

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02097/FPA
FULL APPLICATION DESCRIPTION:	Residential Development comprising: nineteen 2-bedroomed, 3-person bungalow dwellings
NAME OF APPLICANT:	Karbon Homes
ADDRESS:	Land at Lavender Gardens and Uphill Drive Sacriston DH7 6PP
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is mainly comprised of 0.57ha of grassed open space surrounded by an estate road, within a local authority-built housing estate on the east side of the village of Sacriston. The site slopes down from south to north and is surrounded on all sides by two-storey housing, some of which overlooks it, some of which presents gables to the site.
2. A twelve-bay council-built garage block, staggered with the slope, fronting a parking forecourt is evident on the western boundary of the site. The upper-most garage has an attached brick-built workshop. These structures appear basically solid, if poorly maintained. The other three boundaries of the land include a continuous hard surfaced parking layby, informally used for off-street parking by local residents.
3. The grassed area of the site was fenced off by the potential developer at the point of application. The site had been developed in the distant past, but has been in its current use for a significant period of time and can be considered 'greenfield' open space.
4. Sacriston is a medium sized village sited 3.3 miles north-west of Durham City, offering a wide range of services, facilities and transport links. The nearest bus-stop to the site is on Plawsworth Road, 300m to the north.

The Proposal

5. The application proposes a residential development of 19 single storey dwellings, detached and semi-detached, staggered with the slope and each with two bedrooms. The existing garages would be demolished, and the site developed in its entirety, including the lay-by parking areas.
6. The proposed development is outward-facing, each dwelling having level access, with off-street parking and gardens front and rear. Parts of the garden areas are terraced to accommodate the slope. Lay-by visitor parking is proposed, with a new footway surrounding the whole site. The bungalows are of modern appearance with brick and timber cladding. A landscaping scheme has been submitted to show tree planting across the site.
7. The application is described by the applicants as an affordable rent housing scheme for over 55s. The site is owned, and the application is made by Karbon Homes, a registered provider and housing developer.
8. This application is reported to Committee as a 'major' development.

PLANNING HISTORY

9. The site has no planning history.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The 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 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, '*so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*'.
16. *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.
17. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including, 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
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.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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.
20. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.
21. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

22. *Land affected by contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
23. *Flood Risk and Coastal Change* – sets out the required assessments, tests and thresholds developers are expected to undertake, and Local planning authorities must assess when considering new development of different types.
24. *Air Quality* – sets out the national European and National legislative framework and a local air quality management (LAQM) regime which requires every district and unitary authority to regularly review and assess air quality in their area. Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location.
25. *Planning Obligations* – may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

26. The following is a summary of those saved policies in the Chester-le-Street District Local Plan 2003 (saved policies) relevant to the consideration of this application:
27. *Policy HP6 – Residential within Settlement Boundaries* – Proposals for residential development not allocated in the Plan will only be permitted within the defined settlement boundaries of specified settlements, including Sacriston, providing the land is previously developed and the scheme meets the criteria of Policy HP9.
28. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
29. *Policy HP13 – Affordable Housing* – an element of such will be negotiated where the site meets specified thresholds.
30. *Policy HP15 – Community Provision* – requires on major developments a contribution to provision of community social, recreational or leisure provision.
31. *Policy RL5 – Provision within New Developments* – sets out requirements for play and open space provision.
32. *Policy T8 – Car Parking Provision* – The design and layout of new development should seek to minimise the level of parking provision.
33. *Policy T15 – Access and Safety Considerations in Design* – sets a range of criteria including that: a safe access to the site and the classified road system should be provided, the development should not create levels of traffic which would exceed the capacity of the local road network or create a road safety hazard, make adequate

provision for service vehicle turning and allow effective access at all times for emergency vehicle access.

RELEVANT EMERGING POLICY:

34. 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 most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways* – have no objections to the proposals and request a condition for engineering details.
36. *Northumbrian Water* – note that whilst a drainage strategy has been submitted, detail is not given for either foul and surface water discharges. They request a condition to secure and agree this.

