

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02002/OUT
FULL APPLICATION DESCRIPTION:	Housing development of 16 no. dwellings (Outline - All Matters Reserved Other Than Access) (Amended 5.9.19)
NAME OF APPLICANT:	Mr Michael Barron
ADDRESS:	Site of Former Kensington Hall Hotel, Kensington Terrace, Willington, DL15 0PJ
ELECTORAL DIVISION:	Greater Willington
CASE OFFICER:	Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land located to the north west of Willington. The site extends to approximately 0.37 hectares (ha) in area and was previously occupied by the former Kensington Hall Hotel. The hotel was demolished over 10 years ago, with only hard standings and foundation slabs remaining. The site has become overgrown with self-seeded vegetation following demolition of the building.
2. The site is enclosed to the north, east and west by a brick retaining wall of varying height with an array of mature trees positioned behind the wall. The site is largely flat with land levels sloping upwards immediately to the north beyond the retaining wall. Vehicle access to the site is gained from the south east corner opposite Kensington Terrace, adjacent to a turning head at the end of the row of terraced houses.
3. Willington Town Park lies to the south west of the site. Terraced housing on Kensington Terrace and Coronation Terrace are located immediately to the south of the site, leading to Willington Town Centre and the A690 beyond. Willington Woods Natural Green Space lies to the north of the site. A Public right of Way (Footpath no.194, Greater Willington) is located adjacent to the south west corner of the site, that heads away in a north west direction.

The Proposal

4. Outline planning permission is sought for the erection of up to 16 no. dwellings on the site, with all matters reserved, other than access. Vehicle and pedestrian access

is proposed be taken to the south of the site, slightly off set from the line of the highway on Coronation Terrace. Indicative details show that the dwellings would likely be a mixture of semi-detached and detached dwellings arranged around a centrally positioned T shaped turning head. Matters of scale, appearance, layout and landscaping would however be reserved for future consideration.

5. Initially the scheme proposed 17 no. dwellings, however following concerns about the density of the development and the ability to provide adequate residential amenity for new residents, it has been amended to 16 no. dwellings.
6. The application is being reported to the Planning Committee as it constitutes major residential development.

PLANNING HISTORY

7. Full and outline planning permission has been granted for various residential developments on the site previously, including proposals for 31 no. apartments and 7 no. town houses in March 2007, 44 no. apartments in December 2007 and 7 no. dwellings and garages in 2016.

PLANNING POLICY

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.

LOCAL PLAN POLICY:

Wear Valley District Local Plan (2007) (WVDLP)

21. *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.
22. *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 in Policy GD1 and conforms to the other policies of the plan.
23. *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.
24. *Policy BE4: Setting of a Listed Building:* Development which impacts upon the setting of a listed building and adversely affects is special architectural, historic or landscape character will not be allowed.
25. *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.
26. *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.
27. *Policy H22: Community Benefit:* States that on sites of more than 10 dwellings the Local Authority will seek a contribution, where appropriate, to related social, community and/or recreational facilities
28. *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.
29. *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.

30. *Policy T1: Highways:* Sets out that 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.

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 <https://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan

31. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Greater Willington Town Council* – In response to the original proposal for 17 no. dwellings commented that expressions of concern from local residents have been received regarding the development relating to highways and parking issues, the excessive level of development on the site and the limited level of neighbour notification
33. *Drainage and Coastal Protection* – Following submission of a revised flood risk and drainage assessment raise no objections are raised, subject to a condition requiring the development to be carried out in accordance with the submitted assessment.
34. *Highways Authority* – Advise that following the submission of amended plans, no objections are raised to the proposed vehicle access. Indicative details of car parking and site layout have been provided and would be finalised at the reserved matters stage, however it is considered the scheme is capable of providing adequate off-street car parking in accordance with the Council's Car Parking and Accessibility Standards.

NON STATUTORY RESPONSES:

35. *Archaeology* – No objections, advising that probability of surviving, undisturbed, below-ground remains is low.
36. *Durham Dales, Easington and Sedgfield NHS Clinical Commissioning Group* – Following a reduction in the number of dwellings, advise that a contribution of £7728 is required to mitigate the impact on local healthcare services by new residents.

