

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/03891/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	31 no. dwellings and associated works
<b>NAME OF APPLICANT:</b>	Gleeson Regeneration Limited
<b>ADDRESS:</b>	Land North of Quarry Farm Close Hunwick
<b>ELECTORAL DIVISION:</b>	Willington and Hunwick
<b>CASE OFFICER:</b>	Steven Pilkington, Principal Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site consists of a rectangular shaped parcel of land, located on the northern edge of Hunwick. The site extends to approximately 0.83 hectares in area and comprises two agricultural fields. There is a level change across the site, with the land falling approximately 8m in an easterly direction. The site is bound by the existing residential development of Quarry Farm Close to the south, agricultural fields to the west and north and Hunwick Primary school to the east of the site. Several mature trees are present on the northern boundary of the site and significant hedgerows are present on the eastern site boundary and centrally within the site.
2. Two Public Rights of Way (Footpath No's.113 and 114, Crook) cross the western portion of the site, while there are two un-registered routes which have public status in the immediate vicinity that also cross the site. Hunwick Conservation Area, containing a number of listed buildings, is located a minimum of 40m to the south of the site. No designated sites of ecological interest are located within a close proximity of the site.

### The Proposal

3. This application seeks full planning permission for the erection of 31no. dwellings. The site layout shows the dwellings arranged around a cul-de-sac taken off a single access point off Quarry Farm Close. Pedestrian links are proposed to the north connecting onto PROW no.113 and the south west connecting to PROW 114. A SUDS feature is proposed in the south eastern corner of the site, while an existing drainage ditch to the

eastern boundary is to be widened. The levels across the western part of the site are proposed to be increased up to 1.79m in height to provide suitable development levels.

4. The proposed dwellings would be two storey in nature, consisting of a mix of 7no. 3 bed detached dwellings and 24no. 2 and 3 bed semi-detached dwellings. The buildings would be constructed from red and buff/yellow bricks and concrete roofing tiles. A buff coloured, crushed aggregate, and tarmac apron would form the surfacing of the drives of the properties.
5. The existing hedgerow running centrally within the site on a north/south orientation is proposed to be removed along with a number of semi-mature trees. It is proposed to plant a new hedgerow along the northern site boundary.
6. This planning application is being reported to Planning Committee because it is a major residential development.

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## **PLANNING HISTORY**

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7. There is no relevant planning history to the site, however the site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (ref. 3/HU/13) for its appropriateness for housing and has a suitable but not currently achievable classification. This is based on an assessment the site would be able to accommodate circa 24 dwellings. The conclusion for the assessment is that development of this site "is commensurate with the size of village. The site is contained on two sides with clear boundaries. Development would not extend significantly into the open countryside and would consolidate development to the south. Significant surface water flooding issues have been identified which cannot be adequately mitigated and render the site undevelopable." The emerging CDP (Pre-Submission Draft) no longer earmarks the site for housing (the earlier "preferred options" (June 2018) had identified the site as an allocation).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal
10. *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.

11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 12 – Achieving well-designed places*. 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 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; determining a planning application; design; flood risk; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

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

Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy GD1 – General Development Criteria*. All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy ENV1 – Protection of the Countryside*. Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
24. *Policy ENV10 -Sites of Special Scientific Interest* – Sets out that development which will affect the conservation value of Special Scientific Interest (SSSI) will only be permitted if the development is of overriding national importance and the development cannot be located elsewhere
25. *Policy ENV11- Sites of Nature Conservation importance and Local Nature Reserves* – Sets out that development which will adversely affect sites of Nature Conservation Importance or Local Nature Reserves will only be allowed if the development is of overriding local importance and it can be demonstrated that there are no alternative development site. The policy also sets out that developments should include measures to conserve and enhance nature conservation interest and where practicable provide replacement habitats and features.

26. *Policy BE1 – Protection of Historic Heritage* – Sets out that the Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features of and areas of particular historic architectural or archaeological interest.
27. *Policy BE8 – Setting of a Conservation Area* – Sets out that development which impacts on the setting of a conservation area and adversely affects its townscape qualities, landscape or historical character will not be allowed.
28. *Policy BE23 – Provision of Public Art* - In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
29. *Policy H3 – Distribution of Development*. New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
30. *Policy H15 – Affordable Housing*. The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
31. *Policy H16 – Exceptions Policy* – Sets out that as an exception to H3 small scale housing scheme may be permitted on suitable sites outside the defined settlement limits where is clearly demonstrated that there is an overriding need for affordable housing that cannot be reasonably provided elsewhere. Developments should not have an adverse impact on the character or appearance of settlements, their setting, the surrounding countryside and satisfies general development criteria.
32. *Policy H24 – Residential Design Criteria*. New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
33. *Policy RL5 – Sport and Recreation Target*. For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
34. *Policy T1 – General Policy – Highways*. All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

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. Following

consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it 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 relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Wear Valley District Local Plan)*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

36. *Highways Authority* – Advise that the existing Quarry Farm Close adopted highway, can satisfactorily accommodate the additional generated traffic. With the proposed additional dwellings, Quarry Farm Close would serve circa 70 dwellings (it serves 38 currently). Peak period two-way vehicle movements to and from the B6286 will be in the order of less than one vehicle movement per minute on average; this includes existing dwellings. This is a relatively modest traffic level. Sight visibility from the junction with the B6286 is considered satisfactory. No Transport Assessment is submitted with the application, albeit given the modest quantum of development this is not required when assessed against relevant guidance. An adequate footway network exists to and from the wider highway network and within the proposed new highway. Notwithstanding local concerns, including detailed objections on highways grounds, on an objective technical basis, it is not considered that a highway objection to the proposal could be sustained.
37. *Northumbrian Water* – Advise a conditional approach to deal with the disposal of foul water from the development site.
38. *Drainage and Costal Protection* – Advise that the proposed drainage strategy would adequately deal with the existing surface water flows around the site, and subject to some minor modifications would acceptably attenuate and treat surface water from the development site. It is recognised that there is an existing issue with surface water flooding that the development would not solve, although the regular maintenance of the watercourses could help reduce instances of blockage. Overall it is advised that the development is considered to mitigate its own impacts and would not worsen the existing situation. It is however identified that a less dense site layout could provide some opportunity for storage of existing flows and a high level of treatment of water quality.

