

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2012/0199/DM

FULL APPLICATION DESCRIPTION: Demolition of former Greenfields Nursing Home and redevelopment to create 22 No. dwellings.

NAME OF APPLICANT: Galliford Try

ADDRESS: Greenfields Nursing Home, Alston Crescent, Newton Aycliffe, Co. Durham.

ELECTORAL DIVISION: Shildon East

CASE OFFICER: David Walker, Senior Planning Officer
03000 261054, David.Walker2@durham.gov.uk

APPLICATION UPDATE

1. Members will recall that this application was reported to Committee on 20th September 2012. A copy of the related committee report is appended to this report. At the time it was stated that all 22 dwellings were to be utilised as affordable housing, and would be constructed by Galliford Try on behalf of Livin, as a Registered Social Landlord.
2. The provision of affordable housing is encouraged through Policy H19 of the Local Plan and the County Durham Strategic Housing Market assessment (SHMA). In this area and for a development of this size, 15% of the dwellings should be affordable.
3. At the time of the Committee the applicant stated that as the scheme was entirely affordable and because of the high construction and demolition costs associated with the development of the site, the viability of the scheme prohibited the payment of any commuted sum towards the creation or improvement of recreational facilities off site, and which would ordinarily be required by Local Plan Policies L1 and L2.
4. However, it was considered that the delivery of 22 affordable homes, far in excess of the 15% requirement normally sought, and bearing in mind the marginal viability of the scheme, the additional 85% affordable housing proposed outweighed the lack of open space provision on-site or a commuted sum in lieu of such provision. The provision of the 100% affordable housing was to be secured via the applicant entering into a section 106 agreement. Member's approved the scheme on this basis.

5. Since the application was reported to Committee, the applicant has been in detailed discussions with financial institutions funding the development. Although their intention remains to develop the site for Livin and for the dwellings to be used as affordable rented accommodation, it has been stated that those funding the scheme are unable to enter into a legal agreement guaranteeing 100% affordable housing in perpetuity. As a consequence, it is now proposed that 30% or 7 of the 22 dwellings would be affordable, and this would similarly be secured by way of a legal agreement.
6. Whilst the level of affordable housing proposed is double the requirement for the area, Officers considered that the reduced amount of affordable housing did not now outweigh the lack of open space provision on site or an in lieu commuted sum payment towards off-site provision. Therefore, detailed negotiations between Officers, the applicants and Livin have taken place, and as a result, the applicant has now offered a commuted sum of £15,000 (£1000 per non-affordable dwelling) to be utilised to provide / improve off-site recreation facilities in the area, and to be secured in the legal agreement alongside the affordable housing. As such, the scheme would provide double the affordable housing level required for the area, but it would now satisfy the requirements of Local Plan Policies L1 and L2.
7. The principle of redeveloping the site for housing has already been accepted, being fully in accordance with the NPPF and relevant Local Plan policies. The scheme is otherwise unchanged from that which Members previously considered acceptable.
8. In conclusion, the proposed development is, therefore, considered to accord with relevant national policy and the development plan in force for the area, and subject to the applicant entering into a legal agreement to secure the affordable housing provision and commuted sum, together with the imposition of appropriate planning conditions, approval of the application is recommended.

RECOMMENDATION

9. That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the provision of 7 affordable housing units and a financial contribution of £15,000 towards off-site open space proviso/improvement, and the conditions listed in the appended report.

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DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site, which consists of the former Greenfields Nursing Home, covers an area of approximately 0.5 hectares. The site is located within Newton Aycliffe, this is bounded by residential housing to the south and west whilst a mix of residential properties, local shop and community hall are situated immediately to the north east. An existing tree belt runs along the north western boundary of the plot fronting onto Greenfield Way, several trees are located within the site along the south eastern boundary and a mature hedgerow is located along the south western boundary of the plot.
2. Vehicular access to the site is taken from Blackton Close / Waskerley Walk to the south.
3. The existing Nursing home is now disused, the grounds are becoming overgrown, the building is in a poor state poor of repair and the empty building has over a number of months been the subject of vandalism, graffiti and anti social behaviour.
4. Planning permission is sought to demolish the existing nursing home and erect 22 dwellings which are to be accessed via the existing vehicular access to the south. Two house types are proposed and these would comprise 11 x 2 bed houses and 11 x 3 bed houses. All of the proposed houses would be two storey and these would include a single detached dwelling, several semi-detached houses and short rows of terraced housing. All dwellings would benefit from off-street parking provision with 33 spaces provided.

