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## APPLICATION DETAILS

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**APPLICATION NO:** 3/2012/0525

**FULL APPLICATION DESCRIPTION:** **CONSTRUCTION OF 11 DWELLINGS**

**NAME OF APPLICANT:** **MR C SMITH**  
SWALE VALLEY CONSTRUCTION LTD

**ADDRESS:** DELLSIDE HOUSE LOW WILLINGTON, WILLINGTON, CROOK, DL15 0DH

**ELECTORAL DIVISION:** WILLINGTON ED

**CASE OFFICER:** **Chris Baxter**  
(Senior) Planning Officer  
03000 263944  
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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site lies to the south of the A690 highway in Willington. The site is 'L' shaped with the Dellside House building located to the north of the site. Dellside House is a former Wear Valley District Council building which is no longer in use. The south of the site is currently vacant land made up of a mix of grassed and tarmac areas and used to be occupied by council houses. Three residential properties (No. 71, 72 & 73 Low Willington) are located directly north of the site with No. 71 being of particular interest as it's a grade II listed building. Residential properties are located directly to the east of the site and a public area, with seating and car parking is situated to the west. There is a belt of mature trees along the south boundary with open fields beyond. The site has an existing vehicular access directly onto the A690 to the north.

### The Proposals

2. Planning permission is sought for the erection of 11no. dwellings on the southern section of the site. The existing Dellside House building is not to be altered at present and does not form part of this application. However, the applicants have indicated that the intention is to submit an application in the future for the demolition and redevelopment of Dellside House for further residential properties, following ecology survey works on the building.
3. The proposed dwellings would be a mix of 2, 3 and 4 bedroom properties and would be set out as three sets of linked properties and two detached properties. They are all to be of two storey construction, built from brickwork to the walls and concrete tiles to the roof, with white upvc windows and doors. A total of 25no. car parking spaces are proposed within the site. The intention is for all the properties to be transferred to Prince Bishop Homes for the purpose of affordable housing.

4. The application is being reported to the Committee in line with the Scheme of Delegation because it is a major application of more than 10 dwellings.

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## **PLANNING HISTORY**

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5. There is no planning history particularly relevant to this proposal, although as noted above, a number of Council houses were demolished on the site under a demolition notice in 2004.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements and guidance notes into a single policy statement, the National Planning Policy Framework (NPPF).
7. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 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 including provision for affordable housing where required.
8. Paragraphs 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.
9. Paragraph 129 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

### **REGIONAL PLANNING POLICY**

10. 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.
11. 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, although they carry less weight because of the intention to abolish the RSS:

12. *Policy 4 (The Sequential Approach to Development)* provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.
13. *Policy 7 (Connectivity and Accessibility)* seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
14. *Policy 8 (Protecting and Enhancing the Environment)* seeks to ensure, amongst other things, to conserve and enhance historic buildings, areas and landscapes.
15. *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.
16. *Policy 38 (Sustainable Construction)* requires that major new developments of more than 10 dwellings should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources.

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

17. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and therefore relevant in the determination of this application:
18. *Policy GD1 (General Development Criteria)* states that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
19. *Policy BE4 (Setting of a Listed Building)* states that development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
20. *Policy H3 (Distribution of Development)* states that new development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
21. *Policy H24 (Residential Design Criteria)* states that new residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
22. *Policy H22 (Community Benefit)* states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

23. *Policy T1 (General Policy – Highways)* states that all developments which generate additional traffic will be required to fulfil Policy GD1 and:

- provide adequate access to the developments;
- not exceed the capacity of the local road network; and
- be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. *Highway Authority* has stated that parking levels and internal layout are adequate and a safe access can be achieved with the A690 highway. A speed camera advisory sign would have to be relocated as part of access works.

### **INTERNAL CONSULTEE RESPONSES:**

25. *Ecology Section* has no objections to the proposals subject to a condition relating to the mitigation in the ecology report.

26. *Sustainability Section* originally asked for a condition requiring a scheme to minimise energy consumption on the development. The developer subsequently submitted a scheme showing how reduction in energy consumption can be achieved on site and the Sustainability Officer has withdrawn the request for the condition.

### **PUBLIC RESPONSES:**

27. A site notice was posted and the application was advertised in the local press. No representations have been received.

### **APPLICANTS STATEMENT:**

28. The applicant has chosen not to submit an additional supporting statement.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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29. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 the development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on residential amenity, visual impact and effect on heritage assets, highway issues, open space contributions, affordable housing provision and other issues.