37. *Design and Conservation* – Following the reduction in the number of dwellings and submission of amended layout, have no further comments to make on the application.
38. *Ecology* – Note the identified loss in biodiversity and advise that contributions of £6000 would be required to provide 0.5 hectares of species rich grassland proposed to mitigate the loss of biodiversity
39. *Environmental Health and Consumer Protection (Contaminated Land)* - Notes that further intrusive works and gas monitoring are required to inform a remediation strategy, a contaminated land condition is recommended to agree these details and a verification report, confirming compliance with the remediation strategy
40. *Environmental Health and Consumer Protection (Air Quality)* – Offer no objections, advising that proposed development would not have a significant effect on air quality and a further, detailed assessment involving dispersion modelling is not required
41. *Environmental Health and Consumer Protection (Pollution Control)*– No objections subject to condition to restrict working hours during construction phase to prevent noise and disturbance to local residents
42. *Housing Development Team* – Recommends further discussions take place between the developer and the Housing Development Team in relation to the type and location of affordable units to be provided to ensure they meet local requirements and are deliverable. Affordable housing should be secured by a S106 agreement.
43. *Landscape* – Advise that some initial concerns have been addressed following the reduction in the number of dwellings, however further clarity in relation to planting, soft landscaping and boundary treatments should be provided in any reserved matters application.
44. *Public Rights of Way* – Note the presence of Registered Footpath 194 Great Willington to the west of the site, improvements to the Public Right of Way network are sought.
45. *Spatial Policy* – Advised that the application falls to be determined in accordance with the planning balance test set out in para 11(d) of the NPPF, open space contributions of £29,248.50 will be required to mitigate the developments impact as no public open space is being provided within the application site. 3 no. affordable dwellings should be secured in order to meet policy requirements.
46. *Sustainability/Low Carbon Economy Team* – It is advised that the residential development of the site, has the potential to provide relatively good access to some local services and facilities within a short walking distance. A condition is recommended to agree details of embedded sustainability and minimisation of carbon from construction and in use emissions.
47. *The Coal Authority* – Advise that a scheme of intrusive site investigations and remediation as appropriate is required and should be agreed and implemented by condition.
48. *School Places and Admissions Manager* – Advise that no contributions towards education provision are required.

PUBLIC RESPONSES:

49. A site notice was posted and the application was advertised in the local press, properties immediately adjacent to the site were notified in writing both in relation to the original application and once again following receipt of the amended proposals. 1 no. letter of representation and 1 no. letter of objection have been received in response to the original proposal raising the following points:
- The development has substantially changed from the previous approval for 7 no. dwellings to include an additional 10
 - The layout and density is over development and is excessive
 - Concern is raised about the potential significant increase in traffic generation, most plots would have driveways for 2 vehicles generating 33 vehicles and will result in excessive noise and disturbance from the use
 - There are no loading facilities or visitor parking spaces within the development and it does not comply with the Council's Parking and Accessibility Standards
 - Kensington and Coronation Terraces will be subject to increased traffic from the development creating a bottleneck with no clear right of way
 - There would be safety issues for pedestrians, in particular children, in the vicinity of the site going to the adjacent park and play area and to the public footpath route leading the Cumberland Terrace
 - The application should be determined by the planning committee as opposed to delegated powers

APPLICANTS STATEMENT:

