

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/19/03759/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>23 dwellings including new access road with visitor parking, pedestrian link, new drainage and landscaping</b>
<b>NAME OF APPLICANT:</b>	<b>Dere Street Homes Ltd</b>
<b>ADDRESS:</b>	<b>Land at Meadow View, Wheatley Hill</b>
<b>ELECTORAL DIVISION:</b>	<b>Trimdon and Thornley</b>
<b>CASE OFFICER:</b>	<b>Jennifer Jennings Planning Officer 03000 261057 <a href="mailto:Jennifer.jennings@durham.gov.uk">Jennifer.jennings@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is grassed open space located to the north of Wheatley Hill. The site was formerly occupied by 6 lines of terraced housing crossing the site in a north west – south east direction, but historic mapping layers indicate that the housing was completely cleared by the 1980s. The site is rectangular in shape and measures approximately 0.76 ha in size. With regards to topography, the site falls by some 3.5 metres in a south east to north west direction.
2. A line of semi mature trees and hedgerow borders the south east of the site running parallel to the rear lane of Alexandra Terrace. The hedgerow extends along a section of the west boundary also where an existing access road to the site ends. Abutting the north east corner of the site, a small area of mixed woodland exists covering some 0.58 ha on land that was also occupied by terraced housing cleared in the 1980s. Aside from these areas of planting, the application site is largely open and laid to grass.
3. Residential properties bound the site to the south with the rear of terraced properties along Alexandra Terrace facing the site, consisting of rear yards and a range of one and two storey rear offshoot extensions. A small group of four terraced properties along Percy Street faces the site at the eastern boundary. A line of large detached properties along Meadow View bounds the north of the site, with rear elevations facing and rear gardens with 2 metres high timber fencing directly abutting the whole north side of the site. A new health centre erected in 2015 exists to the west of the site.
4. The site is located 500 metres to the west of a designated Area of High Landscape Value. There are no landscape or heritage designations within or immediately adjacent to the site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1.

## The Proposal

5. The application seeks full planning permission for the erection of 23 dwellings, which would be managed by Durham Aged Miners Housing Association. The proposal would be in a 'U' shaped plan including 4 lines of terraced bungalows, two each following the north west and south east boundaries of the site, with a semi detached pair at the eastern end. Each bungalow would be two bedroomed with kitchen/diner and separate lounge area. The materials palette proposed includes facing brick to complement surrounding housing, marley modern smooth grey roof, with white uPVC windows. Doors are to be finished in insulated composite with a painted finish.
6. 23 on street parking spaces are proposed along with 5 visitor bays. Gated communal rear lawned gardens are to be provided, each with patio and small garden shed and wheelybin hardstandings. Enclosures would consist of 1.8 metres high close boarded timber fencing with matching gates. The proposal includes 10% affordable housing provision comprising of 2 no. two bedroomed bungalows.
7. Access into the site would be taken off Ashmore Terrace through an existing access point which formerly served the former housing on the site. The plan indicates a 'U'-shaped plan form of dwellings set around the central vehicular access, parking and landscaping area with hammerhead turning area within the site. Given the level differences across the site, bungalows along the north boundary would be accessed via ramps and four individual sets of stairs to accommodate the two metres drop in levels at this point. A landscape scheme has been submitted which proposes some tree planting within the central public area.
8. The application is being reported to Planning Committee as it constitutes a major residential development. As noted further within the committee report there remain a number of unresolved issues at the time of writing, in relation to drainage, trees, ecology and viability, however, the proposal was required to meet this Committee deadline to allow the development to commence before the end of the financial year to benefit from grant funding. Any outstanding matters will be updated verbally at Planning Committee.

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## **PLANNING HISTORY**

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9. No records of planning history exist for this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. 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.

11. 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.
12. *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.
13. *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.
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. *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.
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 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.
18. *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.

19. *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.
20. *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.

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

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

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

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

##### District of Easington Local Plan (2001)

22. *Policy 1- General Principles of Development:* Due regard will be given to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
23. *Policy 3 – Protection of the Countryside:* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
24. *Policy 18 – Species and habitat protection:* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
25. *Policy 35 – Design and layout of development:* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

26. *Policy 36 – Design for access and the means of travel:* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
27. *Policy 37 – Design for Parking:* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
28. *Policy 66 – Provision for outdoor play space:* Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
29. *Policy 67 – Windfall Housing sites:* Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.
30. *Policy 92 – Protection of open amenity space:* such space will be protected from development except where the development of a small part of a larger area of open space enables the enhancement of that remaining. Or alternative provision of equal or enhanced community benefit in terms of quality and / or accessibility that is capable of serving the existing population is provided.
31. *Policy WH4 – Housing and mixed allocations – Former Numbered Streets-* 1.4 hectares of land between First and Ninth Street is allocated for housing.
32. *Residential Amenity Design Standards SPD –* In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts. This application was significantly advanced when these were introduced and it is considered unreasonable to assess it against them.

