

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/19/00105/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing community building, erection of 19 residential dwellings, creation of new access and associated works
<b>NAME OF APPLICANT:</b>	Partner Construction Former Annfield Plain Community Centre Fairview Terrace
<b>ADDRESS:</b>	Greencroft Stanley DH9 8PP
<b>ELECTORAL DIVISION:</b>	Annfield Plain
<b>CASE OFFICER:</b>	Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is 0.4 hectares of land to the south-west of the staggered crossroads at Greencroft, a settlement attached to the west of Annfield Plain. Greencroft has a restricted offer of facilities and services in its own right and therefore relies on the close proximity of its larger neighbour for the Primary School (350m), supermarket (840m), local centre (740m) and four industrial estates for employment within a 1.8km radius.
2. The site is occupied by a former Community Centre that itself was a conversion from a Schoolhouse, that first appears on the 1923 Ordnance Survey Map. The existing building appears in good repair and represents a non-designated heritage asset. The building is brick-built with a Welsh slate roof and has stone water-table, string course and kneeler details.
3. The site is surrounded on its two roadside boundaries by green palisade security fencing. Alongside the boundary shared with the adjacent modern residential development and the hardstanding areas of the hard-surfaced playground areas is an attractive brick-built boundary wall with rounded coping bricks. Part of the site is hard-surfaced, the remainder a mix of the footings of greenhouses reflecting a previous business use of the site and grassed areas that have become overgrown. trees are sited along the east boundary of the site facing Fairview Terrace, two in the public highway, the remainder within the site boundary. There are sporadic trees and hedging within the

North boundary of the site where it faces Annfield Place. Both roadside boundaries include generous grassed verges, as do the facing streets.

4. There is an existing telecommunications pole and a number of equipment cabinets on the crossroad along with the more usually expected street furniture of street lights and traffic signs. These are outside but adjacent to the site boundary.
5. Fairview Terrace, facing the site from the east is a stone built, slate roof two storey terrace including some rendered properties. A hot-food take-away and dog grooming business are sited at the end of this street. Immediately adjacent the site, sharing the boundary to the south is the modern two storey development of Croft Close. The boundary to the north is shared with semi-improved grazing land. This was subject to an outline planning consent for residential development, however that permission has lapsed. To the north the mid-linked dwellings of Annfield Place face the site. The site is therefore edge of settlement in a predominantly residential environment that is exclusively two-storey in height.

#### The Proposal

6. The application proposes demolition of the existing former school/community centre building, removal of all the trees on and immediately adjacent the site, followed by the erection of 19 new two storey residential dwellings, all of which are described as 'affordable'. The dwellings are in semi-detached or mid-linked form.
7. The site would be accessed from the mid-point of the boundary facing Fairview Terrace leading to an adoptable standard hammer-head cul-de-sac. All houses have private rear gardens and open front gardens. Seven on-street visitor car parking spaces are proposed, including 2 added to the front of the site in an amendment to the scheme introduced in-process. This amendment would necessitate the removal of two trees in the highway verge. The school boundary wall is proposed retained.
8. This application is reported to Committee as a 'major' development given number of residential units involved.

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## **PLANNING HISTORY**

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9. The site has no relevant recent planning history.

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## **PLANNING POLICY**

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### **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 NPPF was updated in July 2018. The overriding message remains 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. In accordance with paragraph 48 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.

12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 11 - Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution or land instability.
20. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved

in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

21. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
22. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
23. *Design* – sets out the importance of good design, the planning objectives it can achieve, what constitutes a well designed place and the design issues that relate to different types of development.
24. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered so developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
25. *Land affected by contamination* – sets out the regulatory framework for dealing with contamination and sets out the planning system's role within this.
26. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 170 of the NPPF provides policy support to this aspect.
27. *Conserving and enhancing the historic environment* – details and advises on the framework of designated and non-designated Heritage Assets, how to assess their significance and the potential for planning decisions to harm them.
28. *Viability* – introduces the topic both in relation to plan-making and decision making, advising how development values, costs, land values and suitable developer returns should be defined for the purposes of viability assessment.

#### **LOCAL PLAN POLICY:**

29. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
30. *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.