### **Principle of development**

30. The site is brownfield land located within the settlement boundaries of Willington. It is within close walking distance to shops, community facilities and local services and there is a history of residential development on the site. The proposal is therefore in accordance with policy H3 of the Wear Valley local plan and is considered to be a

sustainable location for the scale of development proposed. The proposal is therefore in principle wholly in accordance with the core principles of the NPPF and the presumption in favour of sustainable development.

#### Visual impact and effect on heritage assets

31. The site lies to the rear of no.71 which is a grade 2 listed building. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority must pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). In this case it is the setting of the listed building that warrants consideration.
32. No.71 is a dwelling located within a residential area and has its own clearly defined curtilage. It is considered that its setting is largely limited to its immediate curtilage. The application site lies to the rear of no.71 and has no important association with the listed building. The scale of the dwellings would be appropriate to the scale of the listed building and because the site is to the rear, the development would be unlikely to obscure any important public views of the listed building. There is sufficient separation distance between the proposed properties and the listed building to ensure that the significance of the listed building and its setting would not be adversely compromised.
33. The proposed houses are of an uncomplicated house design to be constructed from an appropriate brick and roof tile. Given the location of the site situated behind neighbouring dwellings and the listed building, the proposed properties would be relatively well screened from any public viewpoints. The proposed scheme would have little impact upon the street scene and it is considered that the visual impact on the immediate locality and listed building would be minimal. To ensure that the specific details of the scheme are acceptable, conditions relating to the submission of materials, boundary treatment, landscaping and surface treatment are recommended.
34. The proposal would not therefore be detrimental to the visual amenity of the surrounding area, or setting of the nearby listed building. This would be in accordance with policies GD1 and BE4 of the Wear Valley local plan, as well as the guidance in the NPPF.

#### Impact on residential amenity

35. A separation distance of 22 metres would be achieved between the proposed units 4-8 and existing neighbouring properties No. 71, 72 & 73 Low Willington which would ensure adequate levels of privacy are maintained between those properties. The gable elevation of proposed unit 1 would be situated 12 metres away from the west end of neighbouring No. 73 Low Willington, however, the main outlook of No. 73 would not be adversely affected. There are also no windows in the neighbouring property to the east which would look over the application site ensuring there would be no loss of privacy to that dwelling. It is therefore considered that the relationship between the proposed dwellings and the existing neighbouring properties would be acceptable and in accordance with Wear Valley local plan policies GD1 and H24.
36. In terms of the internal site arrangements, adequate separation distances would be achieved within the development. It is noted that the front elevation of unit 3 would only be situated 5 metres from the blank gable elevation of unit 4; however, unit 3

has been sensitively designed so the main habitable windows would be angled away from unit 4 allowing future occupiers of unit 3 to have an acceptable outlook.

37. Each proposed property would have rear garden areas, although it is noted that several gardens would be small. However, the main reason for this is the retention of the tree belt to the south, which is important for the amenity of the area. The garden size preference will be a matter for the potential occupier to consider; however consideration still needs to be given to whether smaller gardens would result in a development which is overdevelopment and out of character with the surrounding area. In this respect, the area is characterised by a mix of dwelling types and sizes with varying garden sizes. The proposed dwellings would still be comfortably located within the site and the retention of the tree belt which occupies a large part of the south of the site would ensure the site did not appear overdeveloped or out of character with the surrounding area.

#### Highway issues

38. There is an existing access into the site from the A690 highway which is to be used for the proposed development. 25 car park spaces are to be provided within the site for the future residents. County Highway Officers have not raised any objections to the proposed access and have stated that the proposed car parking levels are acceptable. The proposed internal road layout is also compatible with the County adoption standards. The proposed development would not compromise highway safety and would be in accordance with policies GD1 and T1 of the Wear Valley local plan.

#### Open space contributions

39. The NPPF places emphasis on the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities. The provision of high quality open spaces and opportunities for sport and recreation can make an important contribution to health and well being of communities and new housing places a demand on existing facilities. Wear Valley local plan policy H22 requires that on sites of 10 or more dwellings the local planning authority will seek to negotiate contributions towards the provision or maintenance of recreational facilities.
40. The proposed scheme does not provide any useable open space areas within the development. To compensate for this the developer has agreed to enter into a section 106 agreement to provide a contribution of £11,000 for the provision and maintenance of related social, community and/or recreational facilities within the nearby locality. This is in accordance with Wear Valley local plan policy H22 and the aims of the NPPF.

