

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2012/0427/DM
FULL APPLICATION DESCRIPTION:	Demolition of Grayson Grange and erection of 12no. dwellings
NAME OF APPLICANT:	Livin Housing Ltd
ADDRESS:	Grayson Grange, Grayson Road, Spennymoor, Co Durham, DL16 7EQ
ELECTORAL DIVISION:	Spennymoor and Middlestone
CASE OFFICER:	Mark O'Sullivan, Planning Officer 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within the residential settlement of Middlestone Moor and is occupied by Grayson Grange, a sheltered accommodation complex in the form of 28 bedsit apartments together with associated private amenity space and a car parking area, accessed from Briar Close to the south east. The existing building is two storey's in height and fronts Grayson Road to the north west, whilst being located in between the Sycamore Lodge care home to the north east and terraced residential properties along North Drive to the south west. To the south east, the site overlooks the aforementioned parking area, with Briar Close and more terraced residential properties beyond. A pedestrian footway links Grayson Road with Briar Close along the eastern boundary.

The Proposals

2. Planning permission is sought to demolish the existing building and erect twelve bungalows in its place, each having two bedrooms. The bungalows would be arranged into four semi-detached pairs with a terraced row of four bungalows forming the north western boundary of the site overlooking Grayson Road.
3. Vehicular access to the site is to be retained from Briar Close to the south east, with off-street parking provision for seventeen vehicles provided, with pedestrian access maintained through the site with a pedestrian link created to adoption standards to the east of the site. An area of open space would also be created in the middle of the site around a proposed vehicular turning head.

3. 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

4. There is no relevant planning history specific to the application site.

PLANNING POLICY

NATIONAL POLICY

5. In March 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process.
6. 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. Planning Policy Statements and Planning Policy Guidance Notes are cancelled as a result of the NPPF coming into force.
7. The NPPF outlines in paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 6 of the NPPF sets out 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. The economic role is 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.
8. 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:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - 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;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can

- perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

REGIONAL PLANNING POLICY

9. *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.
10. 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:
 11. *Policy 2 (Sustainable Development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
 12. *Policy 4 (The Sequential Approach to Development)* requires a sequential approach to the identification of land for development.
 13. *Policy 7 (Connectivity and Accessibility)* planning proposals should seek to improve and enhance sustainable internal and external connectivity and accessibility of the North East.
 14. *Policy 8 (Protecting and Enhancing the Environment)* seeks to protect and enhance the environment. This in part should be achieved through promoting high quality design in all development and that it should be sympathetic to the surrounding area.
 15. *Policy 24 (Delivering Sustainable Communities)* planning proposals, should assess the suitability of land for development and the contribution that can be made by design.

16. *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.

17. *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:

18. *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.

19. *Policy H17 (Backland and infill housing development)* sets criteria for new backland and infill housing development.

20. *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.

21. *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.

22. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.

23. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.

24. *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:

25. *The Highway Authority* has raised no objection to the application.

26. *The Ramblers* have raised no objection to the application.

INTERNAL CONSULTEE RESPONSES:

27. *The Ecology Section* raises no objection subject to a condition regarding adherence to the mitigation measures set out within Bat Risk Assessment.

28. *The Public Rights of Way Section* has raised no objections to this application.

29. *The Arboriculture Officer* has raised no objections to this application, subject to conditions requiring the submission and approval of a landscaping plan for this site and details of tree protection during demolition and construction.
30. *The Sustainability Section* raises no objections as the proposed dwellings are to be built to full Code for Sustainable Homes Level 3.

PUBLIC RESPONSES:

31. The application has been publicised by way of press and site notices and individual neighbour notification letters. No representations have been received.

APPLICANTS STATEMENT:

32. The development would replace an underused building that no longer meets the needs and aspirations of the local community with high quality affordable homes for people over 60 years of age. This would allow people from the community to downsize from family homes into more manageable bungalows, thereby freeing up family homes.
33. A community consultation event was held at Grayson Grange on 01 November 2012, attended by representatives from Livin, the architect and the development team, providing opportunity for local residents to examine the scheme and discuss any questions. Letters were sent to nearby residents and local Councillors inviting people to this event, with feedback forms made available. 3no. feedback forms were returned.
34. The site is Brownfield, reducing pressure to develop Greenfield sites for housing, and would contribute to the local economy by accommodating new residents, helping to support local shops and businesses.
35. The open space element would create a focal point that would add character to the development. Existing trees have been incorporated into the design, and the loss of trees would be mitigated by the enhanced area of landscaping that forms the green.
36. Elevational treatment shall be simple yet robust, reflecting the traditional appearance of surrounding properties. Hipped roofs are proposed to reduce the impact of the gable ends.
37. The arrangement of new homes respects the structure of the surrounding area. All overlooking distances to existing properties would be in accordance with planning guidance.
38. The new dwellings would achieve a Code for Sustainable Homes Level 3, thereby reducing energy consumption and CO2 emissions. All bungalows would be designed to Lifetime Homes Standards providing flexibility and improving access for people with impaired mobility.
39. It is intended to achieve Secured by Design accreditation for the development with the local architectural liaison officer having been consulted and involved in the design of the layout and boundary treatments.

