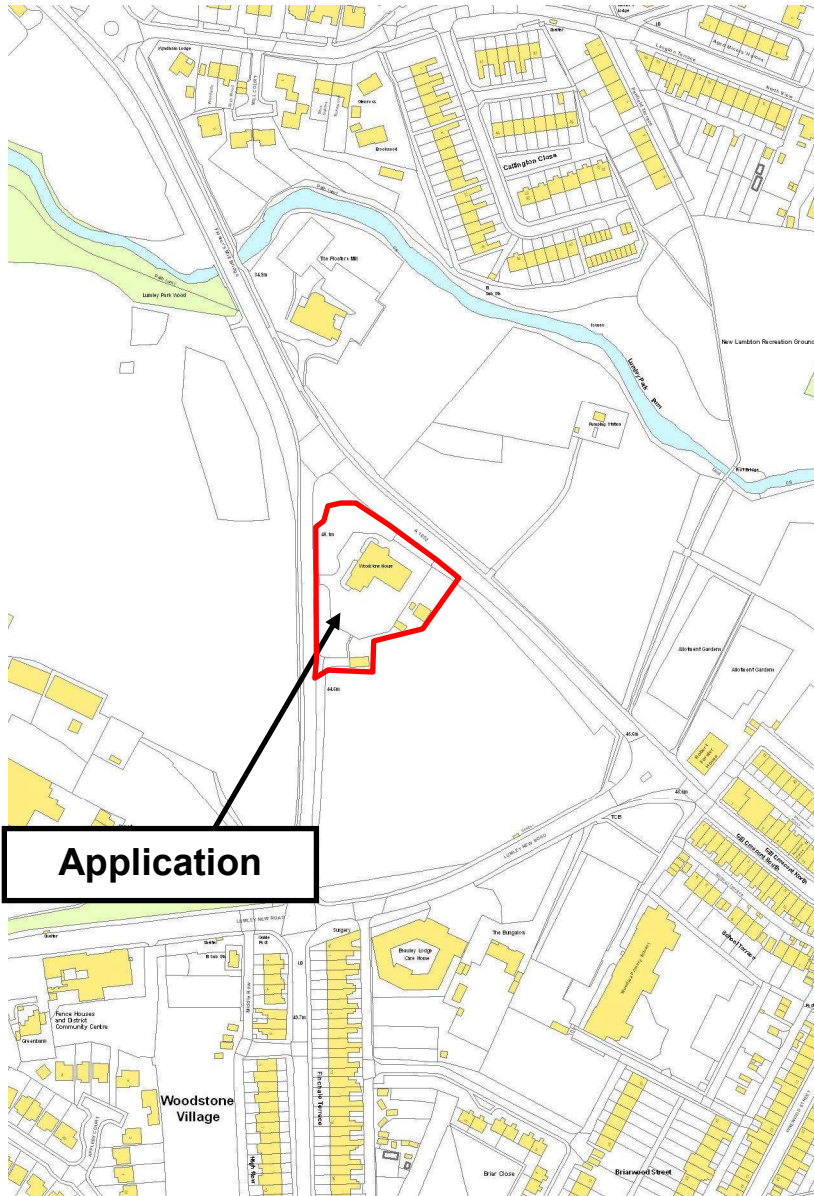
Reason: In the interests of residential amenity in accordance with policy HP9 of the Chester-le-Street Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

13. The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF in discussing the shortcomings of the scheme at pre-application stage and working through issues with the application as they and when they became apparent.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework March 2012
Chester le Street Local Plan 2003
Response from County Highway Authority
Response from County Landscape Team
Response from Environmental Health



Application



Planning Services

Demolition of a former fire station and associated buildings and construction of 18 affordable dwellings (11no 2 bedroom and 7no 3 bedroom) at Former Fire Station, Woodstone House, Woodstone Village
Application Number 2/13/00105/FUL

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Comments

Date July 2013

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