STATUTORY RESPONSES:

37. *The Coal Authority* – as this report is written, the Coal Authority has a standing objection to the scheme, having raised a number of detailed queries to the submitted Coal mining Risk Assessment. These issues are being discussed and address. Members will be updated on the outcome and any necessary actions at the meeting.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the statutory development plan for the area, unless other material considerations indicate otherwise. In this part of County Durham, the statutory development plan currently comprises the 'saved' elements of the Chester le Street District Local Plan (CLP). There is no neighbourhood planning activity in this location. The main purpose of the NPPF is to achieve sustainable development. It is regarded as a material consideration in determining planning applications. Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date NPPF paragraph 11 sets out how proposals should be considered.
39. Although the County Durham Plan 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.

40. This greenfield site is just located within the built-up form of the settlement and is not covered by any specific designations in the Development Plan. It is however identified in the Open Space Needs Assessment 2018 (OSNA).
41. Whilst saved Policy HP6 (Residential within Settlement Boundaries) states that proposals for residential development not allocated in the Local Plan will only be permitted within defined settlement boundaries of identified settlements (including Sacriston), the evidence base used to justify this Policy is now out-of-date, therefore so is the Policy.
42. Paragraph 103 of NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Given that this proposal site lies within the built-up form of the town and is within walking distance of a range of services and facilities, it is thought that this proposal would represent sustainable development in this regard as encouraged by the NPPF.
43. Saved Policy HP13 (Affordable Housing) sets down a requirement for up to 30% of houses to be affordable on schemes of 15 or more units. The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. In principle this policy is considered to be consistent with the NPPF however the target should be based on more up to date evidence.
44. The latest viability evidence in support of the County Durham Plan (as opposed to the County Plan itself) identifies a need for affordable units across the County. Evidence suggests that a requirement of 10% can reasonably be expected on sites of 10 dwellings or more given that the site is within a low viability area. The Council's Strategic Housing Market Assessment (SHMA) demonstrates a need for both affordable and specialist housing to meet the needs of older people. The evidence indicates that sites of 10 or more units can include 10% (or more) of the units to be designed with older people in mind, for example as level-access bungalows. Therefore, whilst no weight can be afforded to this Policy, significant weight can be afforded to the evidence prepared to underpin it, which is up to date and has been tested for viability.
45. The proposal will entail the loss of an existing area of open space which has both a functional and visual role. Therefore, in principle the development of the site would be contrary to both Development Plan saved Policies RL1 (Sport and Leisure Opportunities: General) and RL3 (Protection of Outdoor Recreational Facilities) and in addition to Framework advice at paragraph 97, that existing open space should not be built upon unless it has been assessed as surplus to requirements, it would be replaced by equivalent or better provision, or the development is for alternative sports or recreation provision the benefits of which outweigh the existing use.
46. Without prejudice to the comments above. In instances where it is considered acceptable to develop on existing areas of open space, normally a financial contribution would be secured. Saved Policies HP15 (Community Provision), RL4 (Standards of Outdoor Recreation and Sport), RL5 (Provision in New Developments) and RL6 (Maintenance) require contributions for provision and/or maintenance of recreational facilities and open space. HP15 is consistent with the NPPF which seek to ensure that needs for social, community, recreational, and infrastructure facilities are met. Saved Policies RL4, RL5 and RL6 are in partial alignment with the NPPF, which requires standards to be based on robust and up-to-date assessments. They can therefore be afforded some weight in the determination of this proposal. The formula set out in the OSNA be used to calculate the requirement gives a figure of £33,201 for mitigating the loss and meeting additional needs.

