

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0199
FULL APPLICATION DESCRIPTION:	Construction of 14 dwellings
NAME OF APPLICANT:	MR SMITH SWALE VALLEY CONSTRUCTION LTD
ADDRESS:	Dellside House ,Willington, Crook, DL15 0DH
ELECTORAL DIVISION:	Willington and Hunwick
CASE OFFICER:	Chris Baxter 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

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. This is a revised scheme to application 3/2012/0525 which was for 11 dwellings, but did not include demolition of Dellside House. Planning permission is now sought for the demolition of Dellside House and erection of a further 3 dwellings in its place resulting in a proposal for a total of 14no. dwellings on the whole of the site. The proposed dwellings would be a mix of 3 and 4 bedroom properties and would be set out as four 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.
3. The intention is for all the proposed properties to be transferred to Prince Bishop Homes which is a subsidiary of the registered social landlord Derwentside Homes.
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.

PLANNING HISTORY

5. Application 3/2012/0525 for 11 dwellings on part of this site was reported to committee on 21st February 2013. Members were minded to approve this application subject to the signing of a section 106 agreement in relation to 2 affordable dwellings and a contribution of £11,000 for open space.
6. It is also noted that a number of Council houses were demolished on the site under a demolition notice in 2004.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements and guidance notes into a single policy statement, the National Planning Policy Framework (NPPF).
8. 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.
9. 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.
10. 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.

LOCAL PLAN POLICY:

11. 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:
 12. *Policy GD1 (General Development Criteria).*
 13. *Policy BE4 (Setting of a Listed Building).*
 14. *Policy H3 (Distribution of Development).*
 15. *Policy H24 (Residential Design Criteria).*
 16. *Policy H22 (Community Benefit).*

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Highways 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.
19. *Greater Willington Town Council* welcomes the redevelopment of Dellside House and the additional residential accommodation. It is suggested that this site has been subject to land subsidence and it is requested that this issue is given consideration during the determination of the application.

INTERNAL CONSULTEE RESPONSES:

20. *County Sustainability Section* has no objections subject to a scheme to minimise energy consumption on the development.
21. *County Ecology Section* has no objection subject to adherence to the mitigation in the submitted reports.
22. *County Housing Section* has provided support for this scheme stating that the Prince Bishop Model for this residential development is one which assists access to the housing market without the need for significant deposits; it additionally allows the customer to gain equity in the property through the model. This model is encouraged and provides additional choice to residents, however it is noted that this model is not considered to be strictly defined as affordable housing.

PUBLIC RESPONSES:

23. A site notice was posted and the application was advertised in the local press. Neighbouring properties were also notified in writing. No representations have been received.

APPLICANTS STATEMENT:

24. The proposal is to provide 14 modern, spacious, high quality family houses for rent, with first preference accorded to persons from the Willington/Crook areas who have limited means. It draws on funding assistance awarded under the Government's recently launched "Build to Rent" initiative following a successful bid made by Derwentside Homes [the parent company to Prince Bishop Homes] aided by the support of its strategic partner, Durham County Council. The Willington scheme is one of a limited number of such developments within England to secure funding under the new scheme.
25. The development will be undertaken by Prince Bishop Homes through its innovative "Rent to Buy" scheme, which leads to the opportunity for tenants to achieve home ownership after a minimum of 4 years rental of their home. The scheme delivers innovative financial assistance to tenants to make that step by providing 50% of the increase in property value accrued from when it was first constructed that is returned to the tenant as a "subsidy" to act as or add to resources they may have already saved to provide the initial deposit when seeking a mortgage.

26. This enables families who cannot otherwise access the housing market for the type and size of accommodation they need, the ability to initially rent, but later buy when their circumstances allow, new modern homes designed and equipped to provide decent family housing. Built to a high standard they provide security of tenure with the added assurance of the management and maintenance support given throughout the duration of their tenancy by the parent company [Derwentside Homes], a well-established and highly regarded Registered Social Landlord.
27. The Rent to Buy model is entirely distinguishable from the commercial developer approach to new housing in that it re-cycles all profits made from rental income, and from the remaining 50% of accrued value. When sale of homes to tenants occurs, directly back to the parent company's Affordable Housing Fund to be used to provide social housing in its more conventional forms i.e. for Social or Intermediate Rent. This re-cycling ultimately adds to the overall stock of homes that can be provided to those on limited means who otherwise struggle to attain a decent home and aspire to home ownership.