31. *Policy EN11 – Trees and Development* – states that development will only be permitted which will not cause harm to or result in the loss of trees protected by preservation orders, or trees which contribute to the character and appearance of conservation areas. Throughout the district existing trees should be retained where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, which contribute significantly to the setting of nearby existing buildings or visual amenity.
32. *Policy HO5 – Housing Development on Small Sites – Greencroft* is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
33. *Policy HO22 – Recreational Public Open Space within Housing Sites*. Indicates a preference for such areas to be designed into housing layouts or allows for a planning obligation for developers to provide monies in lieu for off-site provision.
34. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

#### **RELEVANT EMERGING POLICY:**

35. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

36. *Highways* – The current layout reflects the detailed requirements of County Highways Engineers, ensuring the scheme meets the new parking standards, and that the internal layout of the scheme is to fully adoptable standards.
37. *Northumbrian Water* - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for

Northumbrian Water to be able to assess our capacity to treat the flows from the development. They therefore request a condition for the required details to be submitted and approved prior to construction above ground floor level.

#### **EXTERNAL CONSULTEE RESPONSES:**

38. *The Coal Authority* – has considered the submitted reports and records of intrusive site investigations and has no objections to the proposal. It will be for the Building Regulations process to ensure the installation of any appropriate foundation solution.
39. *National Health Service* – have provided a matrix that shows that in an assessment including the 'list' size of the nearest existing practice, the additional patient impact, and a floor area/population calculation, that a contribution of £1311 is required to mitigate the impact of the development.

#### **INTERNAL CONSULTEE RESPONSES:**

40. *Spatial Policy* – have undertaken the necessary assessment of the viability case offered by the applicant to justify the lack of provision of usually required elements of a major residential housing application. They note, '*the site is DCC owned and earmarked for disposal, however, due to high abnormal costs associated with developing the site (assessed internally and verified and accepted by the Council's Quantity Surveyor), the development appraisal prepared by the preferred purchaser produces a negative land value. Consequently, an agreement is in place for the developer to acquire the site for a nominal fee*'.
41. '*The developer has also made a bid for grant funding (to both Homes England (£950,000) and the Council's s106 fund (£350,000) for affordable housing to deliver the 19 affordable units and make the scheme viable. The development appraisal did not factor any s106 contributions in to it, so it is accepted that any contributions towards open space would tip the scheme back towards being unviable despite the inclusion of grant assistance, as it only covers the current shortfall. On that basis, the inclusion of a s106 contribution would necessitate further grant funding to bridge the increasing viability deficit*'.
42. Separately the Spatial Policy team has confirmed that the OSNA requirement for a scheme of this type and size if offered as monies in lieu would be £33,201.
43. *Housing* - Government planning policy outlined in the National Planning Policy Framework 2018 requires Councils to quantify the need for affordable housing in their area, and bring forward schemes which contribute to the overall need within its area, the definition of such being: '*housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)*'.
44. The Council's Strategic Housing Market Assessment is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the household survey, which underpins the SHMA identified tenure preferences of existing and newly-forming households. The SHMA therefore outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).

45. Taking the relevant policies into account the site of "Former Annfield Plain Community Centre, Fairview Terrace, Greencroft" falls within a LOW viability area. This means that 10% of properties on the scheme would be a requirement to be affordable, this equates to 2 units. As the number of affordable housing is low the standard tenure split would not be possible.
46. Where a discounted sale home ownership product is being considered, we would require the developer to provide an indication of the open market price of the discounted units, to allow this proposal to be supported. This information is required to allow the percentage discount to be determined to ensure the units comply with the affordability criteria. Where affordable rent is being considered the developer should seek a registered provider partner as soon as possible to determine interest in the site.
47. There is a requirement to provide 10% of the private and intermediate properties for older people. We therefore would welcome bungalow or Building for Life provision. Where the affordable housing is secured via a Section 106 agreement consideration should be given to the eligibility of people in relation to their local connection, income and ability to secure property on the open market.
48. *Drainage and Coastal Protection* – request for the driveways within the scheme to have a permeable construction and a condition for the agreed drainage strategy.
49. *Design and Conservation* – note the existing building has been identified as a non-designated Heritage Asset, and that they have repeatedly restated their preference pre-submission for the existing buildings to be retained and converted to a new use. They advise that the applicant has not provided sufficient justification for the demolition of the non-designated heritage asset. If demolition is justified, the proposed dwellings should provide a contemporary interpretation of the existing building.
50. The proposed design provides a strong frontage reflecting the character of the area. True corner turning units are a positive feature. The car domination of the internal layout could be improved. Whilst a standard design solution, there is limited positive character reference with the area.
51. *Landscape* – In terms of the amended proposals to remove the additional two trees in the public highway, Landscape Officers advise that they contribute significantly to the character of the local street-scene and the visual amenity of the area, and their retention is recommended.
52. *Trees* - the development will remove a substantial number of trees situated within the site and outside its boundary. The developer should provide a full tree survey to enable the trees to be graded according to their condition and amenity value. Trees are identified that could be retained within gardens. Where the loss of an important tree or trees is considered acceptable, approval will be subject to a requirement that suitable replacement planting be carried out either within the application site or on related land within the applicant's control.
53. *Ecology* – Durham County Council surveyed the site in 2016. The data from this survey is sufficient for the Local planning authority to make a planning decision and no further data is required regarding bats; but the applicant should be made aware that any planning permission does not act as a derogation against the law and they should take appropriate steps to ensure that the legislation surrounding bats is not breached.
54. Japanese knotweed is present on site (north east corner) and this will need to be dealt with appropriately.