47. Paragraph 73 of the NPPF sets down a requirement for Local planning authorities 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. Updated from their written comments, the Council is able to demonstrate a 6-year supply of deliverable housing land against this figure. 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.
48. Concluding, Spatial Policy Officers advise that Paragraph 11 is engaged when there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. In this instance paragraph 11 of the NPPF is engaged as saved Policy HP6 is based upon evidence relating to the projected development requirements for the lifespan of the local plan (the plan period), which has now passed. However, relevant remaining saved LP policies must still be afforded some weight. At this stage Policy Officers are unable to identify any policies within NPPF which provide a clear reason for refusing the development. The decision maker will still need to undertake a planning balance assessment which weighs up any identified 'harm' and 'benefits' of the scheme to arrive at the final decision: In this case the harm would be the loss of an existing area of open space which has both a functional and visual role, contrary to policies in the Development Plan and NPPF, however, the provision of affordable homes for the over 55s would provide a significant benefit.
49. *Environmental Health, Contamination* – With the site having been previously developed, and the proposal for residential development – i.e. a more sensitive receptor, conditions will be needed to ensure the site is properly remediated for development. The extent of conditions required is being addressed after the late submission of additional material as this report is written. Members will be updated on the requirements at the meeting.
50. *Environmental Health, Nuisance* – confirm their opinion that the development is unlikely to cause a statutory nuisance.
51. *Drainage* – Requirements for sustainable drainage on the site and the mechanisms for achieving this including the use of permeable drives, and a detailed crate storage system with a viable long-term maintenance regime has been discussed and agreed and is represented on the submitted plans. No objection subject to compliance with the agreed plan.
52. *Affordable Housing* - Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The site at "Land At Lavender Gardens And Uphill Drive, Sacriston" is proposing to provide a 100% affordable housing scheme. Information provided in the application indicates that 19 bungalows will be delivered on this scheme. The Housing Development Team are happy that these proposals meet the affordable needs of the area as bungalow provision is a property type in this area that is in demand.
53. *Education* – advise that there is capacity for school places in the area and that no mitigation is required for this development.
54. *NHS* – confirmed pre-application that given the small scale of the proposal there was likely to be sufficient physical capacity at the local medical centre to meet the needs of the new residents.

55. *Urban Design* – have commented, ‘The development proposes a perimeter block with strong frontage to Uphill Drive and Lavender Gardens. The floor plans included in the design document would suggest that all outward facing elevations will be animated, creating corner turning dwellings. The artist impressions show a contemporary solution with large areas of glazing which give some vertical emphasis to the dwellings’.
56. *Durham Constabulary* – have sent an extract from the Building Regulations relating to Security in response to a pre-application consultation.

PUBLIC CONSULTATION EXERCISE:

57. A public consultation exercise consisting of site notices, press notices and 32 direct letters was undertaken. This resulted in 2 objections.
58. One correspondent raises concern at decision making within the ‘policy vacuum’ in Durham, between the unadopted County Plan, the NPPF and the ‘long in the tooth’ District Plans.
59. The principal objection relates to the loss of the open space, contrary to both advice in the NPPF (paragraph 97) and the Policies in the Development Plan. It is noted that the applicant acknowledges the loss and correct process but has not undertaken an assessment of the value of the space or identified any replacement.
60. The applicant’s description of the site is criticised in terms of the general functionality and current use of the space, it having been used by local children for a range of informal recreation activities for years. The OSNA report is quoted, noting identified shortages of open space, and the need for protection of existing sites where there are critical deficiencies, among its other criteria. The OSNA further recommends a walking distance guideline of 480m for access to amenity space. However, with the loss of this site the nearest amenity space for residents in this area is approx. 600m away at Fulforth Jubilee Park.
61. The submitted Sustainability Statement is considered as inadequate in considering only the energy performance of the proposals and not the social, economic and local environmental impacts of the scheme. The provision of amenity space is therefore particularly important for the well-being of disadvantaged groups who have lesser ability to travel and access other recreational opportunities, as well as having poorer health outcomes.
62. The developer’s public consultation exercise is likewise referred to as inadequate. The Council should have consulted all dwellings within a 500m radius of the site.
63. The new fencing erected by the developer is considered dangerous.
64. The view across the site has been seriously impaired.

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=PTYO20GDKCW00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

65. 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 principle of development, implications of specialist housing and loss of open space are the principle issues involved in this instance. Issues of highway safety and other relevant topics will also be considered.

