

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0413
FULL APPLICATION DESCRIPTION:	Demolition of existing buildings and erection of 49 dwellings
NAME OF APPLICANT:	Gleeson Developments Ltd
ADDRESS:	Former Homeland Hospital, Holy Well Lane, Helmington Row, Crook, DL15 0SE
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Adrian Caines Principal Planning Officer adrian.caines@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is a disused (since 2004) hospital site of approximately 1.66ha in area and still contains all the buildings and associated infrastructure. It is located to the east of the settlement of Crook, outside the development limits as defined in the Proposals Maps of the Wear Valley District Local Plan, and approximately 2km from the commercial centre of Crook via the A690. Vehicular access is gained off Holy Well Lane, which becomes a narrow single lane road to the south of the site. There is a footway on the western side of the road leading from the site entrance to the A690.
2. The site was originally developed as a fever/isolation hospital in 1903, which was when all the major buildings on the site were constructed. The role as a fever hospital explains why the site was located in an isolated position in the countryside, as it was believed at the time that fresh countryside air was the best treatment for diseases such as TB, typhus and smallpox. Accordingly the site is surrounded on all sides by open fields, with a highway at the eastern end. There are particularly attractive open views out to the south and east over the Wear Valley. The nearest neighbouring dwellings are within the former historic school buildings located approximately 70m to the north on Holy Well Lane.
3. The site slopes upwards from Holy Well Lane, from approximately 164m AOD in the south east of the site to 175m AOD in the north west. The site perimeter is clearly defined by a timber fence approximately 1.8m high which surrounds the site on the northern, western and southern boundaries, as well as a brick wall and gated entrance at the eastern roadside boundary. There are large mature trees around much of the perimeter of the site, as well as some within the site, which are protected by a Tree Preservation Order (TPO). The existing buildings are located predominantly down the centre of the site in a close-knit linear pattern. There are 9no. main existing buildings. The buildings are of a typical municipal style of the late

Victorian/Edwardian period. They are predominantly constructed of red brick with slate roofs and have typical features of sandstone quoins and large sash windows with stone lintels and sills.

The proposal

4. Detailed planning permission is sought for the demolition of all existing buildings on the site and erection of 49 dwellings with associated road infrastructure and open space. The majority of trees around the perimeter of the site would be retained, but in addition to felling all trees within the site, there would be some felling of TPO trees including 3 trees within Group 1, as well as T18, T19, T27, T34 and T45, as detailed in the submitted Tree Survey. The properties would comprise of 8no. 2-bed dwellings, 26no. 3-bed dwellings and 15no. 4-bed dwellings. There is no affordable housing provision within the scheme. The proposal has been amended through the course of the application, reducing the number of dwellings from 54 to 49 with some changes to layout and landscaping.
5. The application is reported to the SW Area Planning Committee in accordance with the Scheme of Delegation because the proposal is classed as a major development because of its size.

PLANNING HISTORY

6. The only previous planning history on the site was an application in 2007 ref 3/2007/0848 for 22 executive dwellings which was withdrawn following Wear Valley District Council's concerns about the height and design of the dwellings, and insufficient information in respect of impact on the TPO trees, bats and drainage.
7. In 2011 The Council agreed a development brief with the site owner The Homes and Communities Agency (HCA). The development brief was for the HCA's use to provide guidance to prospective developers on the development expectations for the site and to make it clear that only a scheme of exceptional quality and sustainability would be likely to receive the Planning Authority's support. The brief set out 4 main objectives encompassing a vision to achieve a highly innovative, highly sustainable residential development which made provision for affordable housing and did not impact on the trees and site ecology:
 - Create a sustainable development, which is appropriate to the location and existing nature of the site;
 - Promote high standards of design in accordance with HCA predecessor organisation 'English Partnerships Quality Standards Delivering Quality Places Revised: from November 2007' and Code Level 3 or 4 of the Code for Sustainable Homes;
 - Provide housing with a variety of types and tenures, including the provision of 20% affordable units (nil grant) to meet with local housing needs;
 - Respect the existing nature of the site and have regard to the existence of the Tree Preservation Order affecting the site.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy

Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The following elements of the NPPF are considered relevant to this proposal.

