

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0060
FULL APPLICATION DESCRIPTION:	23no. affordable dwellings including landscaping and access
NAME OF APPLICANT:	Partner Construction Ltd
ADDRESS:	Land at East End, Stanhope
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Colin Harding colin.harding@durham.gov.uk 03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site relates to an area of grazing land of approx. 0.61 hectares located at the south eastern end of Stanhope which adjoins the built up area of the settlement and lies within the defined settlement boundary. The Wear Valley District Local Plans identifies the site as part of a wider industrial allocation to the east of Stanhope.
2. To the north of the site lies Weardale Motor Services Garage, to the west Astrum Manufacturing and open farmland. To the east the site is bounded by the A689 and to the south by farmland adjoining the River Wear.
3. The nearest residential properties can be found to the north and east of the site on the A689, and also to the rear of Weardale Motors.

The proposal

4. The application seeks full planning permission for the erection of 23no. affordable dwellings. On completion, the development would be managed by Riverside Housing Association and would offer rental accommodation capped at 80% of market rental value. The development is being partially funded by the Homes and Communities Agency (HCA).
5. The housing mix of the proposal has been informed by the Council's Strategic Housing Market Assessment and comprises 10no. two bedroom bungalows, 8no. 3 bedroom houses and 5no. 2 bedroom houses.
6. Access to the site will be taken directly from the A689 and parking provision is provided within the site.
7. The application is being reported to the Planning Committee because it is classed as a major development proposal.

PLANNING HISTORY

8. There is no planning history for this site.

PLANNING POLICY

NATIONAL POLICY:

9. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. 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.

LOCAL PLAN POLICY:

10. The following saved policies of the Wear Valley District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

- *GD1 (General Development Criteria)*
- *H3 (Distribution of Development)*
- *H15 (Affordable Housing)*
- *H22 (Community Benefit)*
- *H24 (Residential Design Criteria)*
- *I2 (New Industrial Allocations)*
- *I6 (Local Industrial Sites)*
- *T1 (General Policy – Highways)*

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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8716> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

11. *Highways Authority* raise no objections to the proposal following the submission of amendments to some elements of the internal layout of the estate.
12. *Northumbrian Water* raise no objections to the proposals.
13. *Natural England* whilst recognising the site's proximity to several SSSIs, raise no objections to the proposals

INTERNAL CONSULTEE RESPONSES:

14. *County Tree Officer* raises no objections to the proposals, but suggests that tree protection measures be secured by condition in order to protect existing trees during construction
15. *County Archaeology Section* has raised no objections to the proposal
16. *County Spatial Policy Section* has identified that the site lies within an area of longstanding industrial allocation and is currently proposed to be retained as employment land within the emerging County Durham Plan, although allocations have yet to be finalised. They acknowledge that otherwise, the site is suitable for residential development and that the provision of affordable housing within Stanhope should carry significant weight. Despite being a departure from the existing local plan, they offer no objection to the proposal.
17. *County Ecology Section* has no objections and suggests that a nesting bird checking survey be carried out prior to commencement of development.
18. *County Pollution Control Section* has not commented.

PUBLIC RESPONSES:

19. The application has been publicised; site notices have been displayed at the site and letters were sent to neighbours.
20. *Stanhope Parish Council* have offered no comment on the application itself, instead contributing their thoughts towards the contents of the s.106 agreement. These concerns mainly involve ensuring that the properties remain available for local people.
21. One letter of objection has been received from a local resident. The concerns relate to the potential highway safety issues due to the access point to the development being on a hill, in close proximity to the petrol station, that there is no demand in Stanhope for this type of housing, that there is sufficient empty housing in Stanhope and that the proposed properties would be tenanted by people not currently residing in Weardale.

APPLICANT'S STATEMENT:

22. The applicant has not offered any additional supporting comments.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Spennymoor Council Offices..

PLANNING CONSIDERATIONS AND ASSESSMENT

23. 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 main planning issues in this instance relate to the principle of the development, affordable housing, design

and layout of development, residential amenity, sustainability, landscape impact, highway safety and other issues.