The Development Plan

66. 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 Chester-le-Street District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
67. This Local Plan was adopted in 2003 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
68. This is an application for housing development. The main Policies within the Development Plan relating housing are considered out of date either because their evidence base is too old, or because they are contrary to the advice in the NPPF – i.e. where they relate to overly restrictive planning restraints such as settlement boundaries. Whilst they can provide a useful starting point for consideration of a site, consideration of the development should be led by the NPPF if decisions are to be defensible.

The NPPF

69. Paragraph 11 advises in the first instance to grant permission for sustainable development unless there is specific advice in the Framework that protects areas or assets of particular importance that gives a clear reason for refusal. The affected policies are listed (footnote 6). There are no topic areas that affect this site. Paragraph 11 then goes on to advise that permission should be granted unless 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. This application therefore benefits from this 'presumption in favour', if it is concluded as sustainable, and unless issues are identified and evidenced as clearly outweighing the benefits.

Sustainability

70. In terms of locational sustainability, the proposed development is within an established urban area that includes a wide range of social, economic and environmental opportunities, including schools, shops, a community centre, a park and bus links to surrounding settlements. The applicant's Design and Access statement considers energy efficiency, an issue that is dealt with within the Building Regulations process.

Housing Provision

71. The development is presented as a scheme of affordable rent bungalows for over 55s. Planning Officers must however point out issues in how this basic positive description is considered in the light of planning legislation, policy, advice and caselaw.
72. The detailed nature of the scheme is such that it meets the basic 10% requirements of Policy HP13 and paragraph 64 of the NPPF for affordable housing. The 90% over-provision is not secured in such a way that it can be attributed additional weight in the decision-making process.
73. The provision of dwellings designed and intended for over 55s is advised as of 'significant weight' by Spatial Policy Officers. However, again, if the specified age restriction is not ensured by a planning approval – usually by legal agreement or condition – then the dwellings could ultimately be rented or sold to any individual, undermining the significant weight that this would attract in the decision-making process. The applicants have objected to a restriction being applied in the event of an approval to give them flexibility in tenure.
74. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently has a 6-year identified supply which reduces the weight to be afforded to the boost to housing supply as a benefit of the development.
75. In terms of paragraph 11d(i) of the Framework, the most important policies for determining the application are out-of-date, and that indicates that permission should be granted unless identified policies in the Framework provide a clear reason for refusal. The list of identified policies (in footnote 6) does not provide a clear reason for refusal.
76. Determination of the application is then required to consider through paragraph 11d(ii) of the Framework whether the adverse impacts of approval would significantly and demonstrably outweigh the benefits of the scheme.

Open Space

77. The loss of the open space would be detrimental to surrounding residents' amenity, and this reduces the sustainable nature of the scheme. The park in the centre of Sacriston is approximately a 1km walk from the site. The loss is contrary to both Policies in the Development Plan and the advice in the Framework. The OSNA has identified the site as of value and seeks to protect it. As an isolated issue, Local and National Planning Policy is clear that the land should be retained as open space.
78. However, the land is private, and has been recently fenced off by the applicants, as is their right, preventing it from being used for recreational purposes.
79. The applicants have agreed to enter into a legal agreement to provide monies in lieu of on-site provision of open space to the sum of £33,201.00 via the calculations set out in the OSNA for demand generated by the scheme. This is considered reasonable and necessary to ensure this aspect of the development is acceptable, meeting the tests for planning obligations set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
80. The application fails to meet the national and local policy and advice requirements for existing open space and is therefore contrary to Policy. The scheme does mitigate the lack of on-site provision for new residents.

81. The site is open space that has been available for the use of surrounding residents for a significant period of time, but critically, the use of which is at the discretion of the owner. The use has been formally restricted of late by the landowner as a result of the erected fence. This significantly undermines a potential refusal on the grounds of loss of open space.

Highways

82. County Highways indicate they have no objection to the scheme subject to a condition ensuring engineering details. Planning Officers do have some concerns at the effect of the loss of existing on-street parking and garages in an area of local-authority built dwellings that offer minimal in-curtilage off-street parking opportunities.
83. However, it is concluded that this issue would not be significant in the planning balance.