#### **EMERGING PLAN:**

The County Durham Plan

33. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 6<sup>th</sup> February 2020. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

34. *Highway Authority –* The general layout and parking provision for the proposed development is considered acceptable. A number of amendments were sought in the detailed layout which have now been made and satisfy highway safety requirements. The applicants will be required to enter into a Section 38 and Section 278 agreement under the Highways Act 1980 to ensure adoption of the new highway and to allow works to connect to the existing highway.

35. *Northumbrian Water* – Having assessed the initial drainage scheme submitted, a request for a pre commencement condition was put forward for foul and surface water disposal. Further details were provided and Northumbrian Water were satisfied with the amended details however, concerns regarding trees were raised. Further amendments are being sought as this report is written but it is understood a resolution can be attained. Officers to update at Committee.

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

36. *Spatial Policy* – The application site comprises of land located within the village of Wheatley Hill. Within the Easington Local Plan the land is earmarked for housing development under Policy Wh4. This site is within the urban area and formerly contained terraced streets which were demolished sometime between 1980 & 1994. The principle of redeveloping the site for housing is considered to be acceptable. This proposal will help provide a wider range of housing choice for the varying ages and householder types of the local population. There are therefore no policy objections to the principle of developing this site for housing.
37. Open space is expected within the site for schemes of more than 20 dwellings. Off site contributions have been calculated on a reduced basis given the size of the dwellings and likely single occupancy of some of the properties. This has equated to £25,042.50.
38. *Design and Conservation* – No objections are raised in relation to heritage impacts or general layout and design on site. Advise that the material palette should reflect the positive characteristics of the local vernacular.
39. *Drainage and Coastal Protection* – Officers require further information and agreement to ensure that the scheme goes through the sustainable drainage hierarchy to meet the required surface water run-off rates to ensure NPPF compliance. These requirements are under detailed debate as this report is written but appear capable of resolution
40. *Ecology* – The Ecology report is sufficient to inform the application however further information required in terms of how ecological net gain is to be secured as a result of the proposal. Officers to update at Planning Committee
41. *Environment, Health and Consumer Protection (Air Quality)* – The air quality screening assessment was assessed and deemed to suitably consider and quantify the potential impacts from the site on the surrounding receptors. The document demonstrates that the annual mean concentrations within the vicinity of the site are well below the mean objective levels. It also confirms that the development will not give rise to an annual average daily traffic level so as to require further consideration. However the report identifies the need for relevant dust control measures during construction phase. A pre commencement condition for a Construction Management Plan was requested. To avoid a condition, the applicant has submitted the details prior to determination and these have been assessed, but are not considered suitable. Officers to update at Committee whether a scheme has been agreed to negate the need for a pre commencement condition.
42. *Environment, Health and Consumer Protection (Nuisance Action Team)* – The submitted noise impact assessment to support the planning application was assessed. The consultant has clarified some vagaries in method and as such it is considered that the assessment is sufficient so as to demonstrate the noise climate in the locale. The assessment demonstrates that some noise mitigation measures are required to properties to the south of the site. As such a condition is required to be affixed requiring adherence with the measures stated in the assessment.