#### Affordable housing provision

41. A key aim of the NPPF is to deliver a wide choice of high quality homes. It further states that to boost significantly the supply of housing, local planning authorities should objectively assess needs for market and affordable housing. The current evidence base which supports the County Durham Plan Preferred Options indicates that 15% affordable housing should be sought on residential development schemes in the area, which in this application would equate to 2 properties. It is noted however that supporting statements provided with the application indicate that the whole scheme is to be transferred to Prince Bishop Homes with the intention of all the properties becoming affordable units. The provision of 100% affordable housing

on the site is welcomed as it would make a significant contribution to meeting the affordable housing requirements in the area, but given the proposal would be acceptable at 15% affordable housing, it is only proposed to secure 15% affordable housing in the section 106 agreement. This wouldn't prevent the rest of the housing from being affordable and gives some flexibility to the scheme. Subject to signing a section 106 agreement in this respect, the proposal would be in accordance with criteria detailed in the NPPF.

#### Other issues

42. An ecology report was submitted with the application. The County Ecologist has raised no objections, but recommends that mitigation methods described in the ecology report are undertaken. This can be secured by a condition. It is considered that the proposed development would not impact on protected species or their habitats.
43. The developer has proactively worked towards providing a scheme which shows that the proposed development would minimise carbon emissions from the site. It is proposed that a total of 10kwp of Solar Photovoltaic panels will be installed in plots 4,5,6, 7 and 8 to meet the aims of the NPPF and RSS policy 38.

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## CONCLUSION

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44. The redevelopment of a brownfield site within the development limits of Willington accords with the main thrust of the National Planning Policy Framework in terms of securing sustainable patterns of development. The principle of redeveloping the site for residential is therefore acceptable and would be in accordance with policy H3 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
45. From a more detailed perspective, the layout, scale and design of the development is such that it would not harm the setting of the nearby grade II listed building and adequate separation distances would be achieved with neighbouring properties to avoid loss of amenity to those properties. The development would therefore be in accordance with policies GD1, BE4 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
46. The reuse of the existing access is acceptable and would not compromise highway safety. Adequate levels of parking would be provided within the site. The development would therefore be in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
47. A Section 106 legal agreement will be entered into to secure 15% affordable housing (2 units) within the scheme in addition to a contribution of £11,000 for the provision and maintenance of social, community and/or recreational facilities within the nearby locality.

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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 provision of affordable housing in perpetuity and the payment of a commuted sum in lieu of on site open space provision; and subject to the conditions below;

1. The development shall not be begun later than 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:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	17/12/2012
EVO 331/01C	Proposed Site Plan	17/12/2012
EVO 331/03	Proposed Elevations Plots 1-3	17/12/2012
EVO 331/04	Proposed Floor Plans Plots 1-3	17/12/2012
EVO 331/05	Proposed Plans and Elevations Plot 4	17/12/2012
EVO 331/06	Proposed Floor Plans Plots 5-7	17/12/2012
EVO 331/07	Proposed Elevations Plots 5-7	17/12/2012
EVO 331/08	Proposed Plans and Elevations Plot 8	17/12/2012
EVO 331/09	Proposed Floor Plans Plots 9-11	17/12/2012
EVO 331/10	Proposed Elevations Plots 9-11	17/12/2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. No development shall commence until details of surface treatment and construction of all hardstanding areas are submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. No development shall commence until details of means of enclosure are submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with approved details.

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.



6. No development shall commence until a detailed landscaping scheme is submitted to and approved in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

8. No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the protected species report, Phase 1: Desk Study Report dated October 2012 by Solmek.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF.

9. The development hereby approved shall incorporate a total of 10kwp of Solar Photovoltaic panels onto plots 4,5,6, 7 and 8 as detailed in the submitted "CO2 Reduction assessment" by Richmond Thermal Solutions. No dwelling on plots 4,5,6,7 and 8 shall be occupied until the photovoltaic system has been installed and is ready for operation on the dwelling.

Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and the NPPF.

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## **REASONS FOR THE RECOMMENDATION**

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1. In the opinion of the Local Planning Authority the proposal represents an acceptable housing development on this brownfield site within the physical framework of Willington. The proposal would be acceptable in terms of its impact upon the character of the area, setting of a nearby listed building, access, parking, the privacy and amenity of surrounding residents, and subject to completion of a S106 agreement to secure affordable housing and a contribution towards maintenance and provision of open space in the locality.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, the RSS for the North East and Policies GD1, H3, BE4, H24, H22, and T1 of the Wear Valley District Local Plan and to all relevant material considerations.