### **INTERNAL CONSULTEE RESPONSES:**

39. *Planning Policy* – Advise that the site is situated beyond the limits to development for Hunwick, so this proposal draws no support from Policy H3. The policy is partly derived from an out-of-date assessment of housing need so is not considered to be up-to-date, however, it is a policy which can be afforded weight based on the decision takers assessment as it is relevant as a starting point in assessing how well a site relates to the settlement's build up area and the extent to which development encroaches into the countryside. The application therefore falls to be determined in accordance with the provision of paragraph 11 of the NPPF, and planning permission should be forthcoming unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. At the present time the LPA can demonstrate a

5-year supply of deliverable housing sites, which means that the weight to be given to boosting the supply of housing is not as significant as it would be in instances where there is not a 5YHLS. For this proposal to be acceptable the impacts in terms of landscape, townscape, flood risk and integration with settlement form and access to services and facilities would need to be within acceptable parameters.

40. *Landscape* – Advise that the site is not within a locally or nationally designated landscape. It is visible, primarily, from the public footpaths that cross it. It is identified that the outgrown hedge that lies on the eastern boundary of the site is unlikely to survive the erection of a fence through its length as well as the earthworks proposed to create more level platforms for the houses, the treatment of this eastern boundary requires more careful and sympathetic consideration. It is further advised that that the use of post and rail fencing between rear gardens is not acceptable. It is inadequate for residents who want privacy, or who wish to keep pets or children in, or out. Leaving the erection of alternative fencing to the residents is likely to lead to visual inconsistency.
41. *Landscape (Arboriculture)* – Advise that the proposed layout, the lack of clarity regarding the widened water course and the lack of tree protection plan means there is a risk of harm to the existing trees and there will still be a potential conflict with WVDLP policy. However, if approved the applicant should provide a Tree Protection Plan and Arboricultural Method Statement (to BS5837 (2012) standard) that includes clarity in relation to the widened water course.
42. *School Places and Admissions Manager* – Advise that a development of 31 houses could produce an additional 10 primary pupils and 4 additional secondary pupils. It is identified that based on projected school rolls and taking into account the likely implementation timeframe of the development that there are sufficient primary and secondary school places in local schools to accommodate the development.
43. *Housing Delivery* – Advise that the site falls within a medium viability area. This means that 15% of properties on the scheme would be a requirement to be affordable, this equates to 5 units. An affordable housing statement has been provided, however it doesn't detail the type and location of houses that will be delivered as affordable housing, it only states that the properties will be 2 bed units. It is identified that there is also a requirement to provide 10% of the private and intermediate properties for older people, Building for Life provision should be secured.
44. *Ecology* – Advise that the findings and conclusions of the ecology survey reports are sound, however the proposals would likely result in a net loss in biodiversity. There is no attempt within the proposed landscaping plans to address this loss, and no offset has been discussed within the ecological report. This is contrary to the requirements of the updated NPPF.
45. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to detail and secure the implementation of gas protection measures.
46. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the construction management plan should detail whether the foundations for the new housing will be piled and if so what type of piling will be undertaken.
47. *Archaeology* – Offer no objection on archaeological grounds.
48. *Access and Rights of Way* – Advise that the revised layout now incorporates the recorded Public Rights of Way Public Footpaths no's 113 and 114, Crook. These

appear to be shown unobstructed by fences, gardens, or trees. It is highlighted that there are un-registered routes which cross the site, these have public status as public footpaths and are recognised by the landowner. An application to stop up or divert these unregistered paths would need to be made if the planning application is successful.

49. *Design and Conservation* – Advise that the site lies to the north of Hunwick Conservation Area and the development is unlikely to harm the significance of the conservation area. It is however highlighted that the development is a standard solution in an area of positive character and local distinctiveness, particularly in respect to the house types used and proposed materials which are not characteristic of Hunwick. The gravel drives also do not reflect the character of the area and a solid/bound surface should be utilised. Concerns are also raised regarding the enclosure of the footpath/public right of way which would result in a pedestrian route which is not overlooked

#### **NON-STATUTORY RESPONSES:**

50. *NHS* – Advise that the current medical practice in Crook is challenged for capacity and order to mitigate the development's impact a contribution of £14,973 is sought.
51. *Coal Authority* – Advise that the application site falls within the defined Development Low Risk Area. Standing advice should be attached to any decision notice.

#### **PUBLIC RESPONSES:**

52. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 130 letters of objection from local residents including the Hunwick Community Working Group have been received in relation to the development as summarised below.

##### **Principle of development / Sustainability**

- The development would conflict with sustainable development policies of the County Durham Plan, WVDLP and the NPPF.
- The site was now been withdrawn as a proposed allocation in the County Durham Plan.
- The site is not needed to meet housing land supply, some 140 houses have been built within Hunwick in recent times.
- The council can provide a 5 year supply of housing and therefore the tilted balance is not engaged, existing policies in the WVDLP carry significant weight and are not out of date.
- Brownfield land should be used first, then utilising sustainable greenfield sites
- There are limited services and amenities within Hunwick to serve the proposed development, additional car travel will be unavoidable
- The village is only served by a limited bus service
- If Hunwick Primary school cannot accommodate the additional pupils generated, it is considered inappropriate to expect children to walk to Sunnybrow
- There is not sufficient capacity at local doctors/medical centers

##### **Flooding**

- Objections raised in relation to historic flooding of the site and Hunwick Primary School, the development will exacerbate the existing situation.
- Site was removed as a proposed allocation in the CDP due to suitability around flooding.