Principle of development.

24. The application site lies within the defined settlements limits (Policy H3) of Stanhope, where housing development is permitted provided that it accords with other policies of the Wear Valley District Local Plan. This land however, is part of a longstanding employment allocation (East of Blairs – Local Industrial Estate) within the Wear Valley District Local Plan. The proposal is therefore a departure to the Wear Valley District Local Plan in this respect.
25. Whilst it is accepted that the Wear Valley District Local Plan is now somewhat dated in terms of employment allocations, the site's protection for employment uses is reaffirmed within the emerging County Durham Plan in which it is proposed to retain the site as an employment allocation. However, the County Durham Plan is unlikely to be adopted before 2014 and therefore significant material weight cannot be attributed to the Plan in view of its current status.
26. The proposal must therefore be considered in the context of the National Planning Policy Framework (NPPF). The NPPF states the long term protection of sites allocated for employment use should be avoided where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
27. The Spatial Policy Team is currently refining the stock of proposed employment sites as the emerging County Durham Plan moves towards "Publication Version" in September 2013, and this includes revisiting the proposed allocations to ensure that they are deliverable.
28. While further work is being undertaken regarding its attractiveness to the market to determine the likelihood of take-up over the new Plan period, this information will not be available prior to the determination of this application. A decision must therefore be taken on current evidence and in this respect it is recognised that the employment site has not been developed for business uses in all the years it's been allocated throughout the entire lifespan of the Wear Valley District Local Plan. In addition, the location of Stanhope within the County and its limited accessibility to more strategic employment areas and transport routes suggests that this site is not likely to perform a significant role in the County's Employment Land Portfolio or its aspirations for development over the new plan period. Notwithstanding the potential implications that granting permission for housing on part of the site would have on the rest of the site due to the proximity of the potentially conflicting uses (industrial and residential), the proposal would not result in loss of the entire employment allocation and there would be other significant public benefits delivered through provision of affordable housing. On this basis it is considered appropriate to further examine the suitability of the site for housing under the framework of the NPPF.
29. A key strategic policy objective of the NPPF is to 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 accessible local services that reflect the community's needs.

30. Local Planning Authorities are expected to create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged and would assist in the creation of sustainable, inclusive mixed communities.
31. The key issue in this respect is whether this is a sustainable location for new residential development, and also the impact on the character and appearance of the area. This site is located within the existing settlement limits to development for Stanhope. The County Durham Settlement Study identifies Stanhope as a tier 2 Secondary Settlement which indicates it has a wide range of local services and facilities. Although the site would be situated on the periphery of the town, it would still be within walking/cycling distance of the services and facilities in the town and the development would aid the vitality and viability of those services, which play an important role in supporting the wider rural area. In view of this it is considered that the scale of housing proposed in this location is appropriate and sustainable in the context of the NPPF.
32. The Council's own evidence base in the form of the Housing Strategy 2010 2015 has demonstrated that net population increase in West Durham in recent years has led to a housing affordability issue. Furthermore, the Strategic Housing Market Assessment has identified an annual shortfall of 968 affordable dwellings across the county, particularly with regards to the provision of bungalows. The local resident's assertion that Stanhope does not require this form of development is disputed.
33. Accordingly, it is considered that the addressing of this requirement for affordable housing in Stanhope should be afforded significant weight in the decision making process. This should be balanced against the longstanding and potential future allocation of the site for industrial purposes, however it is acknowledged that the fact the site has attracted no interest for such purposes within the last 15 years and that it forms only a small element of the countywide employment land portfolio. In this context, it is considered that the loss of part of the allocation to a development of affordable housing in a sustainable location is acceptable in this instance, despite being contrary to the provisions of Local Plan policy I6.
34. A point of concern raised by both the Parish Council and the local resident relates to the availability of the homes to local residents. Negotiations taking place with relation to the legal agreement concerning the affordable element have sought to restrict qualifying occupants to those who have lived in the local area. This will ensure that the affordable provision serves a local need.
35. Given the above, and subject to addressing detailed issues and concerns that are discussed below, it is considered that the proposal would offer benefits that would justify a departure from Policy I6 of the Wear Valley Local Plan, and would accord with the aims of the NPPF to promote sustainable patterns of development.