55. *Environmental Health (Contamination)* – have assessed and concur with the submitted Ground Gas Risk Assessment, suggesting a pre-commencement condition to ensue submission of appropriate remediation strategies.
56. *Environmental Health (Noise)* - The submitted noise assessment is satisfactory and provided the noise mitigation measures are installed the recommended internal and external noise levels will be achieved. Conditions are suggested that should ensure that a Statutory Nuisance does not occur.
57. *Education* - taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

#### **PUBLIC CONSULTATION EXERCISE:**

58. Thirty-three consultation letters were sent to local residents. No objections were received. There was one letter of support from the local Ward Councillors indicating that if the requested NHS contribution was paid, the scheme has their support. A re-consultation exercise to show the implications of the revised parking arrangement at the front of the site has been undertaken, with no objections received as this Committee report was being prepared.

#### **APPLICANT'S STATEMENT:**

59. *'The proposed development proposes the construction of 19 no. new homes at the former Annfield Plain Community Centre, Annfield Plain, with 100% of those being affordable housing. The properties will be built by Partner Construction and handed to Riverside, who will be the Registered Provider, on completion. Riverside will maintain ownership of the affordable properties and will be responsible for the continued maintenance and management of the site. The provision of 19 affordable homes in this area of the County is a significant material benefit of the proposed development. Examples of the economic impacts of the proposed development are as follows:*
- *Supports the employment of 58 people (direct, indirect and induced jobs);*
  - *Approximately £32,000 in annual council tax receipts;*
  - *Approximately £130,000 in New Homes Bonus receipts from the government;*
  - *House building as an industry is almost entirely reliant upon goods and materials from the UK, meaning 90% of the investment is spent within the UK economy;*
  - *Approximately £95,000 spent in the local economy in one-off spending on furnishing and decorating to make the new house 'feel like home' (approximately £5,000 per household).'*
60. *'Other salient considerations in the determination of the application are as follows:*
- *The proposed development will secure regeneration of a dilapidated brownfield site within the urban area of Annfield Plain and provide much needed affordable housing;*
  - *Significant economic, social and environmental benefits associated within the scheme are identified within the submission;*
  - *The potential harm associated with the demolition of the existing building has been considered, concluding it is significantly outweighed by the material planning benefits;*
  - *The scheme has been designed to remain sympathetic to local design characteristic and site constraints, through careful consideration of house types and materials, and consideration of the landscape and visual effects of the site in refining the layout and landscape scheme'.*

61. 'Overall it is demonstrated the proposed development accords with the development plan and can be assessed as 'sustainable development' in the context of the Framework, benefiting from the presumption in favour of sustainable development.'

The above is not intended to list every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PLBZAQGDH8100>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Principle of the Development

62. 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 issue in this instance relate to the principle of residential development along with its scale and character and residential amenity implications, the presence of the non-designated heritage asset, trees and residential amenity.

### The NPPF

63. At paragraph 11, the Framework sets out a presumption in favour of sustainable development. For decision-taking this means assessing in the first place whether the 'most important' policies in the Development Plan are 'out-of-date'.