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

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

Principle of development

41. 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.

42. 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 explains how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, providing it is not of high environmental value.

43. RSS policies 2, 4 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. Local Plan Policies H17 and D5 support new residential development on backland and infill locations 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, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

44. The application site comprises previously-developed land within the Middlestone Moor settlement and is surrounded in most directions by existing residential development, and is located within close proximity to the main commercial centre of Spennymoor, as nearby key access routes to other settlements. Access and connectivity within the settlement and to neighbouring settlements is good.

45. It is therefore considered that the proposed development would be located in a sustainable location with regard to the NPPF and RSS Policies 2, 4 and 24, which establish sustainable housing objectives and would satisfy RSS Policy 7 in relation to connectivity and accessibility.

46. The dwellings would also be built to Code for Sustainable Homes level 3. The Code seeks to bring about a step change in sustainable building practice for new homes, and is used to guide the design and construction of properties and covers issues of energy/CO₂, pollution, water, health and well-being, materials, management, surface water run-off, ecology, and waste. The sustainability credentials of the development are therefore significantly enhanced by such measures, and to ensure that they are implemented, a condition would be appropriate, and ensures compliance with RSS Policy 38.

47. The proposed dwellings would constitute affordable housing having regard to the definition provided in the NPPF, and would be owned and managed by a Registered Provider (Livin). This factor, combined with the numbers of units being below the level where affordable housing is ordinarily required, is such that it is unnecessary to control the properties' tenure by way of legal agreement.
48. In summary, the redevelopment of the site to provide high quality, affordable housing represents a sustainable form of development which accords with the NPPFs presumption in favour of sustainable development.

Impact on the character of the area

49. The NPPF, RSS Policy 8, and Local Plan Policies H17 and D1 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. The site is already in residential use, surrounded by short terraces of two storey residential properties to the south east and south west, with the three storey Sycamore Lodge care home to the north east.
50. The density and scale of the proposed development would be generally consistent with the predominant character of surrounding residential properties forming a short terrace and four semi-detached pairs, blending with surrounding development patterns. Dwellings would also be of a simple yet functional appearance which would blend into their surroundings without appearing incongruous or out of place. Whilst a two storey development along the sites frontage with Grayson Road would relate better to the existing developments either side, it is considered that given the distance of over 20m between the rear elevations of the bungalows and the road, that the development would not appear incongruous on the streetscene.
51. It is considered that the proposed dwellings respect surrounding development in terms of siting and scale, not appearing incongruous to their setting, being of a largely sympathetic design, which would be further integrated into its surroundings through the introduction of a soft landscaping scheme. Such detail is to be controlled by way of condition as is control over building materials and finishes. As such, the proposals comply with design principles set out in the NPPF, RSS Policy 8, and Local Plan Policies H17 and D1.

Impact on residential amenity

52. Local Plan Policies H17 and D5 and Supplementary Planning Guidance Note 3 (SPG3) seek adequate amenity and privacy standards for existing and proposed dwellings in when assessing new residential development. It is considered that careful regard has been given to the placement of the proposed dwellings, showing consideration to existing residential uses which surround the site.
53. The proposed dwellings would benefit from sufficient levels of private amenity space which would not detrimentally impact existing neighbouring amenity space in terms of overlooking. All dwellings would be single storey in nature with hipped roofs to minimise any significant overbearing impact or overshadowing of other dwellings. Furthermore, owing to the orientation of the dwellings, there would be no primary elevations of neighbouring properties directly overlooking each other.

54. Owing to the layout, orientation and positioning of the proposed dwellings, it is noted that the front elevation of plot 9 would be sited some 14m from the side elevation of plot 8 to the south east, and this represents the smallest separation distance throughout the site and satisfies the criteria set out within SPG3.
55. The only side facing windows in each of these bungalows (where applicable) would serve bathrooms, with any approval to be conditioned to ensure these windows are obscurely glazed in the interests of privacy. As such, the proposal satisfactorily achieves sufficient privacy levels and private amenity space and accords with Local Plan Policies H17 and D5, as well as SPG3.

Highway safety

56. Local Plan Policies H17 and D3 both seek to ensure new development achieves a satisfactory means of access and adequate parking provision, showing regard to highway safety principles. The proposed site layout has been developed as a result of pre-application advice provided by the Highway Authority, and would provide 17 off-street parking spaces to serve the 12 bungalows, equating to a provision of 142%. The Highway Authority considers this to be an acceptable level and raise no objections to this proposal. Furthermore, the proposed pedestrian link to the north of the site onto Grayson Road is welcomed from a pedestrian permeability perspective. The proposals are therefore considered to accord with Policies H17 and D3 in this regard.