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## **STATEMENT OF POSITIVE/PROACTIVE WORKING**

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The Local Planning Authority has determined the application in a timely manner and has had dialogue with the applicant throughout the determination to address issues about sustainability and to reach agreement on the open space contribution and affordable housing requirement.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Sustainability Appraisal

Ecological Assessment

National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

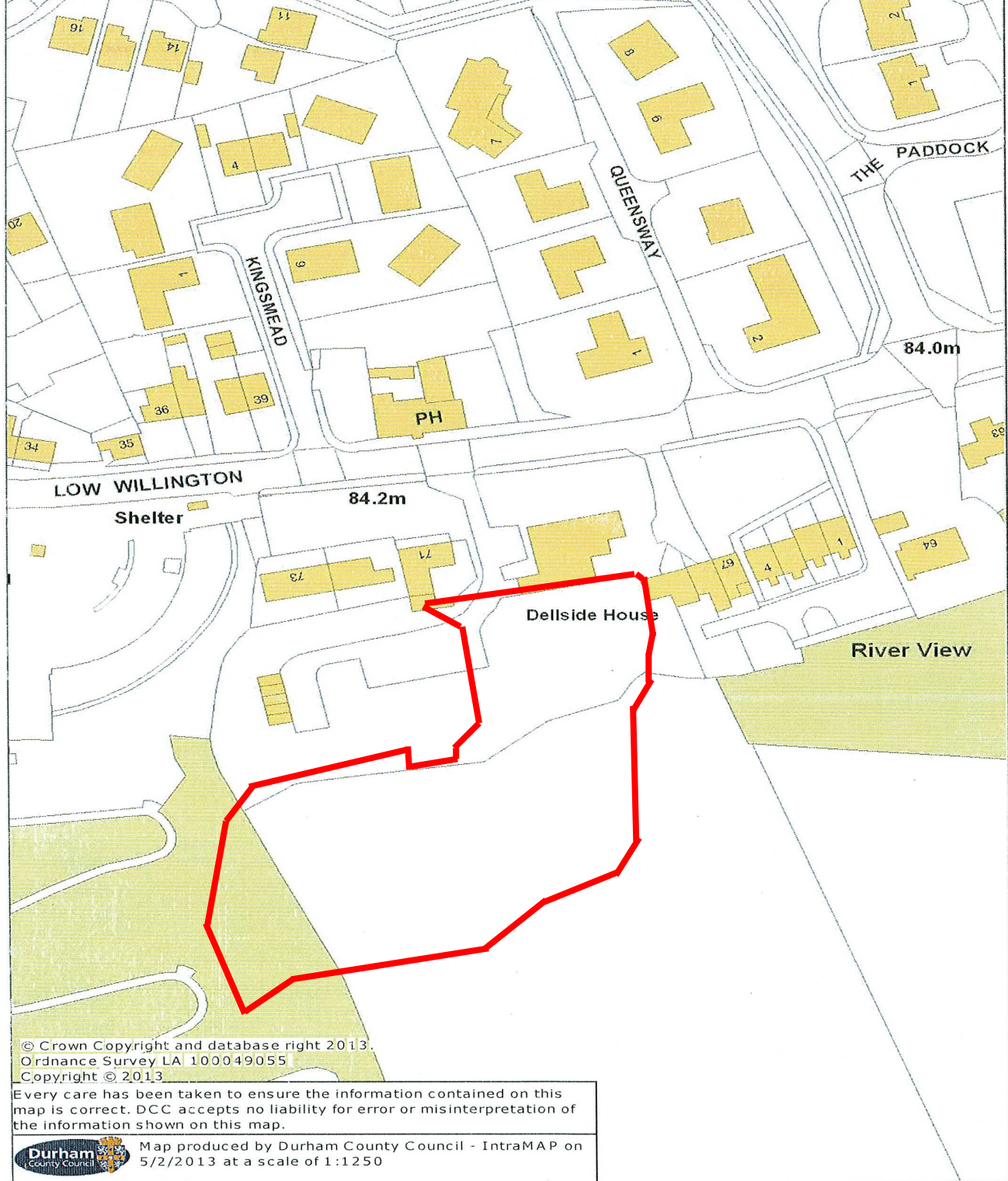
Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

Circular 11/95: Use of conditions in planning permission

Responses from Highways Authority.

Internal responses from Ecology Section and Sustainability Section.

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Construction of 11no. dwellings  
 At Land at Dellside House, Willington  
 (3/2012/0525)

**Comments**

**Date** 21 February 2013

**Scale**  
 1:1250