- The existing drainage network cannot accommodate the additional flows from the development.
- The proposed SUDS reed bed is poorly considered.
- The grassed site provides storage for rain water which would be lost.
- The drainage calculations are questioned and the suitability of the drainage system as a whole.
- Coal seams and mine workings prevent the creation of the SUDS
- By placing the swale into the rear gardens which is private land the developer is reliant on the house owners to maintain the swale.
- Concerns are raised as to how foul water would be disposed of.
- Security and safety concerns are raised regarding the SUDS infrastructure.

### **Highway Safety**

- Entry and Exit from Quarry Farm Close onto the B6286 is not safe and could not serve additional dwellings.
- The level of vehicles using the B6286 has been mis-represented in the application, the development of the site would add to existing problems.
- Vehicles travelling on the B6286 are in excess of the speed limit, this has implications for visibility splays at relevant junctions.
- Parked cars and blind spots cause a highway safety issue, particularly around school drop off/pick up times.
- Concerns are raised regarding the road alignment and geometry of Quarry Farm Close and its suitability to serve the development.
- There is an established parking problem on Quarry Farm Close, with significant on street car parking.
- The access to the site would not comply with the disability Equality Duty under the Disability Discrimination Act 2015.
- It is highlighted in winter months that the roads are not gritted.
- It is considered that the development would conflict with paragraph 109 of the NPPF.
- Potential safety concerns are raised regarding children play on amenity space within Quarry Farm Close
- Concerns are raised regarding the suitability of the proposed arrangements for the farm access, due to the width and layout, there is no wider access available.
- The site was withdrawn as a proposed allocation in the Wear Valley District Local Plan due to concerns around the layout of the highway in the proximity of the site.
- Large commercial vehicles regularly get stuck to the constraints of the local road network leading to the site. This brings into question how construction vehicles would access the site.

### **Layout/ Design**

- The density of the site is over development with a density of 40 dpha, whereas the adjacent site is approximately 20 dpha.
- The appearance of the dwellings is questionable, particularly the proposed materials. A bespoke approach to the site should be adopted as the dwellings are not locally distinctive.
- The development would remove boundary walls of adjacent properties.
- The development will impact on the Hunwick Conservation Area. English Heritage are a statutory consultee and should be consulted on the development.
- The development does not provide any open space on the site.
- The gravel drives are unsightly.
- The land surrounding is located within a Landscape Conservation Priority Area and more building work will spoil the beautiful views.
- The development will destroy trees and hedgerows on site, including along the boundary of Hunwick Primary School.

## **Ecology**

- The development will impact on the ecological value of the site.
- Birds of Conservation Concern are present on the site, which are in danger of disappearing due partly to habitat loss.

## **Public Right of Way**

- A public right of way runs right through the proposed site, with one proposed front garden overlapping the footpath.
- Following an application for a Definitive Map Modification Order (DMMO) the landowner has accepted the submitted evidence of two further footpaths across the above site between PROW 113 and 114.
- The proposed layout should be amended to identify the existence of all public rights of way and the layout should respond to the location of paths.
- This footpath is used extensively by dog walkers, children and ramblers.
- The proposed rerouting of the Public Rights of Way is inappropriate.

## **Other Issues**

- The development will result in a loss of view and outlook.
- Loss of value of properties.
- Concerns are raised regarding land stability given the proposed level changes on site.
- All residents in Hunwick should have been consulted.
- The residents of Hunwick Facebook page has 300 members in the group and in the last month, there have been 601 posts, comments and reactions from individuals. This must be recognised and considered as part of the comments.
- The development will impact on the privacy and amenity of the existing dwellings on Quarry Farm Close.
- Concerns are raised regarding development related impacts.
- A number of questions on the planning application form are factually incorrect.
- 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.
- The development threatens community cohesion.

53. *Laura Pidock MP*- I fully support the residents in their objections and I am writing as their MP to express my disapproval of this application to build 31 houses next to a primary school on land already deemed not suitable for development due to flooding and drainage, access of traffic to main highway via Quarry Close and Sustainability (insufficient services in Hunwick). I understand that in 1994 and again in 2013 the land was considered unsuitable for development and that the site has been removed from the County Durham Plan for housing allocation. It is very disappointing that the developer is taking this opportunity whilst the County Durham Plan awaits approval to lodge an application which does not address any of the residents' concerns

54. *Councillor Fraser Tinsley* - As one of the County Councillors representing the Willington & Hunwick Division, within which this planning application is located, I wish to highlight to Officers the significant community opposition to the proposals detailed in this planning application. Though not exclusive, opposition is focused around 4 key issues. These are detailed as follows.

1. The deletion of the allocation of the site from the emerging County Durham Local Plan demonstrates that the site is not suitable for residential development.

2. The highway network is of an inappropriate standard to accommodate safe access to the proposed development. Traffic movements associated with the

proposed development will have a detrimental impact on the residential amenity of Quarry Farm Close.

3. The development site is subject to flooding and development thereon is not appropriate. Measures to address this issue are not in place.

4. There are insufficient services available in the village of Hunwick to serve the demand created by the approximate 70 residents who will occupy the proposed development once complete. This is an unsustainable approach to the development of the area and will result in a reliance on the use of the private car.

55. *Hunwick Primary School* – It is suggested that any work carried out prior to or during any construction must give consideration to the impact on the children and the ability of the staff to fulfil their teaching and safeguarding responsibilities. It is the view of the Governing Body that should the application be approved work within 50 metres of the school boundary should be carried out during school holiday periods only. Concerns are raised regarding the drainage network in the area and the impact of the development in terms of flooding.