Other Issues

84. The application must be assessed against the design requirements of Policy HP9 and the expectations of Part 12 of the NPPF. For residential amenity, the proposals meet the suggested separation distances to surrounding, existing residential dwellings set out in Appendix 1 of the Development Plan. There is a 21m facing distance between existing dwellings and those proposed, with those on the south part of the site angled at 25 degrees to the betterment of the relationship. Two of the facing distances between rear elevations and gables within the site are slightly sub-standard, by less than 1m – an acceptable degree of tolerance. Each of the dwellings has private amenity space, off-street parking meeting highways standards and level access entry. Rear gardens include terracing to accommodate the slope of the site.
85. The proposed bungalows have a simple massing and proposed elevational appearance which is both modern and will also fit in with the surrounding post-war vernacular.
86. In terms of the scale, character and residential appearance requirements of the Development Plan Policy, and also its expectations of privacy and amenity, the proposals are considered acceptable.
87. An ecology report has been submitted which indicates both that the proposed development will not affect species protected by law, and that the layout of the scheme and proposed planting scheme has been arranged to encourage bio-diversity.
88. Drainage Officers' requirements have been subject to extensive detailed discussion. Agreement has reached on an appropriate scheme that can be ensured by imposition of a suitable condition.
89. If the Coal Authority removes their objection from the application, Members will be advised of any condition they request to mitigate the coal-mining legacy. Because of their nature, any conditions are likely to be required addressed pre-commencement.
90. Members will be advised at the extent of conditions required to ensure the contaminated land implications on the site are fully addressed to ensure the safety and amenity of new residents. Because of their nature, any conditions are likely to be required addressed pre-commencement.
91. Given the relationship of the site to surrounding residential dwellings, and its location within an estate some distance from the main road it is proposed to impose a standard Construction Management Plan condition.

92. Education have been consulted as the applicants will not accept an age restriction on the dwellings, potentially allowing the occupation of the dwellings by families. There is however current capacity in the school system in Sacriston, and no mitigation would be required for a development of this size. Likewise, the NHS have confirmed that given the size of the proposal, they have no requirements for mitigation for the effect on their facilities. Durham Constabulary have not indicated any concerns with the scheme.
93. An acceptable landscaping scheme has been submitted with the scheme, which would be communally maintained by the applicants.
94. The scheme will bring economic benefits both in the construction phase and from the activities of new residents, that whilst not quantified in the application, brings positive weight in the planning determination.

The Tilted Balance

95. The policies most important for determining the application in the Development Plan – relating to housing - are out-of-date because of their original evidence base and as a consequence, the ‘tilted balance’ addressed by paragraph 11 of the Framework and the presumption in favour of sustainable development is engaged.
96. The application site is considered a sustainable location. The application proposes housing, including and exceeding the required affordable element. No positive weight is given to the unsecured over-supply. The benefit accrued from the addition to housing supply is positive but reduced by the Council’s positive housing land supply figure. The proposals meet the Development Plan and NPPF requirements for affordable housing provision. The specialist nature of the housing i.e. for over 55s cannot be given positive weight if not secured.
97. The scheme has been examined and concluded as sustainable housing development that benefits from the presumption in favour of such in paragraph 11d(i).
98. Adverse impacts have been identified through assessment against paragraph 11d(ii), in terms of the loss of the open space and the reduced parking opportunities available to existing residents. Whilst the loss of open space is contrary to both Development Plan Policy and NPPF advice, the applicant’s ability to legally restrict access and prevent its community use reduces Officers confidence in upholding a refusal on this issue.
99. Economic benefits have been referred to in the report and are of positive weight in the planning balance.
100. Other issues are Policy or NPPF compliant, meeting the expectations of development but not significant either way in the weighting of the planning balance.
101. Officers consider the tilted balance is in favour of the development, with the positives of the contribution to housing supply are ultimately not significantly and demonstrably outweighed by the failure to comply with the Open Space Policy.