### The Development Plan

64. Despite its age, the Development Plan has a number of relevant policies that may be attributed a high degree of material weight given their consistency with the Framework. Heritage issues are not reflected in saved policies and must be led by the Framework. The 'most important' Policy is HO5 – Development on Small Sites, with GDP1 General Development Principles, and EN11 Trees and Development, also relevant. Part 16 of the Framework covers the Heritage issues.

65. Policy HO5 allows for windfall development on small sites, subject to a number of set criteria. This Policy is sometimes attributed less weight because of a restriction on the size of the site. In this instance the application meets all the requirements. This is not a Policy that relies on historic housing assessment figures. The policy has a good degree of consistency with the Framework. Policy GDP1 in so far as it is relevant to the current proposals has strong resonance with the Framework, particularly in terms of its requirements for strong design and protection of residential amenity. The Policy is considered NPPF compliant in this instance. Policy EN11 prevents development that would harm or result in the loss of protected trees, and asks that elsewhere existing trees should be retained, 'where possible', or where important trees are lost, be subject to suitable replacements. This policy also has a good degree of consistency with the Framework.

66. It is considered that this application should be assessed against these policies given their consistency with the Framework, and paragraph 11 of that document and the 'tilted balance' is not 'engaged'.

## Residential Development

67. Within an existing urban area, on a brownfield site, the location is considered 'sustainable' for residential development. There are seven bus stops within 200m of the site (three within 15m), the retail offer of Stanley is 730m away where health, leisure and social opportunities also exist. There are schools within the immediate area, close access to countryside footpaths, allotment gardens and significant employment opportunities within a short distance.
68. The relevant housing policy is HO5 which allows for development on small sites in specified settlements subject to four criteria: the proposal is appropriate to the existing pattern and form of development in the settlement, it does not extend beyond the existing built-up area of the settlement, it represents acceptable backland or tandem development, and the site area does not exceed 0.4ha. Compared to these requirements: sited adjacent the modern developments of Croft Close and The Croft and including mid-linked modern two-storey dwellings on the roadside frontages, the proposals reflect the existing form of development as it exists to the south-west of the crossroads. The school/community centre has formed part of the urban environment in Greencroft for around a century – the redevelopment of this site does not therefore represent an extension of the settlement. The proposal is neither backland nor tandem development. Whilst the final criteria – in setting an inflexible threshold for consideration of 'small sites' is the reason that this policy is sometime considered not to have full weight when assessed for NPPF compatibility, this site is actually within the historic size threshold. The development is concluded compatible with Policy H05.
69. Further, the application proposes erection of 19 residential dwellings that will be secured through a s.106 legal agreement as 'affordable'. Both the provision of new homes and the fact they can be ensured to be affordable are material benefits of the proposals and carry significant weight in the required assessment. If the loss of the school building can be justified, that the development would use a brownfield site counts in its favour, the Framework advising, *'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'*.
70. The SHLAA assessment of the site's potential for new residential development noted it was mostly brownfield, and that a convincing case for the removal of the school would be required.

## Design and Residential Amenity

71. Both Policy GDP1 and the Framework stress the importance of good design. Design Officers are encouraged that, *'The proposed layout will provide strong built frontage to Fairview Terrace and Derwent Terrace, reflecting the character of the area. The development to the south has created a strong building line. This proposal should continue that established building line. It is positive to see that plots 6 and 19 will address both streets, being true corner turning units'*. The applicants have agreed to a consistent materials palette that will give the development a stronger character. Porch canopies and heads and cills give the elevations a degree of quality, described by Design Officers as a, *'limited positive character reference'*. The proposed scheme has a net density of 48 dwellings per hectare. This is relatively high and reflects the lack of open space provision within the scheme. The Council's new parking standards that must be accommodated have a negative effect on the communal and private hard surface elements of the scheme, an issue pointed out by Design Officers.
72. Whilst the density is high, assessment of the scheme shows the houses have larger footprints than those in the adjacent development, have larger private rear gardens and

all include open front gardens, protected from the public highway by a birds-mouth trip rail style fence. The comparatively generous private amenity space within the scheme is considered to balance to some degree the visual and functional intrusions of the vehicular requirements of the development. The quality of the development is considered enhanced by the retention of the existing school boundary wall, both visually and in reflecting the history of the site.