50. An outline planning application was submitted for the proposed development of approximately 17no. dwellings on the site of what was once known as the Kensington Hall Hotel at Willington, Co Durham, DL15 0PJ, with all matters reserved other than access, which was validated 22nd July 2019. Following subsequent discussions with the Council, the scheme was reduced to a maximum of 16no. dwellings, which is now presented for consideration. The site has been the subject of a number of planning permissions over recent years, including 3/2006/0114 – Outline planning permission with all matters reserved for residential development options – granted 7th April 2006, 3/2006/0930 – 31no. apartments and 7no. town houses – granted 30th March 2007 and 3/2007/0774 – 44no. apartments – granted 21st December 2007. The last approval granted on 5th July 2017 for 7no. dwellings ref DM/16/03449/FPA was one which, it is respectfully considered, was not in keeping with the character of the site and the surrounding area, whilst it was also not a viable scheme when balancing the cost to build against the market values created.
51. The application site, which has previously been cleared, stands at the northern end of Kensington Terrace, a street of red brick, two-storey Victorian terraced housing which leads northwards from the high street of Willington to the development land. Also adjoining Kensington Terrace are Kensington View and Coronation Terrace, whilst to the east of the site is a popular parkland area and to the north open land and to the west is further open land.
52. Despite the positive planning history relating to the site with the granting of several planning permissions, no development has materialised, and it is the applicant's intention with this proposal to deliver 16no. new dwellings, appropriately designed to suit the location in a range of three different house types using a palette of materials similar to that of the adjacent area. Whilst the application does not seek determination for appearance, landscaping, layout or scale, the proposed illustrative scheme provided aims to reflect a similar density to the surrounding area but for modern day marketing demands, which we believe to be a mixture of detached and

semi detached dwellings and not the high density apartment development or the low density large detached properties of past approvals.

53. The client is committed to complying with the local planning authority's requirement for the provision of affordable homes, ecology contributions, open space contribution and NHS contributions, which will be secured by a S106 agreement should planning permission be granted.
54. The proposed site is one on which a number of planning permissions have been granted for residential development over recent years, and it is considered that the current proposal represents a scheme which will finally deliver the provision of a mix of new housing to a central location within Willington. It is a proposal of a type which is supported by the policies within NPPF with, it is considered, no adverse impacts to weigh against the benefits of granting planning permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. 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 development, housing land supply, locational sustainability impact on the character of the surrounding area, highway safety, residential amenity, biodiversity, ground conditions, drainage, planning obligations and other issues.

Principle of Development

56. 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 in the Planning Act and reinforced at Paragraph 12 of the NPPF.
57. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. 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.
58. Policy H3 of the WVDLP adopts limits to development in order to direct new housing development to those towns and villages best able to support it (including Willington), balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. The development would be located within the defined settlement limits of Willington and therefore would comply with WVDLP Policy H3.

59. The approach of Policy H3 of locating development in sustainable locations, whilst seeking to protect the character of the open countryside is considered consistent with the NPPF. Whilst the NPPF does not prevent a local planning authority from defining settlement boundaries to control development, 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 relevant policies should be disregarded or be given no weight, the weight that can be afforded to them is reduced and paragraph 11 is engaged.
60. 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
61. As set out above the it is considered that Policy H3 of the Local Plan is out of date by virtue of the evidence which informed it, therefore, as Policy H3 is the policy which is most important for determining the application, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF.

Housing Land Supply

62. 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.
63. 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 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
64. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF 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.

65. 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.

Locational Sustainability

66. Saved 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. These policies also seek to ensure that adequate links and access to public transport are incorporated within the layout of the site.
67. Policies GD1, H24 and T1 of the WVDLP 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.
68. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies centrally within Willington and forms part of the Willington Cluster comprising Willington and Sunnybrow. Although both are historically settlements in their own right, they are considered to effectively function jointly. The Willington Cluster is ranked 17th within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth. The scale of development is considered proportionate to the size of the settlement.
69. In terms of distances to services and amenities, 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. These distances are based on good practice guidance 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'.
70. The site is situated around 115m to the north of Willington High Street, connected via Kensington Terrace which contains a footpath on both sides of the road. The High Street contains a range of shops, services, public houses, hot food takeaways and a library. The closest bus stops providing services to Durham, Crook and Bishop Auckland are located to the south of the adjacent park around 110m to the south east of the application site. Our Lady and St Thomas RC Primary School is situated around 107m to the south west, Willington Primary School lies around 290m to the south and Parkside Academy is located around 750m to the south east, within the wider settlement. Willington Town Park, which includes a play area and recreational space lies immediately adjacent to the east side of the site.