CONCLUSION

102. The site has been used until very recently as public open space within the established urban area of Sacriston. The housing related Policies in the Development Plan are those most important for dealing with the application are out of date directing determination to the NPPF. The proposal is sustainable residential development.
103. The issues to consider in the planning balance are the benefits of provision of housing against the negative of the loss of open space.
104. The positive weight that could be given to apparent specialist nature of the housing, its affordable nature and the scheme's contribution to housing supply are all reduced by elements described in the body of this report. The scheme still however benefits, as sustainable development, from the 'presumption in favour' in the 'tilted' planning balance.
105. Concerns at the loss of open space reflect the scheme being contrary to Policy. However, with the weight given to this negative aspect reduced by its private nature and now restricted access, this issue is not considered by Officers to demonstrably and significantly outweigh the benefits of the scheme to a degree that could form a defensible refusal.
106. Officers consider the proposals finely balanced, even with the presumption in favour, but conclude their recommendation in favour of the proposals.
107. There are elements of the proposals that can be mitigated or made acceptable through contributions by the developer in a legal agreement – i.e. an Open Space / Play space contribution of £33,201. This issue is neutral, and is required to make the proposal acceptable only, being directly proportionate to their impacts. No other issues have been raised that significantly affect the planning balance either way.
108. Conditions can address technical implications and ensure an acceptable for of development and detail for issues including foul and surface water disposal, contamination and landscaping. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.

RECOMMENDATION

111. That the application be **APPROVED**, subject to the applicant entering into a legal agreement consisting:
- Securing 10% of the scheme as affordable housing.
 - A contribution to secure open/ play space mitigation of £33,201.

And the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - 17011 P01 SITE PLAN
 - 17011 P02 SITE PLAN
 - 17011 P100A ELEVATIONS PLOTS 01-05
 - 17011 P101A ELEVATIONS PLOTS 06-11
 - 17011 P102A ELEVATIONS PLOTS 12-15
 - 17011 P103A ELEVATIONS PLOTS 16-19
 - 17011 P105 BUNGALOW TYPES
 - 17011 P106 BUNGALOW TYPES
 - 17011 P110A STREET ELEVATIONS
 - 17011 P111A GARDEN ELEVATIONS
 - 17011 P201A PROPOSED SITE SECTIONS
 - 17011 P205 TYPICAL SECTION C
 - 17011 P210A ROOF PLANS

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, HP15, RL5, T8 and T15 of the Chester-le-Street Local Plan 2003 (saved policies).
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies).
4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies); and Parts 12 and 15 of the National Planning Policy Framework.
5. The proposed highways must be designed and constructed to meet adopted highway design standards at the time of construction. No development shall commence until plans showing full engineering details of the works to the estate roads have been submitted to and approved in writing by the Local planning authority. Said scheme must be implemented in full before occupation of any of the dwellings hereby approved.

Reason: in the interests of highway safety and to ensure compliance with policy T15 of the Chester-le-Street District Local Plan 2003 (saved policies).
6. The detailed Surface Water Drainage scheme shown on Plan 394/01 (DR)100 P07 must be installed, constructed and completed in full before any dwelling on the development hereby approved is occupied.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.
7. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

8. The landscaping scheme must be carried out in accordance with Plans: 790/LA1 (Feb. 2019) and 790/LA2 (Feb. 2019), the submitted planting schedule and Soft Landscape Specification dated 7 March 2019. The approved scheme must be completed in full by the end of the first planting season following the completion of the built development and maintained for a minimum period of 5 years with all specimens that fail or require replacement being implemented to the specification approved in the above plans and reports.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies); and Parts 12 and 15 of the National Planning Policy Framework.