73. Required amenity distances to facing dwellings in Fairview Terrace and Annfield Place are significantly exceeded. One dwelling in Croft Close has a principal (rear) elevation facing north towards the site – this is aligned with the vehicular areas of the development ensuring no facing privacy/amenity issues. Each of the existing dwellings in Croft Close with gables facing the site include an obscured first floor window facing north. The proposed dwellings include a narrow secondary living room window on the ground floor and a narrow secondary bedroom window at the first floor. The relative relationships are considered acceptable given the nature of the openings existing and proposed.

74. It is concluded that in terms of the requirements of Policy GDP1 for both residential amenity and design quality, and the advice in part 12 of the Framework for the latter, the scheme meets the standards required for a positive recommendation.

#### Affordable Housing

75. The application proposes a scheme of 100% Affordable Housing on a 'rent in tenure' basis, that meets the definition in the NPPF. 'Riverside', as Registered Social Landlord, will maintain ownership of the dwellings and will be responsible for the continued maintenance and management of the site. Riverside state their intention of providing affordable houses, specifically for households in housing need in the local area. The properties will be made available to potential residents via the Durham Choice Based Lettings System.

76. Housing Officers have provided a generic response to their consultation, identifying that there is a requirement for two of the dwellings to be affordable, as a 10% provision in a 'low viability area'. They offer advice on different forms of tenure.

77. Paragraph 64 of the Framework advises that where a scheme proposes a 100% affordable delivery, there is an exemption to the usual minimum requirement of 10%.

78. The applicants contend, and Planning Officers agree that the 100% affordable nature of the scheme carries a significant degree of positive weight in the planning determination.

#### Trees and Development

79. At the time of the submission the application site included a number of trees within it – principally on the community centre site boundaries, and two in the public highway adjacent the existing site entrance at the south-east corner of the land. The site layout has been redesigned in process to incorporate two layby visitor parking spaces on the existing highway, which would also result in the loss of these two trees too.

80. Policy EN11 of the Plan protects trees subject to Preservation Orders and in Conservation Areas. It advises that existing trees '*should be retained and incorporated in new developments where possible*'. Consideration in applications must be given to the effect existing trees contribute significantly to the setting of nearby or proposed buildings – Landscape Officers have confirmed the trees (and those in the highway verge in particular) '*contribute significantly to the character of the local street-scene and the visual amenity of the area*'.

81. The trees within the site have been cleared by the developer in advance of the consideration of this application, to allow the developer to avoid the implications of the protection of nesting birds in the Wildlife and Countryside Act 1981. The trees were not protected, or considered worthy of a Tree Preservation Order, however, Officers are disappointed that they were not allowed the opportunity to consider these as part of the application process and, in removing the trees, the applicant appears to have prejudged the outcome of the application.
82. The two trees in the highway verge were proposed retained when the scheme was first submitted. Concerns were raised that the development would physically detrimentally affect the specimens, and that the relationship of the trees to the new dwellings would cause conflict with expectations for residential amenity and property maintenance. The proposals have been amended to include two visitor parking bays on the existing roadside that would necessitate the removal of the trees.
83. The value attributed to the trees by Landscape Officers is acknowledged. The surrounding area has a good coverage of street trees in the highway verges, so that whilst the loss of the trees is regretted, the ultimate recourse to ensure their retention – a Tree Preservation Order – was not considered justified. The loss of the trees removes residential amenity concerns their retention would have caused. The loss of the ecology and biodiversity benefits of the trees counts as a negative in the assessment of the proposals. In the event of an approval, the responsibilities of the developer for nesting birds set out in the Wildlife and Countryside Act 1981 would be highlighted by an informative.
84. Policy EN11 allows for a positive recommendation if tree loss is mitigated by '*suitable replacement planting*'. The applicant has agreed to provide new tree planting on prominent boundaries within plots around the site, and implementation and short-term retention can be ensured through an appropriate condition. Given the applicant's ownership and maintenance responsibilities for the site, the specimens have a better chance of being retained long-term.