#### **APPLICANTS STATEMENT:**

56. None provided.

*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*

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, housing land supply, locational sustainability of the site, landscape and visual appraisal, layout and design, highway safety and access, flooding and drainage, residential amenity, ecology, heritage issues, ground conditions, planning obligations, and other issues.

#### Principle of Development

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
59. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to

existing policies, according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

60. WVDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in Policy H3 of the WVDLP, which sets out that new development will be directed to those towns and villages best able to support it, recognising that other than infill developments or small extensions, development outside of defined settlement limits would not be acceptable. The development of the application site would conflict with WVDLP Policies ENV1 and H3, representing an encroachment into the surrounding countryside beyond the defined settlement limits of Hunwick. Policy H16 is a housing exceptions policy that does accept housing development on suitable sites outside settlement boundaries. However, it only applies to small scale sites and is not applicable to this application nor does the proposal draw any support from the policy.
61. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced and paragraph 11 is engaged.
62. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
63. As set out above the it is considered that policies ENV1 and H3 within the Local Plan are out of date by virtue of the evidence which informed them, Therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF.

#### Housing Land Supply

64. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement

set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

65. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 5.9 years supply (8,404 dwellings) of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.
66. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
67. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the proposal involves a detailed planning application by a major house builder on land in their control. Given the scale of the development it is likely that the site could be build out within the 5 year period delivering 31 units.
68. The Government has also recently published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

#### Locational Sustainability of the Site

69. Policies GD1, H24 and T1 of the WVDLP jointly seek to promote that adequate and safe pedestrian and cycle routes are provided to facilitate access to services and amenities, prioritising pedestrian and cycle links. The policies also seek to ensure that adequate links and access to public transport are incorporated within the layout of the site.
70. These policies are considered consistent with the NPPF in this respect with paragraph 103 of the NPPF which sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF also sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Due to their consistency Policies GD1, H24 and T1 of the WVDLP should be afforded full weight in the decision-making process.
71. In terms of distances to services and amenities, consideration is given to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is

considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.

72. In this respect, it is noted that the limited facilities within Hunwick and New Hunwick, including Public Houses, a Church, some sports facilities and Primary School would be within a suitable walking distance. However, future residents will need to travel to Crook, Willington and Bishop Auckland to access the majority of services and amenities. Accordingly, Hunwick Scores low (ranked 67<sup>th</sup>) when compared to other settlements within County Durham in relation to the provision of facilities and services. It is noted that there is a bus service passing through the village which would provide some options for public transport use. However, the bus stops are at the upper end of the distances that future residents could reasonably expected to walk to, particularly at the extremes of the site (up to 415m). There would be no realistic option to walk to services and amenities in adjacent settlements.
73. It is considered that some level of additional development may be acceptable in Hunwick, recognising that some limited facilities are within the village. However, in the round it is considered that the proposed development goes over and above the level of what is appropriate for the location of the site and the role Hunwick plays within the Council's settlement hierarchy. It is therefore considered that the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T1 of the of the Wear Valley District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework. This impact is also required to be taken into account in the planning balance.

#### Landscape and Visual Appraisal

74. WVDLP Policy GD1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area, while requiring that major developed sites incorporate structural landscaping. WVDLP Policy ENV1 seeks to protect and enhance the countryside. These policies are considered consistent with the NPPF in this respect which at paragraph 170 recognises the intrinsic character and beauty of the countryside, whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However it is recognised that the strategy of Policy ENV1 of the WVDLP in restricting development proposals for agricultural or compatible uses is only partially consistent with the NPPF which takes a more permissive attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to its consistency Policy GD1 can be afforded full weight in the decision-making process.
75. The site is not within a locally or nationally designated landscape. However, it is considered attractive in its own right and reads as part of the wider countryside when viewed from the Public Rights of Way which cross and surround the site. The development would encroach into the open countryside when viewed from the Public Right of Way network and also in wider views from the site. However, it is also recognised that the site is bordered by existing development on two sides and a sensitive development could be read as an appropriate extension to the village.
76. In considering the proposals, it is noted that the development would result in the loss of some historic landscape features, including a hedgerow running north and south across the middle portion of the site which is shown on the first edition OS map. An alternative, less dense site layout could retain this feature. The applicant proposes hedging on the northern boundary of the site, which is currently open, as compensation for this hedgerow. However, it considered that a suitable boundary treatment along this site boundary would be required in its own right, in this rural

context and a 1.8m high domestic boundary fencing to the effective edge of the settlement would be inappropriate. It is considered that the proposed northern boundary treatments of a 1.2m wide hedge, would be inadequate to assimilate the development into the landscape and the landscaping should be more structural in nature with a greater width to allow a mature hedgerow to form, planted with hedgerow trees.

77. A 1.8m close boarded fence to PROW no.114 (Crook), is proposed, which would extend along the western site boundary. This is considered inappropriate in this rural setting. Concerns are also raised by the Council's Landscape and Arboricultural Officers regarding the impact of the widening of the watercourse, formation of SUDS features and installation of sewers on the existing mature vegetation on the eastern boundary of the site, both in terms of engineering works and hydrology changes. Further clarification has been sought in relation to this element, as appears that the proposed works are within the root protection areas of the hedge and associated trees. No additional information has been forthcoming.
78. Overall, in the round it is considered that the development would result in an encroachment into the surrounding countryside and would not be sensitive to its landscape setting and landscape features on site, contrary to Policies GDP1 and ENV1 and Parts 12 and 15 of the NPPF. This adverse impact is required to be taken into account in the planning balance.