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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, housing provision, impact on protected species and other issues.

Principle of development

29. 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. There is a history of residential development on the site, as well as the previous Committee resolution to approve 11 dwellings on part of 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

30. The site lies to the rear and side 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.
31. 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 and side of no.71 and has no important association with the listed building. The previous Committee resolution to grant permission for 11 dwellings on the site is a material consideration, as is the presence of the existing building on the site. It is considered that the addition of a further 3

dwellings in the place of the existing building (Dellside House) would not result in a materially significant impact on the setting of 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 and side, 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.

32. The proposed houses are the same as previously considered acceptable, being of an uncomplicated design to be constructed from Ibstock Dilston Blend brick, Double Roman Light Grey concrete interlocking roof tiles and will have white upvc windows and doors, and black gutters and downpipes. The proposed scheme would not have an adverse impact upon the street scene and it is considered that the visual impact on the immediate locality and listed building would be minimal. The main estate road running into the site would be tarmac with all other hard standing areas to be Brindle Set block paving. There are to be no fencing or walls to the front of the properties and the rear gardens of the houses will be bounded by 1.5 metre high close boarded fencing. A landscaping plan has been provided which shows the gardens to be grassed with hedging and trees scattered through the site.

33. 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

34. The layout of units 1-11 is unchanged from application 3/2012/0525 which Members considered to be acceptable in respect of separation distances to neighbouring dwellings, privacy and garden provision.

35. The proposed additional units of 12 to 14 are located on the same footprint as the Dellside House building, and it is considered that the relationship between No. 69 and proposed unit 14 would not differ much from the existing relationship between No. 69 and the Dellside House building. 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.

Highway issues

36. 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

37. 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.

38. 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 £14,000 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.

Housing provision

39. 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.
40. The whole of this scheme is to be transferred to Prince Bishop Homes (PBH) which is a subsidiary to the Registered Social Landlord, Derwentside Homes. It is intended that all 14 of the houses on this site would be under the 'Rent to Buy' scheme. The 'Rent to Buy' scheme is designed for those people who wish to purchase a home, but cannot afford a mortgage or access funding. The scheme provides an opportunity for residents to acquire the property after occupying the home for 4 years by giving a discount which can be used as a deposit when applying for a mortgage.
41. The Council's Housing Section has provided support for this scheme as it provides a form of intermediate housing which offers choice to customers who are looking to purchase their own homes during the current difficult economic climate. The 'Rent to Buy' model is not considered to strictly accord with the definition of affordable housing, however this would not be classed as market value housing either. In this instance, it is considered that the intermediate housing, which will be provided through the 'Rent to Buy' model, is acceptable as an alternative to affordable housing on this site, particularly as it would cover the entire development of all 14 units. In addition, all profits made from rental income and from the remaining 50% of accrued value would be recycled directly back to the parent company's Affordable Housing Fund to be used to provide social housing in its more conventional forms elsewhere thereby indirectly contributing to affordable housing provision. The proposal would therefore be in accordance with criteria detailed in the NPPF in terms of delivering a wide choice of homes.

Impact on protected species

42. The presence of protected species is a material consideration. The Conservation of Habitats and Species Regulations 2010 establishes a regime for dealing with derogations, which involved the setting up of licensing system administered by Natural England. Under the requirements of the Regulations it is criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.
43. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 9(3) of the 2010 Regulations which requires the

LPA, in exercising its functions, to have regard to the requirements of the Habitats Directives in so far as they may be affected by the exercise of those functions.