#### Heritage Assets

85. The other potentially significant negative effect of the scheme is the loss of the non-designated Heritage Asset, i.e. the former school buildings. The buildings appear in good order and retain the intrinsic character of a traditional colliery village school building with obvious connections to the social history of the settlement. Whilst some elements – notably the windows - had suffered from recent maintenance regimes, the buildings appear externally largely unaltered. The SHLAA assessment had noted the preference for conversion and the need to justify any proposed demolition. This was conveyed to the applicants pre-submission.
86. In an effort to reflect the previous use of the site by degree, the developer has retained the brick-built school wall where it exists on the south and north boundaries of the site. This is an attractive feature, featuring decorative brick 'specials', that give it character and a raised design quality. This feature's long-term retention can be ensured by a condition removing permitted development rights for demolition.
87. Design and Conservation Officers feel that the loss of the building has not been sufficiently justified within the submission. The applicant refers to the historic difficulties the Council has experienced in finding suitable uses for the building, and similarly difficulties in converting the existing structures to both a viable design and one that allows for meaningful development across the remainder of the site. The arguments take into account the 'significant costs' relating to the presence of asbestos in the building,

gas protection measures, control of the Japanese knotweed present on part of the site and the implications of the Coal Mining legacy in stabilising the land.

88. It is acknowledged that the buildings are not worthy of listed status. The loss of the finite resource of the buildings that reflect the social and historic evolution of the settlement is regretted. Ultimately, acknowledging the concerns of specialist colleagues, Planning Officers do not consider that a refusal could be sustained based on the retention of the school buildings.

#### Highway Safety

89. Highways Engineers are satisfied that the proposed layout and parking provision meets the new requirements of the Council's adopted highways standards. No concerns are raised as to the effect of the proposals on the wider highways network. The scheme is concluded to meet the requirements of Policy TR2 of the plan and paragraph 109 of the Framework.

#### Contributions

90. New Housing developments can reasonably be expected to mitigate their impact on the existing physical and social environment, either on-site, or through payments in lieu where appropriate.

91. The two local Members had indicated that whilst they supported the scheme in principle, that they would object to it if the mitigation requested by the NHS for local healthcare provision was not provided as part of the proposals. Specifically, this relates to an assessment of the 'list' size of the nearest existing medical practice, the additional patient impact based on a floor area/population and a resultant financial mitigation calculation of £1311. The applicant has confirmed the identified sum will be secured in the legal agreement. This requirement is considered wholly consistent with the statutory tests set out in Community Infrastructure Levy Regulations 2010, the policy tests in the National Planning Policy Framework and the advice in the Government's Planning Practice Guidance notes.

92. No open space is provided within the layout. The Spatial Policy team has identified that the required sum for off-site provision would be £33,201. The applicant has sent a viability case to prove their case that if the Council insisted on this provision, either on-site or through monies in lieu, then the proposed development of the site would be unviable. Spatial Policy Officers have assessed and accepted the case presented. Relevant to this aspect of the case being accepted is the general good provision and access to a number of types of formal and informal open space and recreation opportunities in and around Greencroft.

#### Other Issues

##### Economic Benefits

93. Material weight is given in the planning process to the economic benefits that would accrue from both the development process and the lifetime of the proposals. The Planning Statement submitted with the application sets out potential benefits of: employment of 58 people (direct and indirect), £130,000 in New Homes Bonus receipts, and around £5000 spend in the local economy per dwelling for furnishing and decorating. Whilst the latter is a very generic figure, likely to be affected by the size and tenure of the dwellings proposed, the argument is accepted, and positive material weight is accrued.

## Ground Conditions

94. The Coal Authority confirms they have no objection to the proposals, confirming their requirements will be met through the Building Regulation process. Environmental Protection set out a standard condition to ensure that the site will be fit for residential development. Given the nature of this issue, it is considered that unless additional information is received, assessed and agreed before determination of the application, this condition needs imposed, 'pre-commencement'. This meets the requirements of Part 15 of the Framework.

## Drainage

95. Northumbrian Water raise no objection, but request a condition be added to any approval to ensure their requirements are fully met. The scheme has been amended in detail in process to ensure it meets the requirements of the Council's Drainage and Coastal Protection Team in respect of controlling surface water drainage. Subject to a condition to ensure the scheme is implemented in accordance with the agreed Drainage Plan, this team have no objection. On this basis it is concluded that the scheme meets the requirements of Policy GDP1(i), (j) and (k) and Part 14 of the Framework.

## Noise

96. Environmental Protection Officers have set out their requirements for a Construction Management Plan to ensure that the site works will not cause a Statutory Nuisance and will meet reasonable expectations of residential amenity. Again, given the nature of this issue, this is proposed required pre-commencement.