43. *Environment, Health and Consumer Protection (Contaminated Land)* – Satisfied with the information provided. It is evident from the reports that there is no significantly elevated levels of contamination on the site and therefore there is no requirement for a contaminated land condition. There is the potential for limited topsoil and therefore if topsoil is required to be imported to site the YALPAG guidance shall be adhered to. They also recommend an informative relating to unforeseen contamination.
44. *Housing Delivery* - Advise the area has a need for more 2 bedrooomed affordable properties to rent, with a noted higher demand for bungalow accommodation in comparison to neighbouring areas. A third of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham. Affordable provision at 10% is considered to be at a level which would normally enable schemes to be developed viably in this part of the County. This would equate to 2 affordable units out of the total of 23. It will be necessary to secure the requisite amount (2 units) via s106 to ensure that they remain affordable for future eligible household
45. *Landscape* – Consider the loss of the area deemed to have a park like quality as regrettable. Consider that the proposed south terrace is relatively close to the site’s heavily tree lined back lane meaning sun and daylight penetration would be limited, compounded by living room areas located on the north side of properties. A northwards move of these properties could be beneficial although it would necessitate the removal of the two end units. Reference made to the outdoor stairwells which could be divided by a landing area to provide a safer and more comfortable means of descent and ascent. Upon receipt of further amendments, expressed disappointment that site layout not amended for the benefit of amenity of future occupiers. Further notes that drainage runs conflict with root protection area.
46. *Landscape (Arboriculture)* – Aspects of the proposed development, including drainage and structures will be within the root protection areas of trees T1 to T16, a group of young mature ash and sycamore trees. These trees are in good condition and make a good contribution to the visual amenity. The encroachment is likely to cause some harm to a number of these trees and it is recommended that the applicant produces an updated tree protection plan, taking into account the changed layout and includes in this tree protection plan a specification for hand excavation of the drainage runs that are within the RPA of T9. If this document is produced and followed, there will still be some risk to the trees but it will be greatly minimised and due to their age, it is likely that it will not have a long-term negative impact.
47. Further amended drawings were received indicating drainage layout. Based on these the proposal was no longer supported from an arboricultural perspective, as the position of the dwellings and the proposed drainage runs do not take into account the existing trees and it is very unlikely that the trees can be realistically retained should the development be approved as presently designed. The loss of these trees, a row of semi-mature sycamore ash and maple, will have a detrimental impact on the visual amenity and potentially conflict with the policy.
48. To address these concerns, an updated site layout plan was provided realigning the drainage route away from trees. An updated arboricultural assessment was also providing indicating minor works to trees to remove deadwood and improve their overall health, with removal of one poor specimen tree for replacement. A tree method statement was also provided detailing method of working around tree roots. Based on the updated plan and assessment trees section have no objections but did raise concern that no updated drainage plan had been submitted to guarantee no damage to trees would occur. The method statements provided would also require further detail.

49. *Public Rights of Way* – There are no recorded Public Rights of Way inside or immediately abutting the application site as indicated by the planning outline. Please be aware that the Definitive Map is only a known register of public rights, and it is possible to acquire these rights through 20 years of uninterrupted usage of a particular route under certain circumstances, so there may be other paths which are not registered but do legally exist across the area concerned. At the time of commenting no such PROW claims apply to this particular area of land.
50. *School Places Manager* – It is considered that the development is likely to produce 7 primary pupils and 3 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. Consequently, a contribution of £102,921 (primary school) and £49,662 (secondary school) would be required for the provision of additional teaching accommodation.

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

51. *NHS* – indicate there is sufficient space to accommodate any increase in patient numbers from the development. No contributions required.
52. *Police Architectural Liaison Officer* – From a designing out crime point of view if there is a proposed footpath link between the turning head and Percy Street, and to the north of the site leading to Black Lane, such links tend to create anti-social problems especially with motorbike usage. Where possible there is a preference for footpath links between properties to be designed out of any new build sites to prevent complaints of motorbikes using such footpaths as a short cut. Ideally one way in and one way out for pedestrians is a better way forward to design out problems before they get a chance to start. For these reasons recommend the plans be revised
53. *Environment Agency* – No objections to the application as submitted.

#### **PUBLIC RESPONSES:**

54. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. 1 letter of objection has been received.
55. The main concerns are summarised as:
  - Wheatley Hill is a run down mining village in need of a total overhaul.
  - The County Council must be desperate to get funds by selling off this land, a green area which would be best suited for tree planting plus shrubbery instead of housing.
  - There are already too many empty homes in Wheatley Hill and numerous houses that should be demolished.

*The above is not intended to repeat 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/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

56. Dere Street Homes and Karbon Homes are pleased to support this application for 23 bungalows in the centre of Wheatley Hill, providing a significant number of purpose-built, comfortable and warm homes for elderly people within the Wheatley Hill community, with the ongoing support of DAMHA- a well respected Housing Association in County Durham.



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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be given to the development plan and decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, impact on the character and appearance of the area, residential amenity and highway safety and access. Other issues will also be considered including drainage, nuisance, planning obligations and other matters.

### The Principle of the Development

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington Local Plan (ELP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.

59. The ELP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

60. Within the ELP the land is situated within the defined 'development limits' for Wheatley Hill as defined by Policy 3. The land formerly housed terraced housing (Numbered Streets) which was cleared in the 1980s. Within the ELP, Saved Policy Wh4 re-allocates the land for housing, with supporting text (paragraph 27.14) recognising the site was/is used as amenity space in the intervening period, and that redevelopment should retain an area of open space within the layout.