Design and Layout of Development

36. The NPPF and Local Plan Policies GD1 and H24 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development. The site is somewhat separated from other residential development, being located adjacent to Weardale Motors and therefore there is no immediate

character to the streetscene other than the scattering of detached properties and farm buildings located to the east of the site.

37. The site forms the eastern entrance to Stanhope and as a result, any development needs to be of sufficient quality for such a prominent position. The applicant has placed two storey properties addressing the A689, which is considered to be appropriate. Although clearly modern, these properties will incorporate traditional vernacular detailing including heads and cills. Notwithstanding details of materials submitted with the application further consideration will be needed to ensure the choice of building materials is appropriate for this important frontage.
38. Furthermore, the topography of the site, sloping away from front to rear and the proposed landscaping scheme which features an effective screen to the south eastern edge of the site means that the development will be more easily absorbed into the landscape and will not necessarily appear as prominent in its entirety. The landscaping scheme seeks the retention of existing trees on the site, wherever possible and the planting of a further 24 as part of the landscaping scheme.
39. All but two of the proposed properties would achieve 10m rear garden length, in accordance with Policy H24. Those which don't are two bedroomed bungalows, where it is unlikely that a large garden would be desirable. Also, these properties feature front gardens of some 8m in length. Having regards to this, it is considered that sufficient amenity space would be available to occupiers of these properties.
40. The proposal therefore accords with Wear Valley Local Plan policies GD1 and H24.

Residential amenity

41. The site is located in relatively close proximity to Weardale Motors Garage, which acts as both a petrol station and a depot for Weardale Coaches. The garage is a potential source of noise from coming and going of vehicles, and maintenance related noise. In addition, in the absence of a mains electricity supply, the garage is currently supplied with power from a generator which operates from early in the morning and at various times throughout the day. The application has been submitted with a noise study, which identifies that of all the noise from the garage and surrounding area, the generator at the bus depot is the dominant noise source impacting on the site. The study advises that at present, the use of the generator is likely to result in noise levels in the gardens of the proposed properties which would exceed those recommended by BS8233 and that noise attenuation measures alone are unlikely to address this issue.
42. Consequently, the applicant has entered into an agreement by deed incorporating restrictive covenants with the garage operators to provide a mains electricity supply and for the garage operator to cease the use of the generator, except on occasions if the mains electricity supply is ever interrupted, which is likely to be a rare occurrence and relatively short term. However, this agreement would not enable the Council to enforce the restriction on the use of the generator to safeguard the residential amenities of future occupiers of the units and therefore a S106 Agreement should be entered into which binds the garage site and restricts the future use of a generator. The S106 would require the owner of the development site to install the mains supply and cease use of the generator as already agreed between the parties. Subject to the implementation of the S106 it is considered that the external noise levels would be reduced to an acceptable level in combination with other measures like an acoustic fence on the boundary of the site and other construction measures like suitable double glazing. These additional measures of mitigation should be subject to final approval through a condition.

43. It is noted that no open space provision is provided within the site, and normally a development of this size would be expected to provide open space, or a financial contribution to off site provision. The County Durham Open Space Needs Assessment identifies that Stanhope has adequate provision of most forms of public open space, although it is identified that sports facilities and allotment provision could be improved.
44. Developments for affordable housing however, tend to operate with lesser margins than those for market housing, and whilst it has not been suggested that the scheme would become unviable if an open space contribution were sought, there is a chance that a financial contribution for open space, in addition to the requirements to install a mains electricity supply to the adjacent garage, could prejudice the delivery of some of the affordable housing in the scheme. When weighing up the potential benefits of the scheme in delivering a significant amount of affordable housing into Weardale against current levels of public open space provision in this location, as well as the costs of installing the mains electricity supply, it is considered that in this case, it would be excessively onerous to insist upon an open space contribution in addition. This scheme would be fully affordable, partially funded by public investment via Homes and Communities Agency grants, and would therefore deliver sufficient public benefit without requiring additional open space contributions.
45. The proposal therefore accords with Wear Valley Local Plan policies GD1 and H24 and there is sufficient justification not to comply with policy H22 in respect of open space provision.