71. The application site is close to the core of local services and facilities within the Town Centre and is considered to be a sustainable location for new residential development, of this scale, where new residents would not be reliant on private car journeys. The development is therefore considered to comply with the requirements of WVDLP Policies GD1, H24 and T1 and Paragraphs 103 and 110 of the NPPF.

Impact on the character of the surrounding area

72. Policies GD1 and H24 of the WVDLP seek to ensure that new development is of good design and in keeping with the character and appearance of the surrounding 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.
73. The site was a former hotel, now demolished, with some hard standings and foundation slabs retained. It has become overgrown and is enclosed to the southern boundary with heras fencing. It is considered that an appropriate redevelopment of the site would have the potential to improve the appearance of the site and the visual amenity of the surrounding area.
74. The application is an outline application with all matters reserved other than access, as such the layout, scale, appearance and landscaping of the development would be reserved for future consideration. Indicative details have however been submitted which show that the proposed dwellings would be accommodated around a central T shaped turning head. Dwellings are indicated as 2, 3 and 4 bedroom detached and semi detached properties. Off street parking would be positioned to the front of dwellings and gardens to the rear.
75. Consultation has been held with the Council's Design and Conservation Officer, who initially raised concerns regarding the density of the development and the resultant site layout which would be dominated by parked cars and hard landscaping. As a result the applicant has reduced the number of dwelling proposed on site from 17 to 16 and amended the indicative site layout and mix of dwellings. The Council's Design and Conservation Officer advises that the amended scheme addresses previous concerns.
76. The amended indicative scheme would suggest a density of around 43 dwellings per ha, which is relatively high, however it is recognised that smaller developments inherently have a higher density than larger schemes as no public open space is generally provided on site. The indicative density of development would be higher than the previous planning permission for 7 no. detached dwellings. However higher density proposals have previously been approved on the site, whilst the density of the proposed development is considered to relate to that of the surrounding area which is typically characterised by terraced dwellings. The indicative site layout sets out that minimum separation distances between dwellings within the site and minimum garden depths as set out in Policy H24, could in large be achieved. Overall the site is considered adequate to accommodate 16 no. dwellings together with related off street parking and gardens, whilst recognising that a detailed assessment of the layout and appearance of the development would be undertaken in any reserved matters application.

77. The comments of the Council's Landscape Officer seeking further clarity on planting, soft landscaping and boundary treatments are noted, however these matters would be considered in detail at the reserved matters stage. A condition requiring a tree protection plan indicating the effects of the detailed layout on trees on and immediately surrounding the site is considered appropriate as suggested by the Council's Arboricultural Officer.
78. The Grade II Listed Building of Our Lady and St Thomas Roman Catholic Church lies approximately 80m to the west of the site, however due to surrounding vegetation and topographical changes there is no intervisibility between this building and the development site. As such the development would not result in any adverse impacts upon the setting and significance of the designated heritage asset and there would be no conflict with Policy BE4 of the WVDLP, Part 16 of the NPPF and the requirements of S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
79. Having regard to the above and the comments from local residents, on balance, it is considered that an acceptable scheme can be achieved at the reserved matters stage which would result in an appearance of the site whilst representing good design and be in keeping with the character of the surrounding area in accordance with Policies GD1 and H24 of the WVDLP and Parts 12 and 15 NPPF in this respect.

Highway Safety

80. Policies GD1, H24 and T1 of the WVDLP seeks to ensure that new developments provide safe access, adequate parking facilities and 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 states that development should only be refused on transport grounds where the residual cumulative impacts of the development are 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.
81. Approval of means of access into the site are sought as part of the current application. The sole vehicular and pedestrian access would be in a central position to the southern side of the site. The Council's Highways Authority have been consulted and advise that the proposed access arrangements are satisfactory.
82. It is also advised that redevelopment of the site would inevitably result in new vehicle movements up Kensington Terrace by future occupants. Existing residents of Kensington Terrace currently park outside their properties on the street, however, the road is relatively wide, does form part of the adopted highway and is in good condition. It is therefore advised by the Highways Authority that even with existing on street parking and the additional traffic associated with the development, both in terms of new residents and during the construction phase, that the proposed development could be accommodated without any adverse impacts to users of Kensington Terrace or the wider highway network.
83. Precise numbers and details of off street car parking would be agreed under the reserved matters of layout and are reserved for future consideration. It is considered from the indicative details that the scheme is capable of achieving adequate off-street car parking that would comply with the requirements of the Council's Car Parking and Accessibility Standards.