61. The presumption in favour of sustainable development set out within paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date then planning permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impact of doing so would significantly and demonstrably outweigh the benefits. In this case, Policy Wh4 of the ELP constitutes a relevant development plan policy which is most important for determining this application and is considered to be consistent with the NPPF (as clarified in paragraph below), accordingly significant weight can be attributed to this policy, in line with para 213 of the NPPF. It is therefore not necessary to invoke para 11 of the NPPF.

62. The NPPF (Section 5 – Delivering a sufficient supply of homes) clarifies the Government’s objective of significantly boosting the supply of homes, and Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d). Whilst a case could be made that this land is no longer previously developed on account of the fact that no remains of previous structures at the site exist, it would nonetheless represent an efficient use of land in a suitable location which accords with the framework
63. At one time in the past this land was in residential use, so this proposal which seeks to reinstate that use is consistent with Policy Wh4 and the NPPF in terms of suitable location for houses. This site is situated close to existing residential properties, and there are no concerns relating to bad neighbour/amenity issues.
64. In terms of locational sustainability, the site is located just north of the village centre, which has a small range of social and retail facilities, including a community centre and health centre. The village is served by half-hourly bus services between Sunderland and Durham and hourly services between Durham and Hartlepool. The site is considered to have good sustainability credentials and accords with NPPF policy aims, particularly paragraph 78 which states, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
65. The applicant, Karbon Homes, submitted a Housing Statement on behalf of the Durham Aged Miners Housing Association (DAMHA) in support of the proposal for 23 bungalows, stating, that all 23 units are to be managed and maintained by DAMHA and let on an Affordable Rent basis, in accordance with NPPF definition. The new homes are to be allocated by DAMHA in accordance with Home England requirements for grant funded housing schemes. The Statement further clarifies that the development would not be possible without funding from Homes England.
66. The proposals have been assessed by both Spatial Policy and Housing Delivery Officers. Policy have clarified that in light of the Council’s positive housing land supply position, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
67. The Housing Delivery Team advise that the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. They note there is a higher demand for bungalow accommodation in comparison to neighbouring areas. The site is in an area which has an average demand for affordable rented properties in comparison to neighbouring areas. A third of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons.
68. The objection from neighbouring resident is noted, commenting that the land should be used for the planting of trees and that a large number of empty homes already exist within Wheatley Hill area that should be demolished. However as previously stated the land has always been earmarked for housing development since adoption of the Easington Plan in 2001, with the policy saved and deemed relevant and in line with NPPF requirements. No specific evidence of the extent of empty homes has been provided but Housing Delivery Team have clarified as part of the latest Strategic Housing Market Assessment (SHMA) (2019) that there is a demand for housing of this type and size.

69. In consideration of the above, the development of the site for housing is considered policy compliant at both a local and national level. The site itself represents a sustainable location with added benefits of meeting a housing demand at affordable rates. Subject to other considerations below, the principle of the development is considered acceptable.

#### Impact on character and appearance of surrounding area

70. Policy 35 of the ELP requires that development should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style and detailed design and materials. In addition development should provide adequate open space, appropriate landscape features and screening where required. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF 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. Local plan policy 35 is considered to comply with NPPF requirements and as such significant weight can be afforded to this policy.
71. The proposed development site is well screened given it is largely surrounded by existing development consisting of two storey dwellings to the north and south, a two storey medical centre to the west and a group of trees to the east. The proposed dwellings are considered commensurate in scale and design with the surrounding area, with the approach to the dwellings considered simple, with projecting bay feature to the front elevations and fenestration with vertical proportions. The material palette is put forward as a multi red facing brick – Ibstock ‘Glenallen’ – with a flat grey concrete marley modern roof tile. It was requested that a thinner profile roof tile be used to be more in keeping with appearance of surrounding houses but this was rejected for cost reasons which is disappointing. Other materials include white uPVC windows, painted composite doors and black rainwater goods. These materials are considered, for the most part, consistent with the characteristics of the local vernacular and deemed compliant with local plan policy.
72. The ‘U’ shaped plan form proposed for the 23 dwellings is noted as being set around the central vehicular access, parking and landscaping. To the rear communal garden areas are proposed, with a small hardstanding area adjacent to the properties, allowing access to bring wheelie bins to the roadway on bin collection days. The remainder of the rear gardens would be laid to grass for future maintenance by the Housing Association. Boundaries are proposed as 1.8 metres close boarded timber fencing with matching gates.
73. A landscape plan has been submitted with the proposals, indicating the retention of existing trees to the south and hedgerow to the west. Communal grassed areas would be provided to the rear of properties. A new hedgerow is proposed along the north boundary with Black Lane and the west boundary with the Health Centre to allow screening. Some tree planting is also proposed within the central access road area. Comments from Trees section are provided within the consultee section above. In general, the retention of trees and hedgerow are agreed along with proposed minor works. However, a much more detailed assessment of working method would be required before works commence on provision of drainage and erection of fencing. A condition will therefore be applied for these details along with a detailed landscape plan.