#### Layout and Design

79. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and contribute to the quality and built environment of the surrounding area. The policies also set out that development should be in keeping with the character and appearance of the area, and be appropriate in terms of its form, scale, mass, density and layout, to its location. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their consistency with the NPPF, significant weight should be afforded to WVDLP Policies GD1 and H24 in the decision-making process.
80. The NPPF at paragraph 129 also encourages the use of assessment frameworks based on Building for Life 12 (BfL12). The Council has also adopted its Building for Life Supplementary Planning Document (SPD). The SPD sets down design standards for major new residential development, based on the 12 Building for Life Standards. While the SPD does not contain any policy requirements, it can be regarded as a material consideration. In this respect the application has been considered by the Council's Design Review Workshop utilising BfL12 as an assessment framework, which overall scored the development poorly. Significant concerns were raised around the developments relationship with the PROW running through the site, accessibility of public transport, lack of affordable housing, lack of distinctiveness of house types, lack of connections to New Hunwick and relationship with existing landscape features.
81. These concerns are reiterated in separate comments from the Council's Design and Conservation Officer, who advises that the proposed development, particularly in relation the house types, is a standard solution in an area of positive character and local distinctiveness. It is also advised that an approach sympathetic to the local character and history of the area, including built environment and landscape setting, should be adopted and would be more appropriate. It is identified that the key characteristics of the built form in Hunwick are set out in the Hunwick Conservation

Area character appraisal, and include general simplicity in built form, local sandstone, welsh slate, facing red brick, front roof lines not broken by dormers, opening and fenestration generally vertical, sandstone flush heads and projecting cills, and limited use of render. In addition to the proposed house types, the Council's Design and Conservation Officer advises that the proposed materials utilising buff brick with contrasting bands and quoin detailing does not reflect the character of the area. Furthermore, it is advised that the proposed gravel are not an appropriate solution in this context with an unfinished appearance, resulting in an unattractive development.

82. The Council's Landscape officer also highlights that the proposed post and rail fencing used to define the rear gardens of individual plots is an inappropriate design solution in this context. This is likely to lead to an adhoc approach to boundary treatments across the development as residents seek to ensure a degree of privacy.
83. The scheme proposes a density of approximately 37 dwellings per ha. This is considered inappropriate in this edge of village, rural location. The density also results in separation distances on a number of plots which are below the standard that would be expected in a development of this nature, giving a congested, over developed feel. There is also no public open/amenity space provided on the site to give relief to the layout, while the density results in boundary treatments being set directly adjacent the public highway interrupting the street scene and forms some of the external boundaries of the site. The amended site layout does recognise the route of PROW 113 and 114 (Crook), however the proposed site layout with a gable elevation and site boundaries enclosing PROW 114 would result in a pedestrian route which is not overlooked with limited natural surveillance.
84. Overall, it is considered that the development would relate poorly to the character of the surrounding area in terms of its layout, density and design, and would not achieve a high-quality inclusive development contrary to Policies GD1 and H24 of the WVDLP and Parts 12 and 15 of the NPPF

#### Highway Safety and Access

85. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and developments should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF which seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved. The NPPF also sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the consistency of WVDLP Policies GD1, H24 and T1 with the NPPF, full weight can be given to them in the decision-making process.
86. The proposed vehicle access to the site would be taken via Quarry Farm Close which leads out to the B26286 (Church Lane). Internally to the site a cul-de-sac would be provided with a 1.8m wide pedestrian footway either side and visitor parking spaces within the highway. Objections in relation to highway safety, including the capacity of the road network to accommodate additional vehicle flows and the layout and safety of the surrounding roads have been raised by local residents.
87. In assessing the suitability of the proposed site layout and access arrangements, the Highways Authority advise that the existing Quarry Farm Close adopted highway can satisfactorily accommodate the additional generated traffic. With the proposed additional dwellings, Quarry Farm Close would serve circa 70 dwellings (it serves 38 currently), which is considered acceptable and comparable to other developments in

the area. No Transport Assessment is submitted with the application, although this is not a requirement when assessed against relevant guidance. It is however advised that peak period two-way vehicle movements to and from the B6286 would be in the order of less than one vehicle per minute on average, which also takes into account existing dwellings. It is considered that this is a relatively modest traffic level. In relation to sight visibility from the junction of Quarry Farm Close with the B6286, the Highways Authority advise that this is a satisfactory arrangement and suitable to serve the development. It is also advised that an adequate footway network exists to and from the wider highway network and within the proposed new highway, to provide adequate pedestrian connectivity in this respect.

88. In relation to construction relation access and impacts, the Highways Authority advise that this matter could be controlled through a Construction Management Plan, detailing how deliveries to the site would be made to minimise disruption and ensure that the condition of the public highway and amenity space would be maintained. As with any development there would likely be some localised impacts, including disruption, however it is advised that refusal of the application on this basis would not be justified.
89. Local residents also highlight that the site was assessed as part of potential allocations under the Wear Valley District Local Plan in 1994 with the former Wear Valley District Council concluding that *“Whilst the width and alignment of the existing access is adequate to access the proposed extension it is not considered appropriate to intensify such use in such a residential location”*. Whilst a previous decision of the Council can be a material consideration, the merits of the application must be assessed against current planning policy and guidance on an objective basis.
90. Overall, notwithstanding local concerns and objections on highways grounds, the Highways Authority advise that on an objective technical basis, the development could be served by an appropriate means of access, that is acceptable in highway safety terms and would not result in a severe cumulative impact on the road network. The scheme is therefore considered to comply with WVDLP Policies GD1, H24 and T1 in this respect and Part 9 of the NPPF.