9. *Part 4 – Promoting sustainable transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should give priority to pedestrian and cycle movements and have access to high quality public transport facilities. Layouts should minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and considering the needs of people with disabilities. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
10. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
11. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
12. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities.
13. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
14. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
15. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National Planning Practice Guidance (NPPG). Among other things the NPPG provides further guidance on design.

LOCAL PLAN POLICY:

16. The following saved 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 can therefore be given significant weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
17. *Policy GD1 (General Development Criteria)*: All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
18. *Policy ENV1 (Protection of the Countryside)*: The District Council will seek to protect and enhance the countryside of Wear Valley. Development in the countryside will only be allowed for compatible countryside uses.
19. *Policy H3 (Distribution of Development)*: New development will be redirected to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to other policies within the plan.
20. *Policy H15 (Affordable Housing)*: The Council will negotiate for the inclusion of an appropriate element of affordable housing on the identified and any additional sites coming forward.
21. *Policy H22 (Community Benefit)*: On sites of 10 or more dwellings the local authority will seek to negotiate a contribution to the provision and subsequent maintenance of related social, community and or recreational facilities in the locality.
22. *Policy H24 (Residential Design Criteria)*: New residential development should reflect the density and character of the locality, provide suitable access, have suitable private amenity space and have acceptable window relationships with existing dwellings.
23. *Policy T1 (General Highways Policy)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport works.

EMERGING POLICY:

24. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public scheduled to commence later this year. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application and can be given some weight given the advanced status of the Plan:

25. *Policy 16 (Sustainable Design in the Built Environment)* sets out a number of design and sustainability requirements for new development, including among other things that new development reinforces local distinctiveness, is an appropriate density, is energy efficient, promotes choice in tenures and prioritises the needs of pedestrians, cyclists and public transport users.
26. *Policy 30 (Housing Land Allocations)* identifies sites to meet the Council's housing requirements.
27. *Policy 31 (Addressing Housing Need)* sets out thresholds and requirements for affordable housing in new developments. The relevant threshold in this case is 10% on sites of 15 units or more.
28. *Policy 35 (Development in the Countryside)* established that land which is not within existing built up areas will be treated as countryside and new development in the countryside will only be granted where one or more of the exceptions apply: the site is an allocation; the development is necessary for agriculture, tourism or a rural business; the development directly supports local services; or would involve reuse of suitable redundant buildings or heritage assets.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *Highways Authority* – While acknowledging that Holy Well Lane is inappropriate for significant traffic volumes the levels of traffic could not be successfully argued to be significant to the extent of sustaining a refusal and, more importantly, the site's existing lawful planning use has associated with it potential generated traffic greater than that arising from the proposed use. Notwithstanding this, a reduced housing density would be supported given this would correlate to reduced vehicle movements. The existing Holy Well Lane street lighting between the site entrance and the A690 is not to current standards and would have to be upgraded as part of any consent, under s.278 works and the overgrown footway on the western side of Holy Well Lane needs attention. There is an unresolved issue with one of the parking spaces at plot 47.
30. *Northumbrian Water Ltd* – Have no objections provided no surface water will discharge into the public sewer because the sewerage pumping station is at full capacity and could not accept both foul and surface water flows.
31. *Environment Agency* – Have withdrawn their earlier objection. The proposed development will only meet the requirements of the National Planning Policy Framework if it is carried out in accordance with the approved Flood Risk Assessment, specifically limiting the surface water run-off generated by the site to a maximum of 9 l/s so that it will not increase the risk of flooding off-site.