74. Overall in terms of the impact on the character and appearance of the area, the proposals are considered to be suitable in terms of design, scale and layout on site, nestled within existing residential dwellings in the area with suitable landscaping proposed on site. The proposals accord with policy 35 in this regard.

#### Residential Amenity

75. ELP Policy 35 states that planning permission will be required to have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This policy is 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.
76. To the north of the site, plots 13-23 run parallel with the detached properties along Meadow View, with rear elevations of both lines of properties facing each other. Facing distances are just over 21 metres between the two lines of properties which is compliant with standards required both within the ELP and the new Residential Amenity SPD. It is noted that a number of the properties along Meadow View have added rear single storey extensions, however with the level differences, the rear garden area of Meadow View is some 1.5 metres lower and it is not expected that there would be issues of overlooking from the proposed bungalows in this case, given the distance and the angle of view blocked by 1.8 metres rear boundary fencing.
77. Distances between the line of terraces along Percy Street and the side end gable elevation of plot 10 are noted as being 13 metres, in keeping with the distance standards for main elevations facing blank gable ends. Distances between the two proposed lines of terraces are all in excess of 21 metres, however a shortfall exists between the front of plot 10 and side of plot 11, with the distance measuring 9.5 metres, therefore less than the 13 metres required. However this mostly affects one small bedroom, with the main living room window offset from the gable end and having open amenity westwards. The main elevation of plot 13 is located 8.5 metres from the side gable of plot 12. Due to ground level differences this property is also 1 metre lower than plot 12. As such there would be more of an overbearing impact on plot 13 as a result. Officers had sought for amendments to the layout to improve outlook for plot 13 but this could not be achieved without reducing the number of plots on the scheme and impacting on viability, as well as impacting on footpath links to Black Lane and Percy Street.
78. Plots 1-10 bounding the south of the site have rear elevations facing towards the rear elevations of terraced properties along Alexandra Crescent. All of these properties have two storey rear extensions and a small rear yard. The facing distances range between 12 and 17 metres between the two lines of properties, depending on the depth of the extension. These distances clearly fall short of distance standards required both within the ELP and the new Residential Amenity SPD, which seek 21 metres distance. However in this particular circumstance, from the perspective of residents at Alexandra Terrace, it is not considered that the close distance would have an overbearing impact given the newbuilds are to be single storey dwellings. In addition the proposed properties would be set down one metre lower than ground level at Alexandra Terrace. The drop in levels takes place just north of the tree line and with a 1.8 metres fence running along the tree line, it is not considered significant issues of overlooking would exist, particularly as the retained trees would also offer screening. It is also noted that a large number of the rear elevation windows along Alexandra Terrace are obscure glazed although a number of windows are not. Whilst no objections have been received from any residents along this terrace, the shortfall in meeting the distance standards is nonetheless not ideal.