#### Flooding and Drainage

91. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Objections have been raised by local residents highlighting existing flooding on the site and further within Hunwick.
92. The application is accompanied by a flood risk assessment (FRA) and Drainage Strategy, which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA does however identify the risk of surface water flooding on the site due to overland flows from land further to the north west of the site. These flows principally pass along the site’s northern boundary and then down the eastern site boundary through a watercourse, before exiting the site through a culvert which passes under Hunwick Primary School. Additional flows in a west-east direction have also been identified across the site.
93. The submitted drainage strategy proposes widening the existing watercourse on the eastern site boundary to create additional storage capacity in the event of an overland flow. The strategy also sets out that site levels have been designed to deflect overland

flows to the north of the development into the existing watercourse. Surface water from the development site is proposed to be collected and attenuated in underground storage chambers, before being released at a greenfield run off rate to a cascading bio-retention outfall, planted with reed grass to the south east of the site. This would provide surface water treatment before being discharged into the existing culvert.

94. The Council's Drainage and Costal Protection Officer advises that the proposed drainage strategy would adequately deal with the existing surface water flows around the site, and subject to some minor modifications would acceptably attenuate and treat surface water from the development site. It is recognised that there is an existing issue with surface water flooding within Hunwick that the development would not solve, although the regular maintenance of the watercourses (which could be enforced by condition) could help reduce instances of blockage. Overall it is advised that the development is considered to mitigate its own impacts and would not worsen the existing situation. It is however identified that a less dense site layout could provide some opportunity for storage of existing flows and a high level of treatment of water quality.
95. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to adopting a conditional approach to secure the details of.
96. Whilst the concerns and objections of local residents are noted, based on advice of the Council's Drainage and Costal Protection Officer, subject to conditions requiring the minor modification of the drainage strategy and the detailing of management strategy for future maintenance. The development is considered to comply with Policy GD1 of the WVDLP and Part 14 of the NPPF in this respect.

#### Residential Amenity

97. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distances. These policies are considered consistent with parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Full weight can therefore be afforded to WVDLP Policies GD1 and H24 in this respect.
98. Policy H24 of the WVDLP sets out that 21m separation distance should be maintained between habitable room windows, and 15m separation distance between habitable room windows and opposing gable walls. In assessing the proposed site layout against these distances, it is identified that internally to the site there are numerous instances when facing distances are down to approximately 16.5m, which is considered inappropriate in this context. There are also instances where the 15m rear to gable distance cannot be met.
99. Externally to the site the development would not achieve appropriate rear to gable distances to no.24 and 29 Quarry Farm Close. It is also considered that the relationship between proposed plots 30/31 and 28 Quarry Farm Close is contrived, with overlooking achievable at a 12m distance, although off set slightly. Policy H24 of the WVDLP also sets out that adequate private and usable amenity space should be provided to each dwelling, setting out a rear garden depth of 10m as a minimum guideline. The scheme proposes gardens down to around 7m in numerous instances, this is considered inappropriate on an edge of village location.

100. The applicant has submitted a Construction Management Plan (CMP) setting out measures to limit the potential disturbance for existing and future residents during construction. Environmental Health and Consumer Protection Officers offer no objections to the general content of the CMP but request clarification on where piling would be used. A conditional approach could be adopted to refine the CMP ensuring that construction related impacts could be adequately mitigated.
101. Overall, it is considered that the proposed layout would not achieve acceptable relationships between dwellings, both internal and externally to the site resulting in inadequate levels of privacy and amenity for existing and future residents. The development is considered contrary to policies GD1 and H24 of the WVDLP and Part 12 of the NPPF.

## Ecology

102. WVDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy is considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains. Policies ENV10 and ENV11 provide advice in regard to Sites of Special Scientific Interest and local designated ecological sites and these are considered consistent with the NPPF.
103. An Ecological Impact Assessment has been submitted in support of the application. The report identifies that there are no designated ecology sites within the immediate area, and that the habitats on site range from low to local ecological values. It is highlighted that the site has the potential to support a range of protected or notable species, including bats, reptiles, amphibians, otter, birds, badger and UK BAP/Priority species. A mitigation strategy for the site is therefore proposed, including a limitation of the timings of construction works and method statements for clearing and working on more sensitive parts of the site. Subject to implementing the mitigation measures the report concludes that residual effects are highly unlikely to be significant at a population level for any species, or habitat recorded or likely to be present on site.
104. The Council's Ecology officer advises that the conclusions of the report are sound, and the development is unlikely to have a significant impact on any ecological interest in accordance with WVDLP Policy GD1 and Part 15 of the NPPF in this respect.
105. It is however advised, that no assessment of the likely losses in net biodiversity, caused by the proposals has been undertaken, as required by the NPPF. Given the number of houses proposed and site area, it is advised that there is likely to be an overall net loss in biodiversity, and appropriate compensation would be required off site in order to meet the requirements of the NPPF in this respect. This could be secured through a S106 agreement, although the developer has not indicated whether they would be willing to provide a contribution on this basis.

## Heritage Issues

106. Hunwick Conservation Area is located a minimum of 40m to the south of the site and contains a number of Listed Buildings. However, it is advised by the Council's Design and Conservation Officer that there is limited intervisibility between the proposed development site and the conservation area or any listed building. The development is therefore considered not to impact on these heritage assets and would comply with WVDLP Policies BE1 and BE8 and with part 16 of the NPPF in this respect. Any increase in traffic as a result of the development is not considered to impact on the significance of any heritage assets.

107. In relation to Archaeology, Policy BE1 seeks to conserve the historic heritage by the maintenance, protection and enhancement of areas of particular archaeological interest. This policy is considered consistent with Paragraph 189 of the NPPF which sets out that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. However, in this instance the Council's Archaeology officer advises that there is no archaeological interest in the site based on past investigations undertaken.