Highways Issues

46. The potential safety of the proposed access has been questioned in the objection. The County Highway Authority have considered these issues along with the supporting transport statement and have concluded that the A689 road has sufficient capacity to accommodate the additional traffic that would be generated by the proposal. Furthermore, they consider that the proposed site access would be in a safe location and of an appropriate specification, in accordance with the County Council's requirements.
47. Consideration should be given to NPPF para.32 which states that development should only be prevented on transport grounds where the residual cumulative impacts of the development are severe. It is considered that in this instance any impacts would not be severe and it would therefore be unreasonable to resist the application on this basis. It is further considered that the application is in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan.

Other Issues

48. With regards to the protection of existing trees and hedgerows, it is considered that the highest value of these can be incorporated within the development. The nature of the field means that there are only a small number of mature trees on the site at present and these are shown to be retained and will be protected during construction.
49. With regards to water quality and flood risk, a sustainable drainage system is proposed and a flood risk assessment has been carried out. No concerns are raised with regards to these matters by Northumbrian Water providing conditions

are attached ensuring that the development is carried out in accordance with the submitted Flood Risk Assessment.

50. Turning to potential archaeological interest, the County Archaeologist has acknowledged that there is potentially a former military camp in the vicinity of the site, but not within it. Accordingly no objection is raised.
51. Ecology Officers have confirmed that the submitted ecology survey adequately assesses the area in respect of protected species and habitats and the proposal would not have an adverse impact on protected species or their habitat. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations. However, conditions have been requested which would mitigate the loss of any ecological habitats. This takes the form of further checking for protected species prior to development commencing.

CONCLUSION

52. The main issue with regards to this application is one of principle, in that the proposal site forms part of an industrial allocation within the Wear Valley District Local Plan and it is currently proposed to retain this allocation within the emerging County Durham Plan.
53. However, the site has been allocated for a number of years and no industrial proposals have come forward in this time, suggesting that the site has historically held little attractiveness to the market. The Council's Spatial Policy Team acknowledge this and are re-assessing the potential future allocation of the site, however at the current time this work is not yet complete.
54. The Council's own evidence base identifies housing affordability as an issue within West Durham and there is a countywide shortfall of affordable dwellings. Therefore, it would appear that a fully affordable housing scheme, assisted by HCA funding would be of benefit to the population of Stanhope, and Weardale as a whole.
55. The proposal would therefore represent a sustainable form of development and although strictly a departure from the Development Plan, it is considered that in this instance there is a clear and demonstrable case for allowing the development of this site. The benefit to the community in terms of affordable housing in particular carries significant favourable weight for allowing a departure from the relevant policies of the adopted local plan, which if accepted would not require separate referral to the Secretary of State.
56. Furthermore, the applicant has pointed out that the proposal would also lead to a New Homes Bonus of around £27,653, with a further £135 per property per year due to their affordable status, which over the 6 year New Homes Bonus programme, could potentially lead to a total New Homes Bonus payment of around £185,000. Section 143 of the Localism Act 2011 states that local finance considerations now comprise material considerations in the determination of planning applications, however, as discussed, there are other material considerations that indicate the proposal should be treated favourably, regardless of this.
57. It is therefore considered, that on balance, the proposal accords with the objectives in the NPPF to locate an appropriate amount of housing, which meets the needs of all sectors of the community, in suitable locations which offer a good range of

community facilities and with good access to jobs, services and infrastructure. The quality of the design and layout, relationship with the surroundings, and sustainability credentials of the proposal would also be in accordance with Wear Valley Local Plan Policies GD1, H3, H15, H22, H24 and T1.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to ensure the dwellings remain affordable in perpetuity, and to secure the cessation of use of the generator and installation of a mains electricity supply at the adjacent garage site, in addition to the following conditions and reasons;