9. Contamination – extent of required conditions to be confirmed.

10. Coal – awaiting advice from Coal Authority.

11. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction/suppression.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy HP9 of the Chester-le-Street District Local Plan 2003 (saved policies) Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

12. In undertaking the development that is hereby approved:
No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

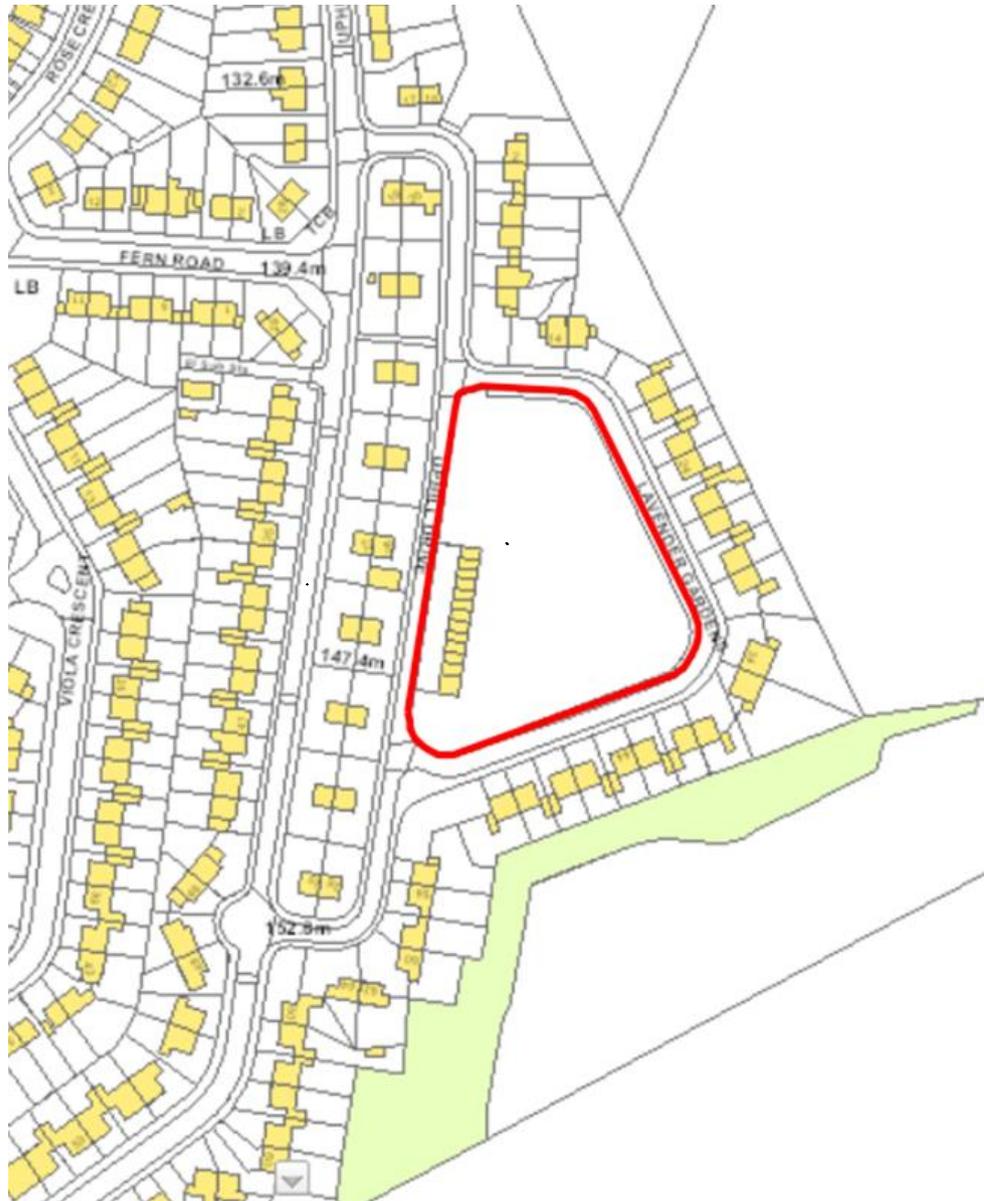
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy HP9 of the Chester-le-Street 2003 (saved policies) Local Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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.)

BACKGROUND PAPERS

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Residential Development comprising:
 nineteen 2- bedroomed, 3-person bungalow dwellings

Application: DM/19/02097/FPA

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Comments

Date: 26th September 2019

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