79. In terms of size of rear gardens, plots 1-10 measure at a depth of approximately 7.3 metres, whilst the remaining plots have garden depths measuring between 9 and 12 metres. The majority of the site can meet the minimum garden size required by the newly adopted Residential Amenity Standards, which recommends a 9 metres distance. Plots 1-10 however are noted as falling short of this and as highlighted by Landscape section, would also experience overshadowing of trees on site. Landscape had suggested a move further north on the site for these properties but further noted that this would require the loss of some housing units. In consideration of this, clearly such an adjustment would also go some way to meeting distance standards with Alexandra Terrace, however, in discussions with the applicant, it is understood that the scheme would be unviable if units were to be removed. In addition moving this line of dwellings further north would be difficult to achieve given the extent of level differences and the highways requirements for turning head and parking. In general it is not considered that the site could accommodate this adjustment and whilst the gardens do not meet the full depth of 9 metres, being communal in nature with no subdividing fences between properties it is not considered that the space would feel overly enclosed. The overshadowing is noted but the trees in this location are an important amenity in the area, and given distance standards are not being met at this part of the site, the trees help to break up the visual massing of Alexandra Terrace from the perspective of future residents of the proposed dwellings of plots 1-10, as well as provide necessary screening between the two lines of properties.
80. The proposed layout allows for natural surveillance of the public spaces and vehicular and pedestrian routes through the site. It is noted that the Police Architectural Liaison Officer had suggested that the through route leading to Percy Street and Black Lane be closed off to prevent anti-social behaviour such as motor bikes accessing the paths. Whilst some consideration has been given to this, the removal of these through links would negatively impact on the permeability of the site with the wider area and impede on existing residents using the site as a short cut to the services and bus stops along the front street and the health centre. NPPF Paragraph 110 sets out that applications for development should give priority to pedestrian and cycle movements and facilitate access to public transport. Decisions should address the connections between people and places and the integration of new development into the natural and built environment. Whilst the NPPF also requires consideration of crime and fear of crime in development, in this case, it is not considered that this overrides the benefits of providing links through the site for existing and future residents and ensure the new development suitably integrates with the existing environment.
81. In conclusion, whilst there are shortfalls for some plots in terms of meeting distance standards, overall the proposals would consist of low level bungalows set within the site, and would be aimed at catering for the over 55s population, and as such, it is not considered that the development would seriously adversely affect the amenity of people living in the vicinity of the development site, in accordance with Policy 35 of the ELP. There is, however, some conflict with Paragraph 127 of the NPPF for future residents of some of the plots but given the benefits of the affordable housing provision, this conflict does not wholly weigh against the proposal.

#### Highway Safety and Access

82. Policy 36 of the ELP requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between housing and shopping facilities, school, public transport and places of employment where appropriate. This complies with NPPF policy which also seeks to ensure that a safe and suitable access can be achieved.

83. Highways officers have requested and received a number of amended plans, as there were concerns regarding the layout of parking on site and safe access and egress from these spaces. Amended plans have now been received and highways officer is satisfied with the present layout, in terms of parking provision, layout and access to the site.
84. Overall, the highways impacts of the proposed development are considered to be acceptable in accordance with ELP Policy 36 as well as Part 9 of the NPPF. In the event of an approval an informative relating to highways adoption would be added to the decision notice.

#### Other issues

85. The NPPF requires schemes to be implemented with sustainable drainage systems to ensure the development does not result in wider flooding issues. Agreement has not yet been reached in the technical detailed required for the surface water drainage scheme, with discussions on-going as this report is written. Members will be advised of any requirements for additional conditions or plan changes to achieve the required surface water discharge rate. The requirements are considered capable of resolution to ensure the scheme meets the requirements of advice in Part 14 of the NPPF.
86. Environment, Health and Consumer Protection (Nuisance) Officers advise a condition is imposed to ensure adherence with the measures stated within the noise impact assessment.
87. Air quality section requested details relating to a Construction Management Plan (CMP), particularly in relation to dust suppression. A report has been submitted but is not deemed acceptable at this stage to prevent a pre-commencement condition. Members will be advised if the issue is resolved prior to a decision being made, to determine whether a pre commencement condition is required.
88. Contaminated land section raised no issues with regards the development and require only an informative relating to unforeseen contamination.
89. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. Ecology officers have assessed the ecology report which they consider sufficient, however, they request further information in terms of how ecological net gain is to be secured. The applicant has requested that a condition be applied to allow ecology gains to be demonstrated within an updated landscape plan. Ecology however consider that unless net gain is suitably calculated or a clear net gain can be inferred from the landscaping plan, they are of the view that the development fails to meet the biodiversity requirements of the NPPF.

#### Section 106 Obligations

90. Policy 66 of the ELP states that developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site. Spatial Policy assessed the details of the proposal and calculated off site contributions on a reduced basis given the size of the dwellings as £25,042.50.
91. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places and Admissions Manager advises that the development is likely to produce 7 primary pupils and 3 secondary pupils. On this basis a contribution of £102,921 towards primary school provision and £49,662 for secondary school provision would be required.