5. The proposed dwellings would all constitute affordable housing and once constructed these are intended to be transferred to Livin Housing Limited, an approved registered provider to own and manage. The accommodation would then be let to eligible applicants according to Livin's allocation criteria. The dwellings would all be constructed to Code for Sustainable Homes, Level 3.
6. A Design and Access Statement, Noise Assessment, Extended Phase 1 and Bat Risk assessment, Land Contamination Assessment, Arboricultural Impact Assessment, Arboricultural Method Statement, Drainage & Utilities Assessment and Draft Section 106 Agreement have been submitted in support of this planning application.
7. The application has been referred to committee in accordance with the Councils scheme of delegation which requires that all major applications for ten or more dwellings be presented before the Planning Committee.

PLANNING HISTORY

8. Planning consent to extend the existing nursing home (App. No. 7/2007/0656) was granted in February 2008; however, this approval was never implemented.

PLANNING POLICY

NATIONAL POLICY

9. On 27 March 2012 the Government published the National Planning Policy Framework ('NPPF'). The NPPF is a material consideration immediately upon its publication. The NPPF replaces all existing planning policy statements and planning policy guidance (save for those relating to waste) and establishes a presumption in favour of sustainable development.
10. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process. For decision making purposes, the presumption means that all development proposals that accord with the local plan should be approved without delay and where a local plan is absent, silent or where relevant policies are out-of-date 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 NPPF taken as a whole; or where specific policies in the NPPF indicate development should be restricted.
11. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
12. The NPPF outlines in paragraph 6 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 goes on to set out the three dimensions to sustainable development: economic, social and environmental.
 - **An economic role** seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and

- **A social role** seeks support strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with its accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **An environmental role** seeks to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

13. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

14. Para. 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

15. Para. 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This recognises the need to identify the size, type, tenure and range of housing required in a particular location reflecting local demand and include provision for affordable housing where this is needed.

16. Para. 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

17. Para 57 states that it is important to plan positively for the development of high quality and inclusive design for all development and Para. 64 goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

18. Para. 69 and 73 recognise that the planning system can play an important role in creating healthy inclusive communities and that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. This states that planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sports and recreational provision are required.

The NPPF can be accessed at:
<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

19. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
20. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention. The following policies are considered relevant:
21. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
22. *Policy 7 (Connectivity and accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
23. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.
24. *Policy 30 (Improving Inclusivity and Affordability)* sets broad requirements that, when considering development proposals, address the problem of local affordability in both urban and rural areas and have regard to the level of need for affordable housing.
25. *Policy 38 (Sustainable Construction)* sets out that in advance of locally set targets, major development should secure at least 10% of their energy supply from decentralized or low-carbon sources.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

LOCAL PLAN POLICY

26. *Policy D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
27. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
28. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
29. *Policy T1 (footways and Cycleway in Towns and Villages)* seeks to ensure that safe, attractive and convenient footpath links are provided between residential areas and community facilities.

30. *Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
31. *Policy H19 (provision of a range of House types including affordable housing)* seeks to ensure that affordable housing is provided within developments of 15 dwellings or more
32. *Policy L1 (Provision of Open space including Standards)* seeks to secure the provision of sufficient levels of open space.
33. *Policy L2 (Open Space in New Housing Development)* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
34. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES

35. *The Highway Authority* has raised no objections to this application, subject to a minor modification to the scheme to include minor amendments to the layout including an improvement to the positioning of the car parking for Plot 1, the private shared driveway serving Plots 15-18 being widened from 1m to 1.5m. An amended plan to this effect has been provided by the applicants.
36. *Great Aycliffe Town Council* has no objection to this proposal.