#### Ground conditions

108. In relation to land contamination, the applicant has submitted a geo-environmental report which concludes that there is no requirement for the remediation of soils on the site, however gas protection measures should be installed. After reviewing the submitted report, the Council's Environment, Health and Consumer Protection (Contaminated Land) Officer advises that the submitted report is acceptable and its conclusions are sound. A conditional approach to secure the detail of the gas protection measures and their implementation is recommended, in accordance with Part 15 of the NPPF.
109. The Coal Authority advise that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. It is recommended that standing advice should be attached to any decision notice highlighting potential risks of unstable land associated with previous coal mining activity.

#### Planning Obligations

110. Policy H15 of the WVDLP sets out that The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. This policy is considered consistent with paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. 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, if the application were to be approved.
111. The site falls within a low viability area, this means that 15% of properties on the scheme would need to be affordable, this equates to 5 properties. An affordable housing statement has been provided in support of the application, however as advised by the Council's Housing Officer, it doesn't detail the type and location of houses that will be delivered as affordable housing. The statement only identifies that the properties will be 2 bed units. It is identified that there is also a requirement to provide 10% of the private and intermediate properties for older people. The application makes no reference to this. However, these matters could be addressed through a S106 agreement to secure affordable housing in perpetuity and Building for Life provision.
112. The NHS advise that a contribution of £14,973 is sought to increase the capacity of existing health care facilities in the area. The applicant has not clarified whether they would be willing to enter into an agreement to secure this contribution.
113. Policy GD1 of the WVDLP sets out that adequate open space is incorporated within the design and layout of the site. This is detailed further in WVDLP Policy RL5 which

sets out targets for sporting and/or recreational land as part of the development, or as an alternative, developers are expected to make a contribution to the provision of such facilities. This is repeated in WVDLP Policy H24, which also sets out that on developments of more than 10 dwellings, the Council will seek to negotiate a contribution, where appropriate, for the provision and subsequent maintenance of social, community and/or recreation facilities in the area. NPPF paragraph 96 highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst other matters that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

114. The targets referred to in Policy RL5 and the background supporting information of the policies have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policies RL5 and H24 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.
115. The OSNA sets out the requirements for public open space on a population pro rata basis, for a development of 31 houses 1023m<sup>2</sup> of Amenity/Natural Green Space should be provided on site. In respect of other typologies an offsite contribution equating to £48,797 would be appropriate to upgrade and enhance existing facilities in the area. The applicant has expressed a willingness to enter into a S106 agreement to secure this contribution, however, as set out above the development would not provide any open space on site, contrary to the requirements of Policies RL5 and H24 of the WVDLP and paragraphs 96 and 127 of the NPPF.

#### Other Issues

116. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 0.83ha of agricultural land. A site-specific investigation into the land classification does not accompany the application. Nor do Natural England classification maps for the North-East region identify the agricultural classification of the site.
117. In a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that even if the whole site was best and most versatile agricultural land, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
118. Policy BE23 of the WVDLP sets out that in appropriate cases, the Council will encourage the provision of works of art as part of development. A conditional approach could be adopted to secure this requirement.
119. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. The School Places and Admissions Manager advises that a development of 31 houses could produce an additional 10 primary pupils and 4 additional secondary pupils. It is identified that based on projected school rolls, taking

into account the likely implementation timeframe of the development, and applying the Council's policy in securing developer contributions in relation to education provision, there are sufficient secondary and primary school places to accommodate the development.

120. As identified above two Public Rights of Way (Footpath No's.113 and 114, Crook) cross the western portion of the site, while there are also two un-registered footpaths which have public status in the vicinity of these routes. Policy 98 of the NPPF sets out that decisions should protect and enhance public rights of way and access. Objections have been received stating that these routes should be protected and at a minimum fully identified on an amended site plan. In this respect the site layout responds to PROW 113 and 114, notwithstanding above concerns on the layout of the scheme. It is also considered that sufficient information is available to determine that application, taking into account the un-registered routes. Whilst the impact of the development on the unrecorded footpaths is a material planning consideration, any applications to divert or extinguish routes such is a separate process. It is however recognised that the development makes no provision for the suitable surfacing of these routes outside of the site boundary. It is considered necessary to mitigate the developments impacts, in terms of increased use, and some localised resurfacing should be secured. This could be done through a S106 agreement.
121. Concerns have been raised regarding the potential loss of view and outlook of the countryside from residential properties and loss in value of properties are not material considerations

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## **CONCLUSION**

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122. The development would result in development beyond the established settlement boundaries of Hunwick, impacting on the character and appearance of the countryside, in conflict with Policies GD1, ENV1 and H3 of the WVDLP. Furthermore, the development is considered to represent poor design representing an over development of the site that does not respond or contribute to the character of the surrounding area and would not make adequate provision for future residents in terms of open space contrary to WVDLP Policies GD1, RL5 and H24. The NPPF is a material planning consideration capable of outweighing conflict with the development plan.
123. As Policies ENV1 and H3 of the WVDLP, the most important policies for determining the application are considered out of date, and no policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development, consideration should be given to the planning balance test contained within Paragraph 11 of the NPPF. This requires that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### *Benefits*