92. 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 services including GP provision where a deficit would result or be exacerbated by the proposal. The NHS for local care provision have confirmed that there is sufficient capacity in the village. A demand for additional mitigation would not be required.
93. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham. Affordable provision at 10% is considered to be at a level which would normally enable schemes to be developed viably in this part of the County. This would equate to 2 affordable units out of the total of 23. It will be necessary to secure the requisite amount (2 units) via s106 to ensure that they remain affordable for future eligible household.
94. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In line with paragraph 57 of the NPPF, the applicant has supplied a viability assessment stating that the overriding principle of development is not viable without grant. They state that any planning restriction will impact on the ability to raise mortgage to support the delivery of the scheme. At time of writing, the Council's assessment of the viability statement had not been complete and at this stage it is not possible to determine what level of contributions can be provided towards the scheme. Members will be updated at Committee.
95. Notwithstanding these unresolved issues, Members will be aware of the difficulties in balancing planning requirements with the developer's own requirements with meeting Home England criteria for gaining grant funding and other financing. In acknowledgement of the nature of the applicant and the provision of a scheme presented as 100 per cent affordable, albeit with only 10 per cent secured through Section 106, Officers are minded towards a recommendation of approval. This is further backed up by the imperative of the Government through the NPPF and wider corporate aims of the Council to drive economic growth and provide housing, which weighs heavily in favour of the proposal, despite continued outstanding issues.

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## **CONCLUSION**

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96. Overall, the proposal is considered to represent a sustainable form of development which offers significant socio-economic benefits, including affordable housing, which can accommodate older persons, thus meeting an identified short fall within the County. The proposal would be in a sustainable location with easy access to a range of services and via sustainable modes of transport, providing a level of expenditure in the local economy. The scheme would relate well to the character and appearance of the area and, although parts of the scheme are not in accordance with residential amenity distance standards, levels of planting would help to mitigate this to a degree. A condition will be applied for a detailed landscape scheme to ensure protection of existing and provision of new planting as well as take into account ecological net gain. Given the above, and subject to a final agreement on what can be included as part of the Section 106 agreement, which at time of writing is to include as a minimum the provision of 2 affordable units in perpetuity, the proposal is recommended for approval.

97. The proposal has generated very limited public interest with one letter of objection received. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended).

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## RECOMMENDATION

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That the application be APPROVED, subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 2 affordable housing units on site

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

Plan	Drawing No.	Date Received
Ashmore Batson Impact Assessment Tree Report	Version 1	25/02/20
Noise Assessment Nov 19	NJD19-0131-001R	03/12/20
Street Elevations and Site Sections	1012/012B	23/12/19
Planning Layout	1012/011S	21/02/20
Fence/Wall Details		21/02/20
Tree Constraints Plan	0009202/P1	03/12/19
Location Plan	1012/001	03/12/19
*Drainage plan (to be received)		
*Construction Management Plan (to be received)		

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 35 and 36 of the Easington Local Plan and Parts 1, 4, 6, 7, 8, 10, 11, 12 and 15 of the National Planning Policy Framework.*

3. 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 approved tree constraints plan (0009202/P1 received 3 December 2019) 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.5837:2010.

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 Constraints Plan.

Protection measures shall be retained throughout the construction period.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the Easington Local Plan.

4. Prior to commencement of any works associated with plots 1-10 as shown on Layout Plan revision S, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. No trees shall be felled or underground works commenced until the landscape scheme, including any replacement planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include an accurate plan, based on the following details:
  - Full details of habitat creation areas seeking ecological net gain for the site
  - Trees, hedges and shrubs scheduled for retention and details of RPAs.
  - Details of hard and soft landscaping, including planting species, sizes, layout, densities and numbers
  - Details of planting procedures or specification
  - Finished top soil levels and depths
  - Details of temporary topsoil and subsoil storage provision
  - Seeded or turf areas
  - The establishment maintenance regime, including watering, rabbit protection, tree stakes and guards
  - The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.
  - Trees, hedges and shrubs shall not be removed without agreement within five years

Reason: In the interests of the visual amenity of the area and biodiversity net gain in accordance with policy 35 of the Easington Local Plan and Part 15 of the NPPF

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same condition.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the Easington Local Plan.

6. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the Easington Local Plan and Parts 12 and 15 of the NPPF.

7. Before any building is occupied, all sound attenuation measures detailed in the noise assessment (NJD Noise Assessment ref NJD19- 0131-001R, received 3 December 2019) relating to those dwellings must be completed in full and permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 35 of the Easington Local Plan and Part 15 of the NPPF.