INTERNAL CONSULTEE RESPONSES

37. *The Landscape Section* has stated that the proposed removal of the outgrown hedge line that forms the south western boundary of the site represents an unacceptable reduction in visual amenity to the detriment of the landscape character of this area. It was, therefore, recommended that the layout of the development be revised with the dwelling at Plot 16 deleted and the housing on Plots 17, 18, 19 and 20 repositioned in a north easterly direction. Thereby, allowing the retention of the hedge line.
38. *The Ecology Section* has raised no objections to this proposal subject to the demolition works being carried out in accordance with an appropriate method statement including partial demolition by hand to minimise the risk of harm to protected species, sensitive timing of hedge works so as to avoid any impact on nesting birds.
39. *The Pollution Control Section* has raised no objections to this application. Conditions are suggested in relation to the use of acoustic fencing and interior glazing in order to safeguard future residents from noise from traffic travelling along Greenfield Way. It was also suggested that planning conditions be attached requiring a vehicle wheel wash facility to be installed during construction, to prevent the burning of materials and to minimise dust and noise arising from the demolition and construction works.
40. *The Sustainability Strategy Officer* is supportive that the applicant has stated that the housing will be built to code level 3 subject to both a design stage assessment and post construction stage assessment being carried out.

PUBLIC RESPONSES

41. This application has been advertised by the posting of site notices, a press notice and by neighbour notification letters. In response one representation was received seeking clarification regarding the future tenure of the properties and levels of car parking provision within the scheme. It was stated that parking facilities in this area are, at times, poor making parking near to your own home difficult.

APPLICANTS STATEMENT

42. The applicant is in advanced discussions with a Registered Provider Livin Housing Limited, who have identified a high demand for modern affordable housing for rent in Newton Aycliffe. This proposed would help provide 22 dwellings to meet this identified need.

43. This is a brown field site which is located within an established residential area. There are a range of local facilities within walking distance and there are excellent links to the retail / leisure amenities close by at Newton Aycliffe Town Centre.

44. The design layout was developed to respect the character and scale of the existing low rise two storey residential properties in this area whilst also improving the impact on residential amenity of the unattractive derelict former care home.

45. The arrangement of the site allows the maximum use of the site and provide an optimum number of dwellings whilst safeguarding the privacy and amenity of both the adjacent existing householders and future occupants of the development.

46. The layout is generally introspective to adhere to the local vernacular but those houses on Plots 1-7 have been designed with a street frontage onto the perimeter facing onto the public footpath along the north east boundary. Plots 8 to 16 are positioned so that the existing hedge fronting Greenfield Way can be retained to provide visual and acoustic screening for the development.

47. New homes would be designed to achieve a level 3 rating under the Code for Sustainable Homes scheme.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant saved local Plan policies, relevant guidance and all other material planning considerations, including representations received from consultees, it is considered that the key issues are the principle of the development, the design and impact on the character of the area, the impact on residential amenity, highway safety, open space provision, affordable housing provision and ecological implications.

Principle of Development

49. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications.

50. Paragraph 49 of the NPPF explains how housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Paragraph 111 of the NPPF explains how planning policies and decisions should encourage the effective use of land through the re-use of land that has been previously developed, providing it is not of high environmental value.
51. RSS policies 2 and 24 set out sustainable housing objectives, paying regard to a sequential approach to site selection in the delivery of new housing across the region, in achieving sustainable development objectives.
52. Saved Local Plan Policies D1 and D5 support new residential development where the layout and design of development takes account of the site's natural and built features and its relationship to adjacent land uses, the design of the buildings and their spatial relationships to open spaces, landscaping and boundary treatment helps create a sense of place, provide a safe and attractive environment where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings.
53. The application site is located within a long established residential area at Newton Aycliffe. This brown field site is primarily bounded by residential development. The site is located next to a local shop, is close to existing schools and is well located to access the retail and leisure facilities located at Newton Aycliffe Town Centre.
54. It is therefore considered that the proposed development would be located in a sustainable location with regard to the NPPF and RSS policies 2 and 24, which establish sustainable housing objectives. Furthermore, the sustainable nature of this centralised site within an established settlement served by a range of retail and community facilities would satisfy RSS Policy 7 in relation to connectivity and accessibility in new development.
55. The dwellings would also be constructed to a standard that achieves level 3 of the Code for Sustainable Homes. The Code seeks to encourage sustainable building practice in new homes. This covers a range of issues including of energy efficiency, CO2 reduction measures to minimise pollution, and water. The sustainability credentials of the development would be significantly enhanced by such measures, and to ensure that they are implemented, a planning condition would be appropriate to ensure compliance with RSS Policy 38.
56. In summary, the redevelopment of the site for residential purposes represents a sustainable form of development which accords with the NPPF's presumption in favour of sustainable development and the RSS Policies regarding the location of residential development.