84. Overall, whilst having regard to the above and the comments from the Town Council and the local resident, on balance, on the advice of the Council's Highways Authority it is considered that the proposed vehicle access is acceptable and the wider highway network could satisfactorily accommodate the additional traffic. In terms of access to individual properties, turning space and car parking arrangements, it is considered that an acceptable scheme can be achieved at the reserved matters stage which would not be detrimental to highway safety in accordance with Policies GD1, H24 and T1 of the WVDLP and Part 9 of the NPPF.

Residential Amenity

85. 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.
86. Policy H24 of the WVDLP specifically 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. The indicative site layout shows the scheme would achieve these minimum distances, with the exception of plot the front to gable distance of plot 11 to plot 13 which would measure approximately 13.2m. However as a primary facing distance this is considered acceptable, while adequate private amenity space would remain available to the rear. Based on the indicative layout, there would be no significant overlooking from the development to adjacent residential dwellings.
87. The indicative layout shows that each of the dwellings would have a front and rear garden or amenity area. Whilst rear gardens in a small number instances would fall below the minimum 10m advocated in the WVDLP, on balance they are considered of an acceptable size while that there is space for off street car parking to be provided to the front of the dwellings and adjacent to the turning head.
88. It is inevitable that there would be additional comings and goings along Kensington and Coronation Terraces resulting from the development, particularly given the current vacant nature of the site. However, given the proposed residential use, it is not considered that these movements would be excessive and to such an extent that result in significant noise and disturbance to existing residents. The residential use would be commensurate with adjacent uses and is considered to correspond acceptably in this regard. Nevertheless, given the proximity of the site to adjacent dwellings, the Environmental Health and Consumer Protection Officer (Pollution Control) advises that conditions to control working hours on the site during the construction phase would be required, this request is considered appropriate.
89. Whilst the comments of the Town Council and local resident are noted, having regard to the above it is considered that 16 no. dwellings could be accommodated on the site whilst maintaining an acceptable level of residential amenity for new and existing residents, in accordance with the aims of Policies GD1 and H24 of the WVDLP and Parts 12 and 15 the NPPF.

Biodiversity

90. Policies GD1 and ENV11 of the WVDLP 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 proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
91. A Biodiversity Impact Assessment has been submitted in support of the application, which concludes that the development would not have any negative impact on species especially protected by law. The report however identifies that the development would result in a net loss to biodiversity. The Assessment concludes could be offset by creation of 0.5 hectares of species-rich grassland elsewhere.
92. The Council's Ecologist advises that the methodology and conclusions of the report are sound, and the development is unlikely to have a significant impact on any ecological interest. It is also calculated that that a contribution of £6000 would cover the creation of offsite grassland, its establishment and initial to ensure a net biodiversity gain could be achieved.
93. This contribution could be secured via a s106 agreement, to which the developer is agreeable. As such the development would not result in any loss of biodiversity and would accord with the requirements Policies GD1 and ENV11 of the WVDLP and Part 15 of the NPPF.

Ground Conditions

94. Policy GD1 of the WVDLP states that new development should not be detrimental to public health or pollute the environment. This policy is considered consistent with Part 15 of the NPPF which seeks to prevent new development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air and water pollution or land instability.
95. A Geo-environmental Appraisal has been submitted in support of the application which identifies that remediation works, in relation to land contamination may be required. The Council's Environment, Health and Consumer Protection (Contaminated Land) Officer has been consulted on the application and notes that further intrusive works and gas monitoring would be required to inform a remediation strategy. As such a conditional approach is recommended to agree these details and a verification report, confirming compliance with the remediation strategy, this is considered appropriate.
96. The site is situated within a coalfield development high risk area and the Geo-Environmental Appraisal contains an assessment of coal mining risk, including some intrusive site investigations. The Coal Authority have been consulted on the application and raise no objections subject to a condition requiring further intrusive site investigations and remedial works, as necessary, this is considered appropriate.
97. Subject to the above conditions, it is considered the proposed development would not raise any unacceptable risks in terms of contaminated land and coal mining legacy, in accordance with Policy GD1 of the WVDLP and Part 15 of the NPPF.