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 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Plan Reference Number:	Date received:
Site Location Plan	21 st February 2013
Proposed Site Layout 051 004 Rev I	24 th April 2013
Proposed Material Schedule 051 005 Rev F	24 th April 2013
Proposed Road Adoption Plan 051 006 Rev A	24 th April 2013
Tree Protection Plan TPP-A	21 st February 2013
Proposed Plans and Elevations 051 F114-1	21 st February 2013
Landscape Plan R/1372/1	21 st February 2013
Proposed Plans and Elevations 051 F112-1	21 st February 2013
Proposed Plans and Elevations 051 F104-1	21 st February 2013
Proposed Section/Streetscene 051 008	21 st February 2013
Aboricultural Method Statement Plan AMS TPP-A	21 st February 2013
Drainage Strategy Plan	21 st February 2013
Aboricultural Method Statement	21 st February 2013
Flood Risk Assessment & Surface Water Management Strategy	21 st February 2013
Extended Phase 1 Habitat Survey	21 st February 2013
Noise Assessment Report for Proposed Residential Development on Land off East End, Stanhope, Co. Durham	21 st February 2013

Reason: To define the permission.

3. No development shall take place until longitudinal section engineering drawings of the proposed internal roads have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

Reason: In order to ensure internal roads are of the standard required to serve the approved dwellings. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan.

4. No development shall take place unless in accordance with the mitigation detail within the report "Extended Phase 1 and Protected Species Survey, E3 Ecology Ltd (September 2012)" including, but not restricted to a bird nesting survey being carried out prior to the clearance of the site should it commence between March and August.

Reason: In the interests of the conservation of protected species in accordance with the provision of the National Planning Policy Framework

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed unless it complies 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 Policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

6. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges are protected by the erection of fencing in accordance with Tree Protection Plan TPP-A and the All About Trees Arboricultural Impact Assessment received 21st February 2013 2012. All installed protection measures shall remain in situ until the development is complete.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

7. Any excavation that is required within the root protection area of existing trees as identified on drawing TPP-A shall only be carried out by hand digging.

Reason: In the interest of the health and amenity value of existing trees in accordance with Policy GD1 of the Wear Valley District Local Plan 2002 (as saved and amended)

8. No development shall take place until the precise details of all noise mitigation measures for each property have been submitted to and approved in writing by the Local planning authority. The approved details shall be implemented prior to the occupation of any dwelling to which the details relate and thereafter retained in perpetuity through the life of the development.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies 2007.

9. Notwithstanding any details of materials submitted with the application no development shall commence until samples 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 policies GD1 and H24 of the Wear Valley District Local Plan.

10. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by iD Civils Design dated October 2012 and the mitigation measures in the Flood Risk Assessment. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with policy GD1 of the Wear Valley District Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development represents an acceptable use of the land in principle with no harm caused to the character or appearance of the area, the amenity of adjacent occupiers, highway safety or protected species. The development is considered to accord with relevant Policies GD1, H3, H15, H24 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007. With regards to protected species the development is considered to accord with the requirements of the Habitats Directive brought into effect through the Conservation (Natural Habitats etc) Regulations 1994.

This decision has been taken having regard to the policies and proposals of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 where it is consistent with the National Planning Policy Framework.

2. Although the proposal represents a departure from the Wear Valley District Local Plan I6 it is considered that there is a clear and demonstrable case for allowing this development.
3. The objections and concerns raised by the local resident relate to a variety of issues. These matters have been discussed and assessed within the report and officers consider the impacts of the revised development remain acceptable, in accordance with the provisions of the Development Plan and NPPF.