Design and impact on the character of the area

57. NPPF and saved Local Plan Policies D1 and D5 both seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses and activities. Where necessary, landscaping should be incorporated into a scheme of this nature.
58. The site was previously used as a nursing home, however, since the property became vacant the site has been overgrown, the building has fallen into a state of disrepair and the area has become a focus for anti social behaviour. The sensitive redevelopment of the site for residential purposes would compliment the residential nature of the adjacent area and would significantly improve the quality of appearance of the area in general.

59. The proposed housing layout has been designed so that the existing tree belt alongside Greenfields Way is to be retained, thereby, safeguarding the green characteristics alongside this vista adjacent to an important vehicular route serving this part of Newton Aycliffe. The proposed layout also allows the retention of several of those larger trees within the site that are located along the south eastern boundary. The proposed layout would not allow for the retention of the existing hedgerow along the south western boundary of the site. Although the hedgerow does provide a natural green barrier in this area it is not considered to be highly prominent when viewed in the wider streetscape from Greenfields Way. The visual merits of the hedge are largely restricted to the localised area around Blackton Close to the west of the site and, therefore, its loss is considered acceptable.
60. The layout of the development has also been designed so that Plot Nos. 1-7 are outward facing to improve surveillance in the area and produce a positive frontage onto the public footpath between the site and the existing shop and community building.
61. The existing residential dwellings south of Greenfields Way are predominately characterised by two storey dwellings made up of a mix of both semi-detached dwellings and terraced properties. The proposed dwellings would be of a similar scale to the existing properties in this area.
62. The density of development proposed is significantly higher than that of the previous nursing home which was centrally located in large grounds. It is also higher than that of the existing housing in the adjacent area, however, this is deemed to be acceptable given the nature of this development on a brown field site with high development costs and which seeks to provide much needed affordable housing.
63. The proposed housing would be constructed from buff brick and smooth roof tiles to match the tone of the materials on the adjacent housing but the design would introduce a more contemporary appearance via the introduction of feature rendered strips with horizontal timber-look panelling on the front elevations.
64. The design of the properties has also been further improved via the introduction of dual fronted properties at those dwellings located on prominent corner locations within the development.
65. The proposed dwellings are therefore considered to respect the scale, character and appearance of this area. The retention of the landscaping adjacent to Greenfields Way, which is an important visual characteristic in this area, has been safeguarded and the housing would be of an appropriate design. Notwithstanding the concerns of the Landscape Officer regarding the loss of the hedge along the south west boundary it is considered that the proposals comply with design principle set out in the NPPF, North East of England Plan policy 8 and saved Local Plan Policies D1 and D5.

Impact on residential amenity

66. Local Plan Policies D1 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek to make provision for adequate privacy and amenity and standards for existing and proposed dwellings when assessing new residential development through establishing minimum separation guidelines. It is considered that careful regard has been given to layout and orientation of the proposed properties in order to safeguard the privacy of the existing householders living adjacent to the application site.
67. However, concern was initially raised regarding the inter relationship between the proposed development at Plot 8 and the front of No. 122 Greenlea Garth to the east.

68. Supplementary Planning Guidance Note 3 of the Sedgfield Borough Local Plan provides general guidance regarding spacing distances with a 14m separation distance suggested between a main elevation containing habitable rooms and the gable elevation of an adjacent building. The accompanying illustrations, however, show these distances where dwellings directly face one another. No guidance is provided as to how to assess separation distance where the dwellings are splayed, as in this case.
69. The proposed dwelling at Plot 8 has been located so it would not be directly in line with the front of the property. The gable end of the proposed dwelling would be between approximately 13m and 8.5m from the front of the existing property. Although no windows are proposed in the gable of the new dwelling there was concern that this property could have an over bearing affect when viewed from the adjacent dwelling. A cycle store and bin store was also proposed to be located at the side of the new property approximately 5.3m and 6.5m respectively from the front of No. 122 Greenlea Garth. There were further concerns because of the ground levels in this area with this part of the site being some 1.2m above the ground level of the existing houses in this area. Negotiations with the applicant agreed to introduce a hipped roof to this dwelling (and that on the other end of the row at Plot 16) and to relocate the cycle store and bin store to the rear of this property. It has also been demonstrated that ground levels in this part of the site would be lowered to reduce the impact. The view from the front of No. 122 Greenlea Garth will undoubtedly be altered as a result of this proposal, however, those amendments which have been negotiated are considered to be a positive improvement and will help lessen the overbearing impact of the development when viewed from this property.
70. As such, it is considered that this proposal satisfactorily safeguards privacy between the existing and proposed housing, and on balance it is considered that the revised design of the roof at Plot 8 and the revised siting of the cycle store and bin store and reduction in ground levels will safeguard residential amenity to a satisfactory degree in accordance with Local Plan Policies D1 and D5.