124. The development would assist in maintaining housing land supply, however this at a time when the Council can demonstrate 5.96 years of deliverable housing land supply (8,404 dwellings) against an objectively assessed need and a further 15,946 committed dwellings beyond the five-year period. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced while recognising the detailed nature of this application and likely timings of housing deliveries.
125. Typical of any residential housing development, the development would provide direct and indirect economic benefits within the locality and from further afield in the form of

expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

### *Adverse Impacts*

126. Given the limited number of services and amenities within Hunwick and the location of the site, the development would not promote accessibility via a genuine choice of transport modes and residents would likely depend on the private motor for transport.
127. The proposed development would amount to an encroachment into the surrounding countryside and would not be sensitive to its landscape setting and landscape features on the site.
128. The development would relate poorly and would not enhance the character of the surrounding area in terms of layout, density and design, would not achieve a high-quality inclusive development and would not provide any public open space on site.
129. The proposed layout would not achieve acceptable relationships between dwellings, both internally and externally to the site resulting in inadequate levels of privacy and amenity for existing and future residents
130. The development could potentially result in the loss of 0.83ha of Best and Most Versatile Agricultural Land, however this loss is not considered significant.
- 137 Overall on balance, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development and therefore planning permission should be refused. The application of the planning balance test would not outweigh the conflict with local plan policies.
- 138 The proposal has generated much public interest, with a significant number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

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## **RECOMMENDATION**

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That members **Refuse** the application for the following reasons:

1. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T1 of the of the Wear Valley District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the development would represent an encroachment into the countryside, which would not be sensitive to its landscape setting and landscape features on site in conflict with Policies GD1 and ENV1 of the Wear Valley District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.
3. The Local Planning Authority considers that, the development would not enhance the character of the surrounding area, and in terms of density layout and design, would not achieve a high-quality inclusive development and would not provide any open space on site, contrary to policies GD1, H24 and RL5 of the Wear Valley District Local Plan and Parts 12 and 15 of the NPPF

4. The Local Planning Authority considers that, the proposed layout would not achieve acceptable relationships between dwellings, both internally and externally to the site resulting in inadequate levels of privacy and amenity for existing and future residents contrary to Policies GD1 and H24 of the Wear Valley District Local Plan and paragraph 12 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to refuse this 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) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

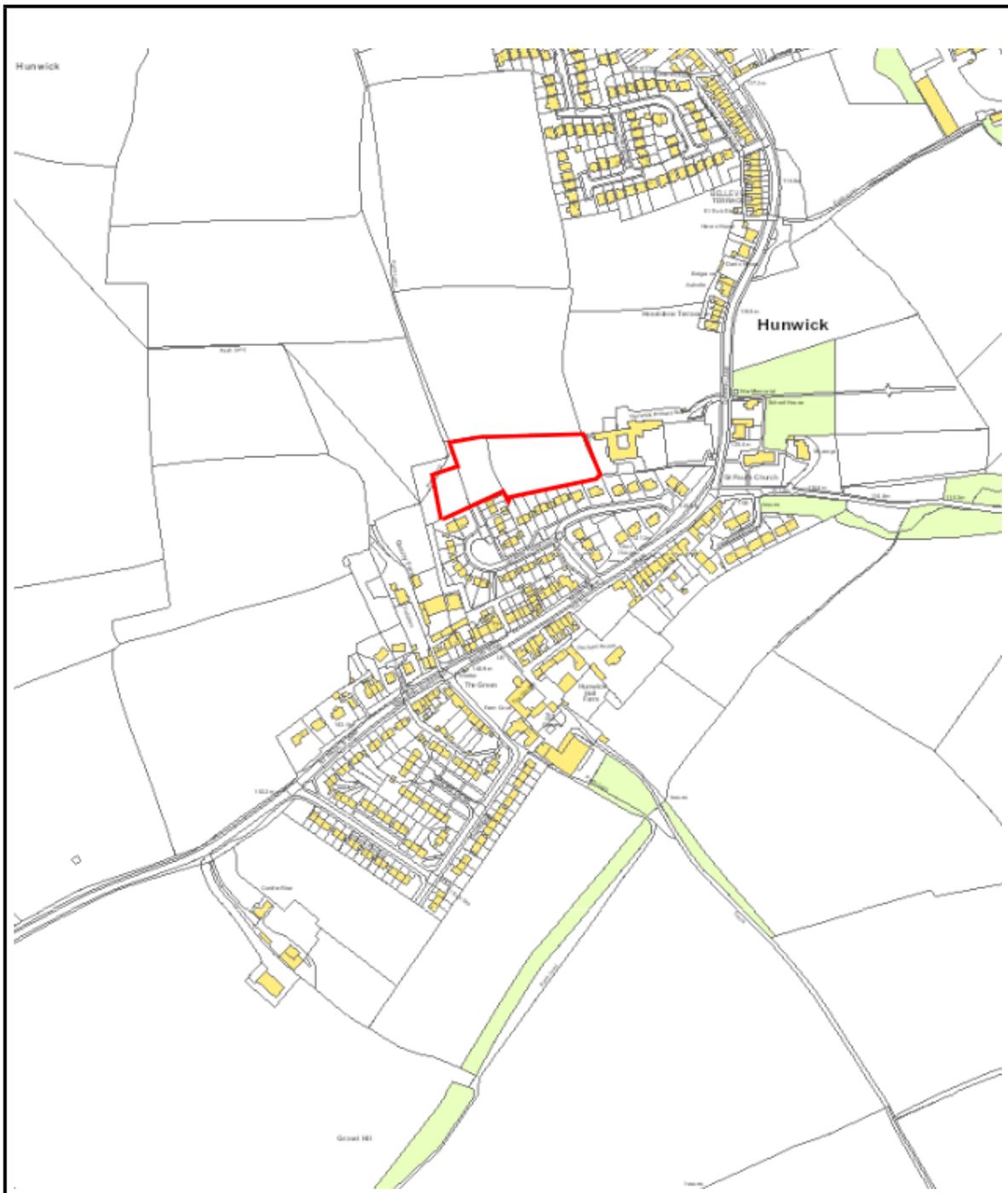
Wear Valley District Local Plan

The County Durham Plan (Submission Version)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



**Planning Services**

DM/18/03891/FPA  
31 no. dwellings and associated works.

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**Comments**

**Date** July 2019

**Scale** Not to scale