8. The development shall be carried out in line with the drainage scheme detailed in the \*Documents to be received\* dated \*\* and drawing no. \*\*

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Part 14 of the NPPF

9. 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 0800 to 1300 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 to comply with Policy 35 of the Easington Local Plan and Part 15 of the National Planning Policy Framework.*

10. The Construction Management Plan outlined within the Construction Management Plan dated XXX shall 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 to comply with Policy 35 of the Easington Local Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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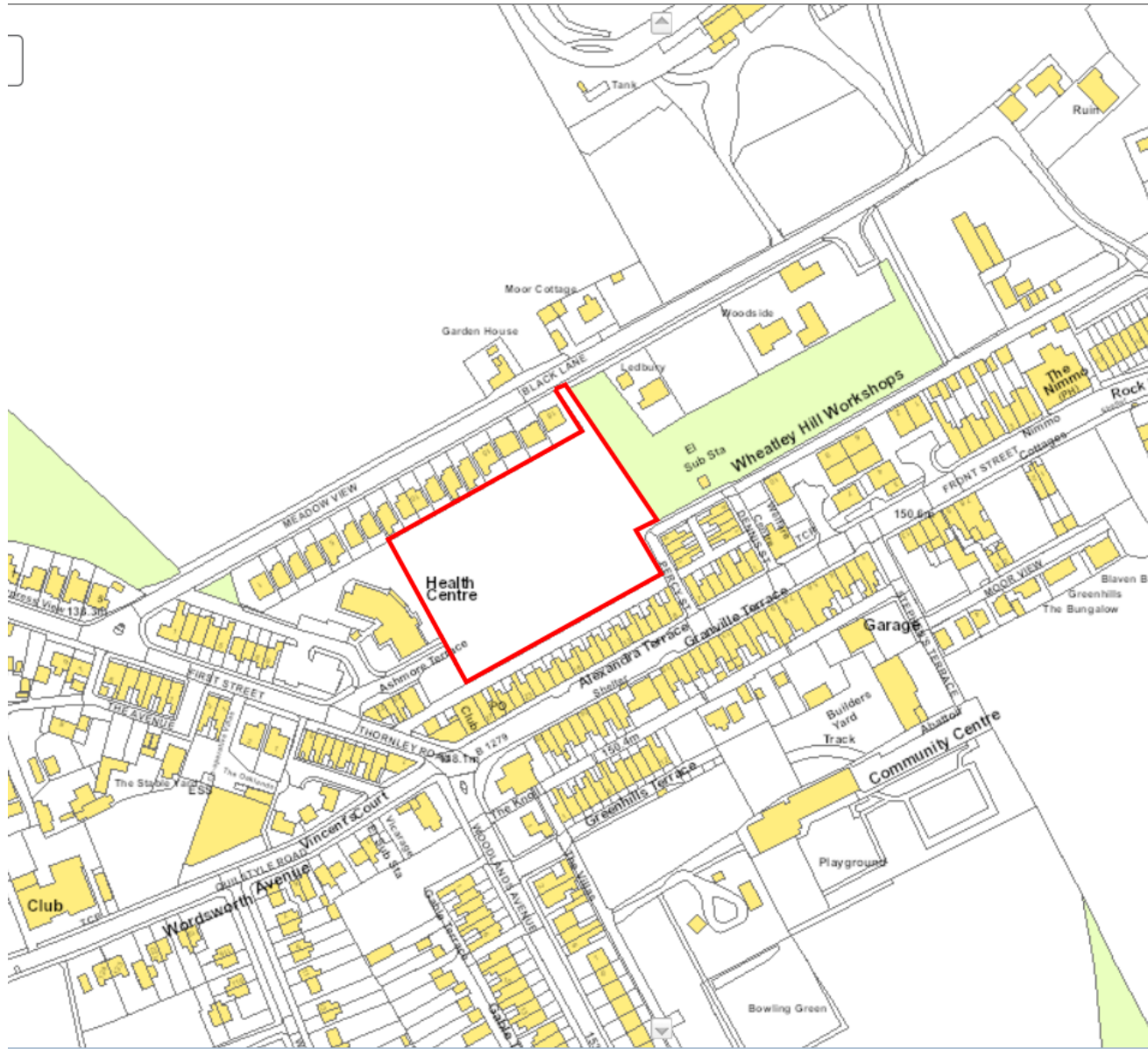
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- County Durham Strategic Housing Land Assessment
- County Durham Strategic Housing Market Assessment
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation response



**Planning Services**

23 dwellings including new access road with visitor parking, pedestrian link, new drainage and landscaping  
 Karbon Homes  
 Land at Meadow View, Wheatley Hill  
 Ref: DM/19/03759/FPA

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**Comments**

**Date** 10 March 2020

**Scale** Not to Scale