Highway safety

71. Local Plan Policies D1, D3 and D5 seek to ensure new development achieves a satisfactory means of access and adequate parking provision, showing regard to highway safety principles.
72. The Highway Authority has raised no objection to the proposal, having regard to the levels of traffic that would be associated with the development and finding that the thirty three off street parking spaces to be provided for the twenty two dwellings proposed to be adequate. The proposals are therefore considered to accord with Policies D1, D3 and D5 in this regard.

Affordable Housing

73. The provision of affordable housing where a need has been identified is encouraged through the saved Local plan Policy H19 and the County Durham Strategic Housing Market Assessment (SHMA). For developments of this size 15% affordable housing would normally be required to be provided in this area.
74. The applicant has stated that the proposed dwellings are being constructed for Livin and all of the 22 dwellings would form affordable housing. The accommodation would be owned and managed by Livin as a registered social landlord, available to eligible households whose needs are not met by the market.

75. All of the proposed dwellings would therefore be classed as being affordable housing and therefore the development exceeds the level of affordable housing which would normally be required. The delivery of 22 affordable dwellings in the local area would bring significant public benefit in the form of meeting local housing need and contributing to the creation of sustainable mixed communities. This accords with the aims of the NPPF.
76. In order to ensure that the dwellings remain affordable in perpetuity the applicant has agreed to enter into a section 106 agreement. Securing the affordable housing by S106 would meet the tests contained within Regulation 122 of the Community Infrastructure Levy Regulations 2010.
77. It has been suggested by the applicant that the increased provision of affordable housing over and above the 15% figure should be regarded as a 'material' consideration when determining this proposal.

Open space provision

78. Saved Local Plan policies L1 and L2 seek to secure the provision of sufficient open space in appropriate locations. These policies seek to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring every 10 dwellings, a minimum of 100m² of informal play space and 500m² of amenity space is normally expected. Where this level cannot be provided, either fully or in part, an in-lieu commuted sum equivalent to £1000 per dwelling, would normally be required.
79. Because of the nature of the development, which seeks to provide a total of 22 affordable dwellings on a brown field site (with the associated remediation costs), the development proposed is densely developed at 44 units per hectare. Although the existing tree belt fronting Greenfields Way is to be retained little opportunity remains to incorporate large areas of open space within the application site.
80. The Council's Open Space Needs Assessment for Newton Aycliffe has identified an existing shortfall of both play space and parks and gardens. The deficiency in play space is acknowledged and discussions are currently underway with the Town Council to identify potential sites within this area for a Multi Use Games Area (MUGA). Bearing in mind the existing deficiencies outlined above and the type of housing proposed it is anticipated that the future occupants of this development would generate additional demand for play facilities etc. in this area. The Council is therefore justified in seeking a financial contribution towards off site open space provision or maintenance.
81. The applicant has however stated that because the scheme is entirely affordable housing, which has to be built to a high standard of sustainability, coupled with the high redevelopment costs of the brown field site, the viability of this scheme would be in question were any commuted sum to be provided.
82. The delivery of 22 affordable homes on the site, far in excess of the 15% requirement normally sought and the viability of the delivery of this affordable housing is considered to be a material consideration which can be balanced against the requirement for an open space contribution. In this respect, it is considered that the additional 85% affordable housing that the scheme would deliver is itself a significant additional public benefit and it is crucial that delivery of this affordable housing is not prejudiced. Whilst the lack of a commuted sum to improve off site recreational facilities elsewhere within this area is disappointing, given the marginal nature of this scheme, the need for the affordable housing is considered to outweigh the need for the open space contribution in this case.