Drainage

98. 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. Part 14 of the NPPF states that new development should reduce the risk of flooding on the development site and elsewhere, through the use of sustainable drainage systems where possible.

99. The application is accompanied by a flood risk assessment (FRA) and Drainage Assessment, which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA does however identify a low risk of surface water flooding on the site due.
100. The submitted drainage strategy proposes connection to mains sewers, including an attenuation tank, hydrobrake and permeable paving to treat and control the discharge rate of surface water.
101. The Council's Drainage and Coastal Protection Officer advises that the proposed drainage strategy is satisfactory and a condition should be attached requiring compliance with the submitted Flood Risk and Drainage Assessment, which is considered appropriate.
102. Whilst the concerns and objections of local residents are noted, based on advice of the Council's Drainage and Coastal Protection Officer, subject to conditions requiring compliance with the submitted Flood Risk and Drainage Assessment. The development is considered to comply with Part 14 of the NPPF in this respect.

Planning Obligations

Affordable Housing

103. 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 (SHMA, 2019) is the most up to date evidence base used to inform the need for affordable housing. The site falls within a medium viability area, meaning that 15% of dwellings would need to be affordable. This equates to 3 no. affordable units, which would be secured as part of the s106 agreement.

Open Space Provision

104. 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 sets out targets for sporting and/or recreational land as part of the development, or as an alternative, developers are be expected to make a contribution to the provision of such facilities. This is replicated in WVDLP H24 also sets out that on developments of more than 10 dwellings, the Council will seek to negotiate a contribution, where appropriate, to 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).

105. 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 aims of Policies RL5 and H24 are 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.
106. The OSNA identifies that for developments of 19 no. dwellings or less it is normally expected that contributions are made towards improvement or delivery of off site provision. Based on the proposed 16 no. dwellings, contributions are calculated at £27,667.50 towards the provision and enhancement of off site open space provision. These contributions would be secured as part of the s106 agreement. As such the development is considered to comply with saved Policies GD1, RL5 and H24 of the WVDLP and the requirements of the NPPF.

Healthcare Provision

107. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential healthcare services where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that based on the additional population likely to be generated by the development there is a requirement for contributions of £7728 to be provided to mitigate the impacts of the development, which could be secured by a s106 agreement. This would ensure that the impacts of the new population upon local healthcare provision is satisfactorily mitigated, in accordance with para. 92 of the NPPF.

Other Issues

108. The Council's Sustainability Team have been consulted on the application and note that the site would utilise brownfield land and would have good access to local services within a short walking distance. However, it is highlighted that no information about how sustainability would be embedded into the development has been provided, such as the use of renewable energy systems to provide heating and electricity. A conditional approach to secure this information is suggested. However, whilst the emerging County Durham Plan sets out targets for reductions in CO2 and emissions during the construction and lifetime of the building, given the status of the plan insufficient weight can be afforded to these targets. Therefore in the absence of any specific planning policy, the Planning Authority cannot impose conditions to secure reductions at this stage.
109. 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. However, the indicative plan shows there would be limited opportunity to provide any public art within the site. As such in this instance it is not considered appropriate to require the provision of public art as part of the development, while mindful of other obligations required in terms of affordable housing, open space, biodiversity mitigation and healthcare provision a meaningful contribution is unlikely to be secured.
110. Policy GD1 of the WVDLP states that new development should provide links into the local footpath and cycleway networks where practicable. Public right of Way

(Footpath no.194, Greater Willington) is located adjacent to the south west corner of the site, heading away from the site in a north west direction. The Public Rights of Way Officer recommends that contributions are provided towards improvements to the nearby footpath network. However, the right of way is not within the application site and any use of this and other local footpaths resulting from the development is likely to be minimal, as such it is not considered that it is appropriate to request contributions in this regard.