44. Bats are a protected species and the ecology reports submitted with the application indicate that Dellside House does contain a historic maternity bat roost in the roof, however it appears that this roost has been abandoned and does not contain a breeding colony of bats. Activity surveys and remote monitoring of the roost did not find evidence that bats were still roosting within the building. It is likely that arson and vandalism in the building has contributed to the abandonment of the roost. The reports conclude that it is therefore unlikely that a licence will be required to demolish Dellside House, however a mitigation strategy is recommended during development. The mitigation strategy would provide further monitoring and recording of Dellside House and ensures that the building is demolished before onset of the hibernation season in November. The mitigation strategy also ensures that bat roosting opportunities are provided within the trees to the south of the site (2 bat boxes) and on dwellings within the site (3 bat boxes).
45. The Council's Ecology Section is satisfied with the findings of the ecology reports and suggested mitigation. It is agreed that the requirement for a licence is unlikely because the roost is not active. Therefore, subject to the imposition of an appropriate condition, the LPA can discharge its duty under Reg 9(3) and the proposal accords with policy GD1 of the Wear Valley District Local Plan and the objectives of the NPPF.

Other issues

46. The Council's Sustainability Team have commented on the application indicating that the development should contribute towards minimising carbon emissions. 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. This accords with Local Plan policy GD1 and the aims of the NPPF.
47. The Greater Willington Town Council has raised concerns with regards to previous subsidence on the application site. A site investigation report and a phase 1 desk study report of the site have been submitted with this application. These reports do not indicate any concerns with regards to the stability of the land and the development of the site for housing. The reports do provide detailed advice with regards to the type of foundations that should be undertaken when constructing the proposed properties and this would be sufficient to address the issue.

CONCLUSION

48. The redevelopment of a brownfield site within the development limits of Willington and with a product which addresses affordability, 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.
49. 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.

50. 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.
51. Although a historic bat roost was found in Dellside House, it appears to have been abandoned and it is unlikely that a licence will be required. Mitigation proposals would ensure that the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. The proposal accords with policy GD1 of the Wear Valley District Local Plan and the objectives of the NPPF.
52. A Section 106 legal agreement will be entered into to secure a contribution of £14,000 for the provision and maintenance of social, community and/or recreational facilities within the nearby locality.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the payment of a commuted sum of £14,000 in lieu of on-site open space provision; and subject to the conditions below;

Conditions:

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:

Plan Ref No.	Description	Date Received
	Site Location Plan	10/06/2013
EVO 331/01G	Proposed Site Plan	04/07/2013
EVO 331/03	Proposed Elevations Plots 1-3	10/06/2013
EVO 331/04	Proposed Floor Plans Plots 1-3	10/06/2013
EVO 331/05A	Proposed Plans and Elevations Plot 4	10/06/2013
EVO 331/06	Proposed Floor Plans Plots 5-7	10/06/2013
EVO 331/07	Proposed Elevations Plots 5-7	10/06/2013
EVO 331/08A	Proposed Plans and Elevations Plot 8	10/06/2013
EVO 331/09	Proposed Floor Plans Plots 9-11	10/06/2013
EVO 331/10	Proposed Elevations Plots 9-11	10/06/2013

EVO 331/17	Proposed Floor Plans Plots 12-14	10/06/2013
EVO 331/18	Proposed Elevations Plots 12-14	10/06/2013

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

- All planting, seeding or turfing shown on the plans hereby approved 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.

- No development hereby approved shall take place unless in accordance with the mitigation, recommendations and conclusions within the Ecology Report dated 13th November 2012 by Dendra Consulting Ltd; and the Bat Survey dated 5th June 2013 by Dendra Consulting Ltd; including but not restricted to:
 - the use of a precautionary method statement when undertaking the demolition of the building; and
 - provision of new bat roosts within the trees (x2 bat box as detailed), and the buildings on site (x 3) as detailed in the Mitigation strategy and Mitigation Plan included in Appendix 2 of the report.

Reason: To conserve protected species and their habitat in accordance with criteria within the NPPF and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

- 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 NPPF and policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

- The proposal is considered to represent 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, impact on protected species and subject to completion of a S106 agreement to secure a financial 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 and Policies GD1, H3, BE4, H24, H22, and T1 of the Wear Valley District Local Plan and to all relevant material considerations.