Ecology

83. Para. 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment and minimise the impact on bio diversity. The presence of a protected species is a 'material consideration' when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.' With this in mind an extended phase 1 and bat risk assessment has been carried out by the applicant and submitted for consideration by the Local Planning Authority.
84. Ecology section has reviewed this assessment and has raised no objections to the proposal, subject to a condition being attached requiring the demolition works being carried out in accordance with an appropriate method statement a condition ensuring the sensitive timing of works to the hedgerows taking place outside of the bird nesting season. It is considered that subject to adherence to the proposed ecology condition, the proposals would not have significant affects on biodiversity and the application would be considered to satisfy the provisions of the NPPF in this regard.

Arboriculture

85. An Arboricultural Impact Assessment has been carried out in support of this planning application. This has been used to identify existing trees and hedges within the site and to identify how the proposed development affects these features and to manage the development in order to evaluate how best to safeguard those trees to be retained within the development. A number of trees are to be removed, however, those trees adjacent to Greenfields Way which make an important contribution to the character of the area are to be retained and safeguarded. Protective barriers and specialist methods of construction have also been identified in order to safeguard the larger trees within the site along the south eastern site boundary. The proposed scope of the tree works are considered to be acceptable and those trees to be removed can in part be compensated for by replacement planting within the site. As such, it is considered that this proposal accords with saved Local Plan policy E15.

Noise & Dust

86. A survey of existing daytime and night time noise levels has been undertaken at the site and this found that the dominant source of noise during the surveys was road traffic noise from Greenfield Way to the north of the site. This survey found that based on the site layout Plot Nos. 8 to 16 would require the installation of a 1.8m high acoustic fence alongside the northern plot boundary to ensure that the required external noise limit of 55dB is met. Internal noise level limits for the living rooms and bedroom areas of these plots can be achieved via the installation of double glazing in a solid brick or block work façade. This can be secured by condition.
87. The proposed demolition of the existing nursing home and the construction of the new housing will inevitably lead to some additional levels of noise and disturbance in the immediate area during construction works. However, these effects can be controlled and minimised via the imposition of a combination of planning and environmental health legislation and conditions. Any short term disturbance would also be compensated for, in part, by the redevelopment of the site and the removal of the current vacant building which itself has been the focus of anti social behaviour in recent months.

CONCLUSION

88. The principle of constructing residential development at this brown field site located within the existing residential framework of Newton Aycliffe, is considered wholly acceptable in principle given its sustainable location and compliance with the aims of the NPPF and relevant saved Local Plan policies. The proposed scale and layout of the development is considered sympathetic to surrounding development and the local setting, without detracting from the local street scene or character of the area. Furthermore, with no detrimental impact upon highway safety, ecology, or neighbouring privacy this proposal is considered acceptable. Whilst the provision of a commuted sum to improve recreational facilities off site would have been welcomed the viability assessment has shown that these would be cost prohibitive on this site for a scheme of this nature. On balance, the provision of 100% affordable housing within the site is considered to outweigh the normal requirement to provide for improved recreation or leisure facilities within this area.

89. The proposed development is therefore considered to accord with relevant national, regional and saved local plan policies, and subject to the imposition of appropriate planning conditions, approval of the application is recommended.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the provision of affordable housing in perpetuity and the following conditions:

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

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

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

150-01 Location Plan 1:1250 A3 1
150-02 Existing Site Plan 1:500 A3 1
100-01 Proposed Site Plan 1:500 A3 Rev. 9
100-02 Proposed Street Scenes 1:100 A3 Rev. 5
300-01 House type B - Layout 1:50 A3 Rev. 4
300-02 House type A - Layout 1:50 A3 Rev. 4
300-03 House type A2 - Elevations 1:100 A3 Rev. 3
300-04 House type B1 - Elevations 1:100 A3 Rev. 4
300-05 House type A1 - Elevations 1:100 A3 Rev. 5
300-06 Proposed Adjacency 1:100 A3 Rev. 3
300-07 House type B2 - Elevations 1:100 A3 1
400-01 Proposed Boundary Treatment and Surfaces Rev. 5

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge 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 accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

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 subject of this scheme shall not be removed without agreement within five years.

The development shall be carried out in accordance with the approved scheme.