## Ecology

97. The County Ecologist is happy with the available bat data but asks that the applicant be made aware that planning permission does not act as a derogation against the law and that they should take appropriate steps to ensure that the legislation surrounding bats is not breached. This can be added as an informative to any consent. The presence of Japanese Knotweed on the site requires specialist mitigation. The applicant has acknowledged the presence. An informative is proposed to flag the applicant's responsibilities for removal of the plant.

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## **CONCLUSION**

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98. The application proposes a residential development on a previously developed site within an established urban area that offers a good range of services, facilities and opportunities. The site is concluded sustainable in principle.

99. The development would deliver a 100% scheme of affordable dwellings and bring economic activity into the area. The design and layout of the site is appropriate to the area, and results in a good level of amenity and privacy for existing and potential residents. These are all positive material benefits. The proposals are in accordance with the relevant housing Policy which is amongst those, 'most important for determining the application'.

100. The loss of the trees on the site is part mitigated by proposed replanting. The removal of the trees during the determination process highly regrettable, but ultimately not material to the determination. The proposal is compliant with Policy EN11.

101. The Heritage aspects of the proposals have only been partially addressed by the applicants but are ultimately accepted in consideration of the application as a whole, noting the positive of the retention of the school wall on the site boundary. Refusal of the application on this issue is likely to be unsustainable.
102. The required NHS mitigation is offered by the applicants. It is accepted that imposition of other usual requirements for residential development would make the scheme unviable.
103. The scheme is concluded on balance to be Policy compliant and acceptable.

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## **RECOMMENDATION**

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104. That the application be APPROVED, subject to:
- A s.106 legal agreement that includes securing the tenure of all the approved dwellings to meet the definition of 'affordable housing' set out in the NPPF, and
  - A s.106 legal agreement that includes securing the payment for £1311 to directly mitigate the healthcare implications of the development, 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 approved plans listed in Part 3 - Approved Plans.  
(incl: Site layout block plan, highways layout, elevations + floorplans, materials plan, boundary treatment plan, landscaping plan XX Refs reqd.)  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GPD1, EN11, HO5, HO22, and TR2 of the Derwentside District Local Plan 1997 (saved policies).
    3. Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water to the public sewer must be submitted to and approved in writing by the Local Planning Authority. The development must take place in full accordance with the approved details.  
Reason: To prevent the increased risk of flooding from any sources in accordance with the Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies) and parts 14 and 15 of the NPPF.
    4. For surface water drainage, the development must be implemented in full accordance with the updated Drainage Strategy dated Set. 2018, Ref: C (XX Expected).  
Reason: To prevent the increased risk of flooding from any sources in accordance with the Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies) and parts 14 and 15 of the NPPF.
    5. To mitigate potential contaminated land issues, the development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion

shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b or c are not required. Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

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

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

6. To mitigate potential noise pollution for potential residents, all sound attenuation measures detailed in the noise assessment [NJD Environmental Associates NJD18-0052-00IR dated Dec 18] must be fully completed prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In the interests of residential amenity in accordance with Policy GPD1 of the Derwentside District Local Plan 1997 (saved policies).

7. To mitigate potential noise pollution for existing residents, the applicant shall prepare and submit a Construction/Demolition Management Plan (CDMP) to the local planning authority for approval before development works commence. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance

taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.

- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.

- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CDMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the approved CDMP.

Reason: In the interests of residential amenity in accordance with Policy GPD1 of the Derwentside District Local Plan 1997 (saved policies).

8. Before development of the approved highways layout commences, full engineering details must be submitted to the Local Planning Authority and agreed in writing. The layout must thereafter be implemented to an adoptable standard in full accordance with said agreement and be completed in full before occupation of any dwelling hereby approved.

Reason: In the interests of highway safety and Policy TR2 of the Derwentside District Local Plan 1997 (saved policies).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Statutory instrument revoking or re-enacting that Order with or without modification, the brick wall retained on the south and west boundaries of the site in plots 11, 12, 13, 14, 15, 16 shown on the approved site plan must not be removed, altered or replaced at any time.