Open space provision

57. Local Plan Policy L2 seeks to ensure the provision of open space within or adjacent to housing developments of 10 or more dwellings, requiring for every 10 dwellings, a minimum of 100m² of informal play space and 500sqm of amenity space, equating in this case to some 720sqm of open space. Where this level cannot be provided, either fully or in part, an in lieu commuted sum equivalent to £1000 per dwelling, would be required. The proposed layout would provide some 365sqm of open space towards the centre of the site, framing the proposed turning head. Although relatively constrained by the turning head, providing limited recreational benefit, it does offer some visual benefit in terms of a setting to the development.
58. Given the scale of the open space, such provision would not fully meet the aforementioned policy objectives, and accordingly, and following negotiations with the applicants, a commuted sum of £12,000 would be provided towards the improvement or provision of open space elsewhere, secured by way of a S106 Legal Agreement in the form of a unilateral undertaking. Accordingly, the scheme is considered to comply with Policy L2.

Ecology

59. The application is accompanied by an extended phase 1 bat risk assessment. The survey concludes habitats on this site to be of low ecological value. There were no signs of bats using the existing building both internally and externally with only low risk that the building may be used on an occasional basis by a small number of bats.

60. The Ecology Section has raised no objections to the proposal based on the findings of this survey, subject to conditions requiring adherence to the mitigation and recommendations set out within the submitted bat risk assessment. It is considered that subject to adherence to the proposed ecology conditions, the proposals would not have significant affects on protected species, such that a licence would not be required and consideration of the derogation tests set out in the Habitats Regulations is not required. The proposals are considered to satisfy the provisions of section 11 of the NPPF in this regard.

Arboricultural implications

61. The Arboriculture Section considers there are no high quality specimens on site worthy of retention, and has raised no objection, subject to a condition requiring the submission of a detailed landscaping scheme and details of tree protection during demolition and construction. Subject to these conditions, the proposals would accord with Policy E15 which seeks to ensure the retention and protection of trees and hedgerows.

CONCLUSION

62. The principle of infill residential development within the boundary of an existing residential settlement, and on previously developed land is considered acceptable given its sustainable location and compliance with the aims of the NPPF and relevant development plan policies. The proposed scale, layout and density of the development is considered sympathetic to surrounding development and the local setting, without detracting significantly from the local street scene or character of the area.

63. The proposed development is therefore considered to accord with relevant national, regional and 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 Obligation to secure the payment of a commuted sum in lieu of adequate on site open space provision 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. Development hereby approved shall be carried out in strict accordance with the following approved plans:

2273-D-00-03-F (Proposed site plan), received 23 January 2013

2273-D-00-04 (Bungalow and plan elevations, plots 1 to 8), received 06 December 2012

2273-D-00-05 (Bungalow and plan elevations, plots 9 to 12), received 06 December 2012

2273-D-00-06 (Enclosure details), received 06 December 2012

2273-D-00-07 (Site sections), received 16 January 2013

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy D1 (General principles for the layout and design of new developments) of the Sedgfield Borough Local Plan.

4. No construction or demolition work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved scaled tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan, inspected by the local authority and agreed in writing as satisfactory. Fencing should comprise of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012 unless otherwise agreed by written consent of the local planning authority.

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 Sedgfield Borough Local Plan.

5. 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; and, 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 shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgfield Borough Local Plan.

6. 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 conditions.

Reason: In the interests of the visual amenity of the area and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

7. No development shall take place unless in accordance with the mitigation and recommendations detailed within the protected species report 'An extended phase 1 survey, bat risk assessment and code for sustainable homes assessment of Grayson Grange, Spennymoor, E3 Ecology Ltd, September 2012'.
Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

8. 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 in writing 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, or alternative.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) all windows in the side facing elevations of plots 1 – 9 and 12 shall be obscurely glazed to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local planning authority.
Reason: In the interests of the privacy of the neighbouring occupier and to comply with policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. The proposal represents an acceptable infill housing development 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 and 24, 30 and 38 of the RSS for the North East, and Policies E15, H17, L2, D1, D3 and D5 of the Sedgefield Borough Local Plan, and to all relevant material considerations, including Supplementary Planning Guidance Note 3.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority have worked with the applicant in a positive and proactive manner in, providing detailed pre-application advice which has influenced the current submission and ensured the timely reporting of the application to Planning Committee.

BACKGROUND PAPERS

Submitted Application Forms and Plans

National Planning Policy Framework (NPPF)


Regional Spatial Strategy

Sedgefield Borough Local Plan 1996

Consultation response from the Highway Authority and The Ramblers

Internal responses from the Arboriculture, Public Rights of Way, Sustainability and Ecology Sections



 <p>Planning Services</p>	<p>Demolition of Grayson Grange and erection of 12no. dwellings at Grayson Grange, Grayson Road, Spennymoor, Co Durham, DL16 7EQ</p>	
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