Conclusion

111. The erection of 16 residential units in this location would comply with the locational strategy of Policy H3 of the WVDLP. The development would also comply with the criteria set out in Policies GDP1, H24 and T1 of the WVDLP in terms of residential amenity, highway safety and impact on the character and appearance of the surrounding area.
112. However, it is identified that the most important policies for determining the application (Policy H3) is considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out 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 the Framework taken as a whole
113. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered limited in the context of the Council's ability to demonstrate a 6.37 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
114. 3 no. affordable dwellings would be provided, which would be of benefit to local provision.
115. 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.
116. The site occupies a sustainable location in Willington which itself is served by a good range of shops, services, employment and education opportunities. The introduction of additional residential development in this location would help support these facilities while residents would not be wholly reliant on the private motor car to access services and amenities.
117. The proposed development would secure improvement to the appearance of the site and the visual amenity of the surrounding area, which has deteriorated since demolition of the hotel buildings.
118. On balance, in this instance it is considered that there are no adverse impacts which would significantly and demonstrably outweigh the benefits associated with the development. There are no material considerations which indicate otherwise, and the application is recommended for approval.

119. The proposal has generated some public interest, with a number of letters of objection/concern having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION

That the application be APPROVED subject to the following conditions and the completion of a s106 agreement to secure:-

- 3 no. affordable dwellings,
 - £27,667.50 towards off site open space provision,
 - £7,728 towards the provision and improvement of healthcare facilities and,
 - £6,000 towards biodiversity mitigation.
1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.
- Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
- Site Location Plan received on 21 June 2019
- Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies GD1, H3, H15, H22, H24, RL5 and T1 of the Wear Valley District Local Plan.*
3. The vehicle access hereby approved shall be carried out in complete accordance with the access details depicted on drawing no. P243-01 Rev D (Proposed Site Plan).
- Reason: To define the consent and approved access details in the interests of highway safety in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 9 of the NPPF.*
4. The development hereby approved shall comprise a maximum of 16 dwellings.
- Reason: To define the consent and the precise number of dwellings approved.*
5. Approval of the details of appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.
- Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
6. No development other than site investigations and remedial works shall commence until a land contamination scheme has been submitted to and approved in writing by

the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

8. Prior to the submission of reserved matters an appropriate scheme of intrusive site investigations shall be carried out. As part of the reserved matters application a report of findings arising from the intrusive site investigations and a scheme of remedial works (where required) for the shallow coal workings shall be submitted to and approved in writing by the Local Planning Authority. The development hereafter shall be carried out in complete accordance with the approved remediation scheme.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

9. An arboricultural impact assessment leading to production of a tree protection plan in accordance with BS.5837:2012 shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012. Protective fencing shall remain in place for the duration of all construction works on the site.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

Reason: To ensure mature trees on and adjacent to the site are retained as far as possible and protected during the course of the development, in the interest of preserving the character and visual amenity of the surrounding area in accordance with Policy GD1 of the Wear Valley District Local Plan and the NPPF.

10. 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 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 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 ensure the development does not result in any adverse impacts to the amenity of existing residents, in accordance with saved Policy GD1 of the Wear Valley District Local Plan and the NPPF.

11. The development hereby approved shall be implemented in complete accordance with the conclusions and recommendations detailed in Section 7 of the Biodiversity Impact Assessment Rev A (All About Trees, July 2019).

Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV 11 of the Wear Valley District Local Plan and Part 15 of the NPPF.

12. The development hereby approved shall be undertaken in accordance with the Flood Risk and Drainage Assessment (CJ Emm Ltd, September 2019).