Reason: To retain connection with the historic interests of the site in accordance with the advice in the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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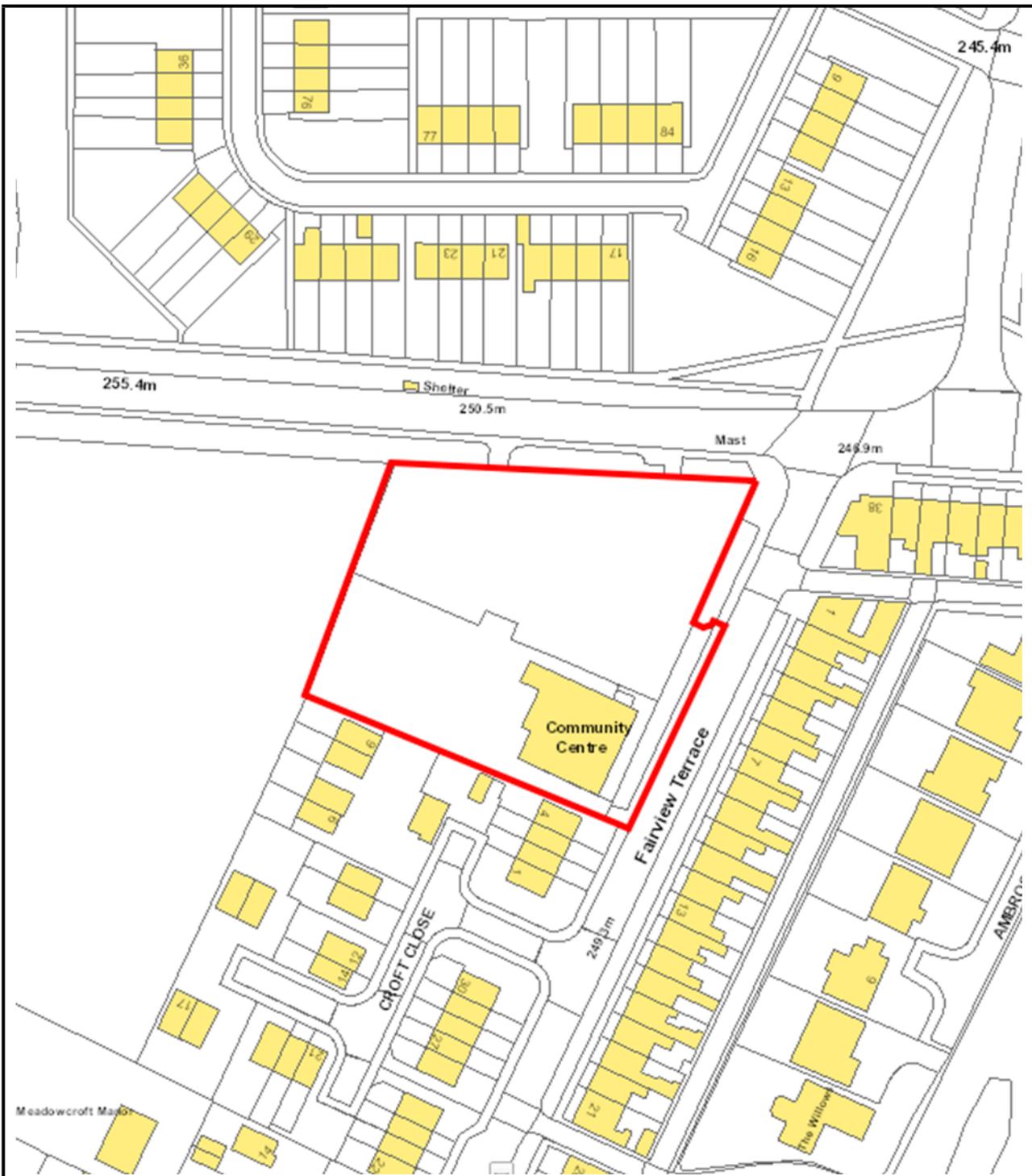
## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2018)  
National Planning Practice Guidance Notes

Wildlife and Countryside Act 1981  
Derwentside District Local Plan 1997 (saved policies).  
Strategic Housing Land Availability Assessment  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents





<p><b>Planning Services</b></p>	<p>Demolition of existing community building, erection of 19 residential dwellings, creation of new access and associated works.</p> <p>Application Number DM/19/00105/FPA</p>	
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<p><b>Date</b> 28th March 2019</p>		<p><b>Scale</b> NTS</p>