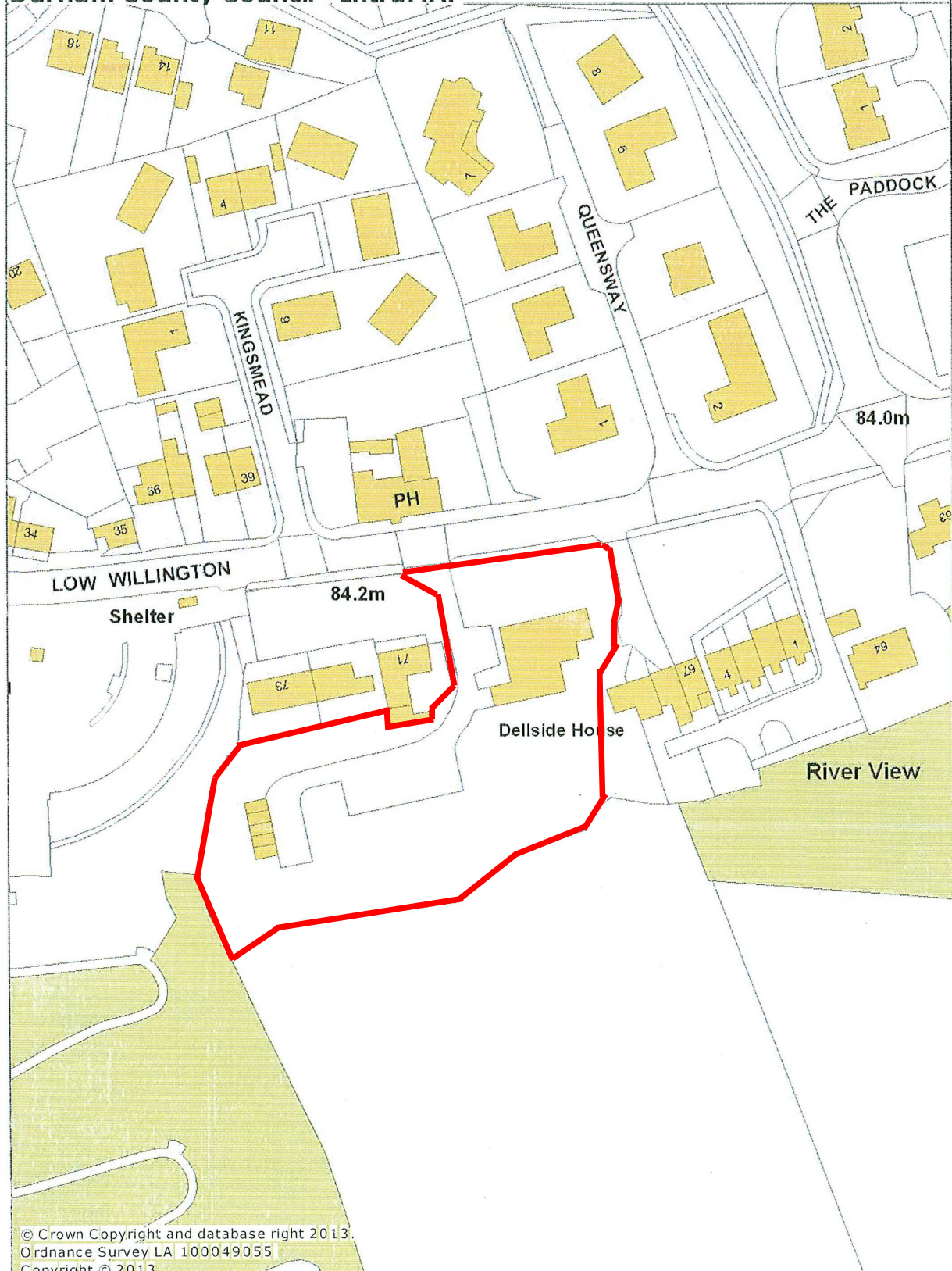
STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Circular 11/95: Use of conditions in planning permission
- Consultation responses and representations

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Planning Services

3/2013/0199
Construction of 14no. dwellings
At Land at Dellside House, Willington

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Comments

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