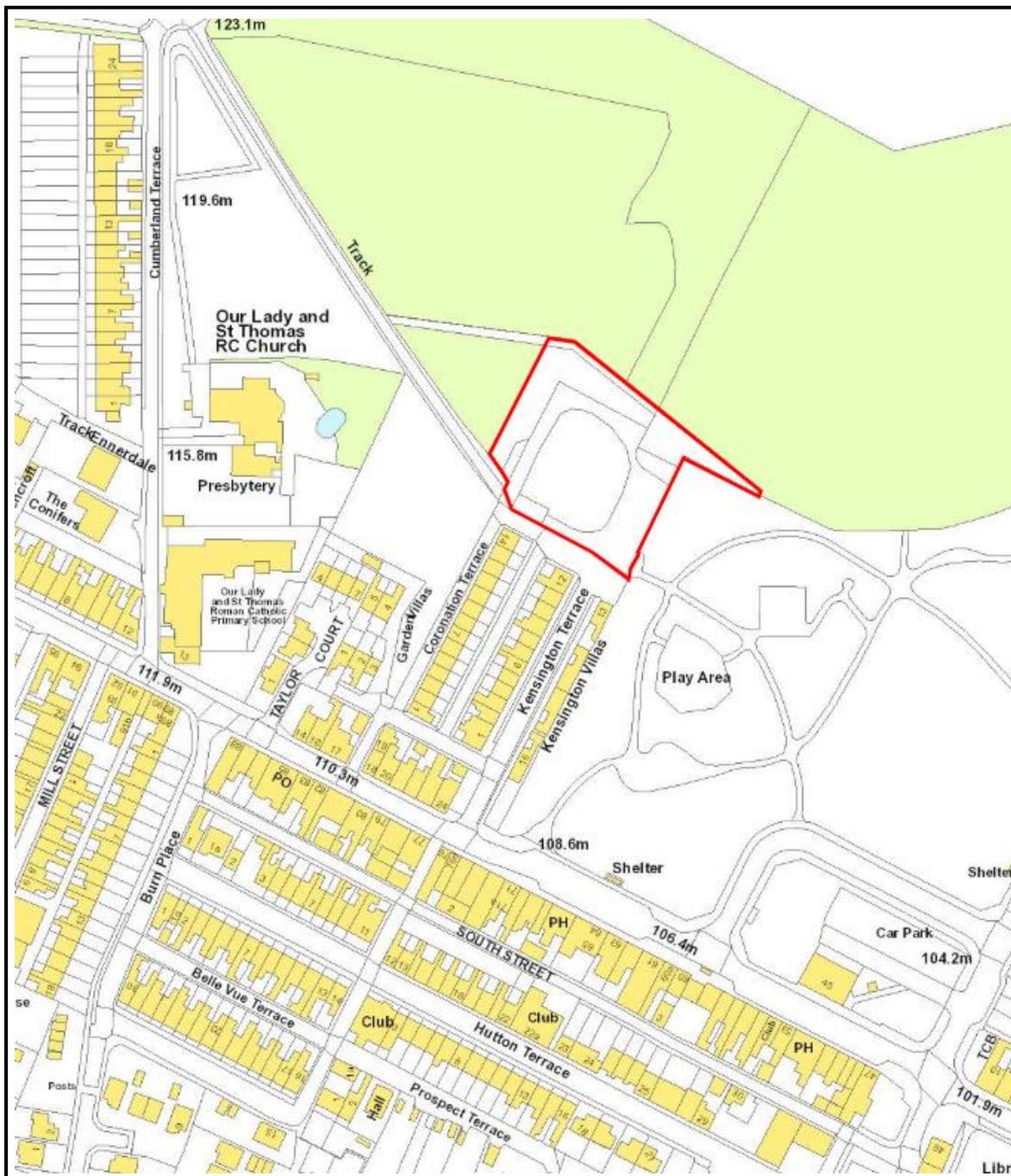
Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere, to comply with Part 14 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve 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.)

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Wear Valley District Local Plan
Statutory consultation responses
Internal consultations responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Housing development of 16 no. dwellings (Outline - All Matters Reserved Other Than Access) (Amended 5.9.19)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005</p>	<p>Ref: DM/19/02002/OUT</p>	<p>Site of Former Kensington Hall Hotel, Kensington Terrace, Willington, DL15 0PJ</p>
<p>Date October 2019</p>	<p>Scale Not to scale</p>	