Reason- In the interests of the visual amenity of the area and to comply with policy D1(Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. All planting, seeding or turfing 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.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 (Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

5. 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 protection plan for Greenfield Nursing Home, Greenfield Way, Newton Aycliffe by All About Trees TPPA-A dated 11.05.11 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.5837:2005.

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. Tree protection measures for these trees to be retained shall be carried out in accordance with those measures laid out in the Arboricultural Impact Assessment for Greenfield Nursing Home, Greenfield Way, Newton Aycliffe by All About Trees dated 15 May 2012 and shall be carried out throughout the development.

No felling, no removal of limbs of trees or other tree work other than those works detailed in the All About trees Arboricultural Impact Assessment for Greenfield Nursing Home, Greenfield Way, Newton Aycliffe dated 15 .05.12 and illustrated on the Tree Protection Plan Drwg. No. TPP-A dated 11.05/11 shall be implemented without the prior written approval of the Local Planning Authority.

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

The tree works hereby approved shall be carried out in accordance with BS 3998 : Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council).

Reason: In the interests of the visual amenity of the area and to comply with policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgefield Borough Local Plan.

6. The development hereby approved shall achieve a Code for Sustainable Homes minimum rating of level 3, in accordance with details that shall be submitted to and approved by the local planning authority showing that: prior to the commencement of development, the development has been registered for formal assessment by a licensed Code assessor to achieve a Code for Sustainable Homes Design Certificate level 3; and, prior to the first occupation of the development, the development has achieved a Code for Sustainable Homes post construction certificate level 3.

Reason: In order to minimise energy consumption and to comply with RSS Policy 38.

7. No development shall take place unless in accordance with the mitigation detailed within the Greenfields, Newton Aycliffe Extended phase 1 and Bat Risk Assessment dated May 2012 including, but not restricted to adherence to provision of a method statement regarding demolition of the existing building and hedge cutting and clearance to avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season.

Reason: To conserve protected species and their habitat in accordance with Para. 117 of the NPPF.

8. Before the dwellings hereby approved are first occupied the hard standing / drives shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason: In order to ensure that suitable parking provision is available and retained to comply with policy D1, (Layout and Design of New Development), D3 (Provision for pedestrians, cyclists, public transport and cars) and D5 (Layout of New Housing Developments) of the Sedgefield Borough Local Plan.

9. Before the occupation of any dwelling hereby approved the proposed estate road, footways and footpaths, turning spaces between the dwellings and the existing highway, shall be properly consolidated and surfaced to the satisfaction of the local planning authority. The footways and footpaths between any dwellings and the existing highway shall be completed within three months from the date of occupation of the first dwelling hereby approved.

Reason: In order to ensure that suitable parking provision is available and retained to comply with policy D1, (Layout and Design of New Development), D3 (Provision for pedestrians, cyclists, public transport and cars) and D5 (Layout of New Housing Developments) of the Sedgefield Borough Local Plan.

10. Before the dwellings on Plots 8-16 are first occupied a 1.8 m high acoustic fence alongside the northern boundary of the site is to be constructed in order to ensure that the required external noise limit of 55dB is met. These dwellings shall be constructed with double glazed windows and with a solid brick or block work façade to ensure that the living room and bedroom are safeguarded from external noise sources in compliance with BS8233. These measures are to be retained, thereafter in perpetuity to the satisfaction of the Local Planning Authority.

Reason: To safeguard future residents from unacceptable levels of noise in accordance with Para. 123 of the NPPF.

11. Prior to the commencement of development on site a vehicle wheel washing facility shall be installed at the vehicular access from the site. All construction traffic leaving the site must use this facility and it must be available and maintained in working order at all times during the period of construction.

Reason: To prevent mud on the public highway and safeguard pedestrians, cyclists and other road users in accordance with Para. 120 of the NPPF.

12. No development shall take place until a dust management plan has been submitted to and approved by the Local Planning Authority. The plan shall contain details of water suppression, containment of finely divided materials, how internal roads and highways will be cleaned, and details of daily visual inspections. The approved dust management plan must be adhered to during the period of construction and demolition.

Reason: To safeguard residential amenity for adjacent residents during demolition and construction works in accordance with Para. 120 of the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed in those dwellings located on Plots 8 and 16.