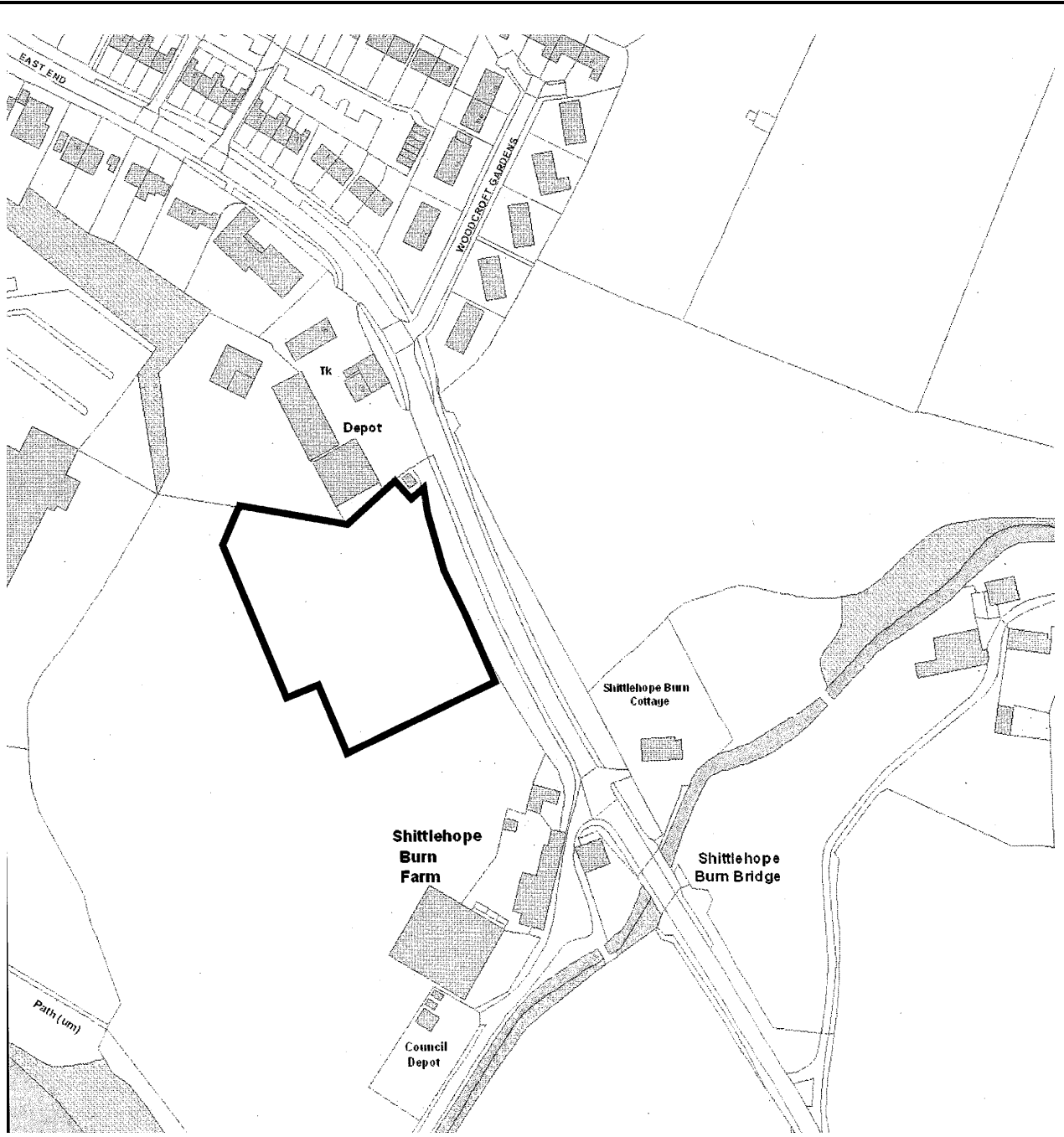
STATEMENT OF PROACTIVE ENGAGEMENT


In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and to ensure the development delivers wider public benefits.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007

- National Planning Policy Framework.
- Consultation Responses and representations
- Strategic Housing Market Assessment
- Strategic Housing Land Availability Assessment
- Council Housing Strategy 2010 - 2015



 <p>Planning Services</p>	<p>Erection of 23no. affordable dwellings including landscaping and access</p>	
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	<p>Date 20/06/2013</p>	<p>Scale 1:2500</p>