Reason: To safeguard privacy and residential amenity for the residents of the adjacent property at No. 122 Greenlea Garth in accordance with Policy D1 (Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

14. Unless otherwise agreed by the Local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions i-iv have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition 4 has been complied with in relation to that contamination.

i. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

ii. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

iii Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

iv. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition 3.

Reason : To prevent unacceptable risks from pollution land instability in accordance with Para. 120 of the NPPF.

15. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with policy D1, (Layout and Design of New Development), and D5 (Layout of New Housing Developments) of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable housing development of this brown field site and located within the physical framework of Newton Aycliffe in terms of its impact upon the character of the area, access, parking, and the privacy and amenity of surrounding residents.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, Policies 2, 4, 7, 8, 24,30 and 38 of the RSS for the North East and Policies E15, L2, D1, D3, D5 and H19 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.
3. In arriving at this recommendation, the consultation responses received have been considered, however, on balance, the view of the landscaping officer regarding the retention of the hedge line along the south western boundary of the site are not considered to be overriding in this case.

BACKGROUND PAPERS

Submitted Application Forms and Plans

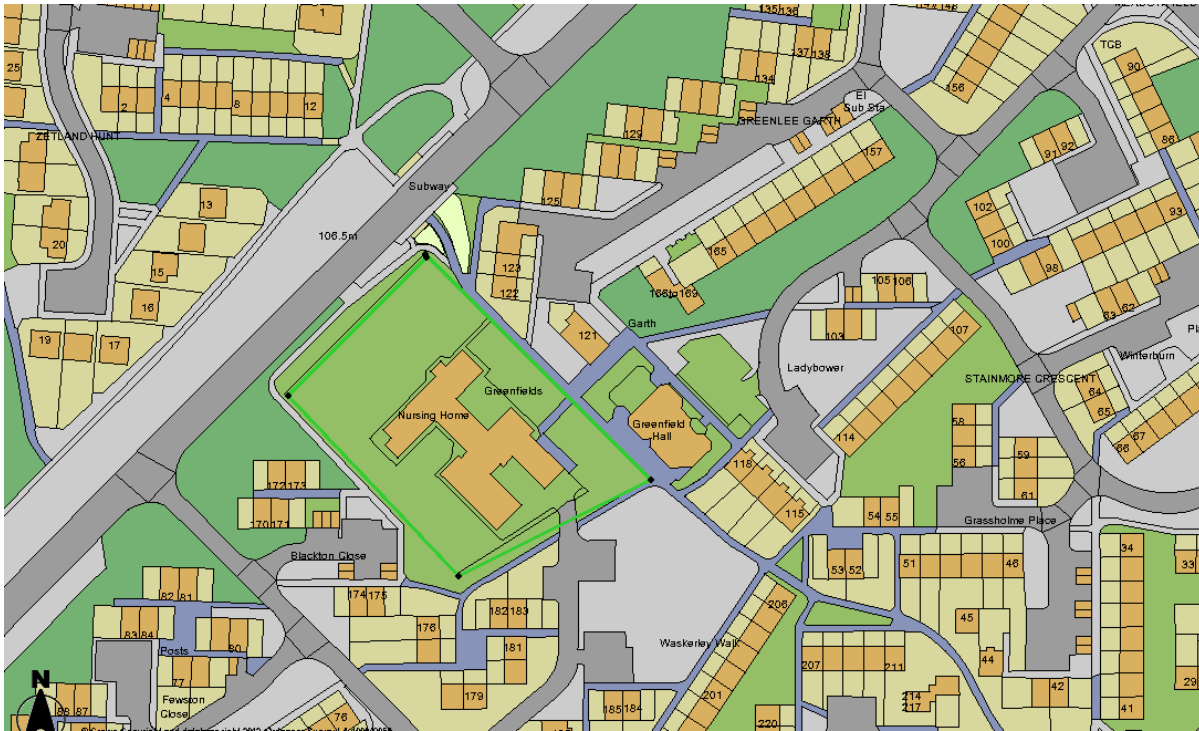
National Planning Policy Framework (NPPF)

Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation responses from the Highway Authority and Town Council

Internal responses from the Landscape, Ecology, Pollution Control and Sustainability Sections



Planning Services

Demolition of former Greenfields Nursing Home and redevelopment to create 22 No. dwellings at Greenfields Nursing Home, Alston Crescent, Newton Aycliffe.

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Comments

Date 20 September 2012