INTERNAL CONSULTEE RESPONSES:

32. *Spatial Policy* – Do not support the application. The site is located outside of the existing settlement boundary for Crook and is not located in the settlement of Helmington Row. It is also not designated employment land or within a residential area as suggested by the applicant. The site constitutes a countryside location and therefore the proposal draws no support from Wear Valley Local Plan policies ENV1 and H3 which remain broadly consistent with the NPPF. The site is located approximately 800m from the edge of the settlement of Crook, and the town centre is

a further 1,000m beyond that. The site is categorised as unsuitable (red) within the SHLAA on account the site is detached from the settlement. Taking this into consideration, development in this location will not contribute strongly to the sustainability objectives of the NPPF that new housing development should be located to provide improved access for all to local services and facilities, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. The brownfield element of the site is not by itself sufficient to justify development and given how the scheme does not propose to reuse any of the existing buildings located on the site through conversion the scheme needs to demonstrate that the development brings added value in other aspects of sustainability such as off-site improvements to help encourage walking and cycling from the site into Crook, a high level of sustainability in construction, design quality, and provision of affordable housing. These issues have previously been discussed with the HCA (as landowner) and incorporated into the HCA's Development Brief for the site, yet the scheme bears little resemblance to the stipulations of the development brief. The viability appraisal effectively asserts that the scheme is barely viable comprising solely of market housing, so offers no added value in terms of affordable housing (whether that be on or off site). The development comprises generic standard house types, which confirms that this development will be just another standard development which takes little account of its location and surroundings and the objective of creating a sense of place. The unsustainable nature of the site in terms of its isolated location, coupled with the fact all buildings will be demolished and replaced with an "anything anywhere" form of estate housing, and that the scheme delivers no added affordable housing or community benefits, tips the balance firmly against the scheme.

33. *Sustainability* – Unable to support the application. The applicant's conclusion that the site is in a sustainable location in relation to the distance and accessibility to local services is based on the 2000m Commuting/School/Sightseeing suggested maximum walking distance. However, while commuting to both Willington and Crook is within this preferred maximum distance, the majority of services and facilities, including a food store, GP, leisure facilities etc do not fall within this 'Commuting' category and both town centres are outwith the preferred maximum walking distance of 800m and the 1200m 'elsewhere category'. It must also be noted that the location is only one element of the overall sustainability of the development. Whilst it is appreciated that the site is brownfield land, there is no retention of existing buildings. The applicant would also be obliged to meet the current sustainability condition.
34. *Design & Conservation* – Unable to support the application which had the potential to make a positive contribution to the built environment of the surrounding areas if a degree of imaginative and flexible design had been applied. The overall design, mix and detailing of the dwellings takes no reference from the strong character of the site or surrounding vernacular and fails to give the development a sense of local identity. There are a number of basic design elements clear from both the hospital site and the wider vernacular of Helmington Row, Willington and Crook (stone quoins, stone heads and sills, slate roofs, water tabling, traditional vertical window proportions), use of which could be included in the house types to give more distinctiveness and relevance to the development. In addition to the lack of incorporation of these features, there is no appropriate precedent for cottage style windows with horizontal proportions, mix of arched and flat brick heads and use of red rolled profile roof tiles shown in the current proposals. Overall the proposal remains a collection of disparate house types which take no reference from their surroundings. The site being in such a sensitive open landscape setting can only benefit from a reduction in the density of development to reflect the small number of larger buildings currently present on the site. A smaller number of larger, better detailed units which reflect the

development pattern to the centre and south of the current site would sit far more comfortably in the landscape as opposed to a larger number of modest repetitive standardised units.

35. Further to amendments in Rev I & L the amalgamation of the previously smaller areas of public open space into one more meaningful area is to be welcomed but it is not considered that this goes far enough to address the previously expressed concerns about the layout and density of the proposed scheme. The scheme remains dominated by the highway layout and proposed parking, lacking in meaningful and linked open space and most importantly lacking in character and distinctiveness as a result, the proposed density and grouping of dwellings will also result in the development being unduly prominent within the landscape. The proposed addition of "stone effect" heads and sills has not been detailed in accompanying elevation plans so the impact of this proposal cannot be considered. It is unclear what form these would take as a number of the current heads as proposed are arched contrary to the local vernacular. The proposed house type designs remain a standard product which has been imposed on this specific site without any of the locally distinctive elements identified in the applicant's own design and access statement.
36. *Trees* – The TPO trees around the site perimeter are extremely important to soften the impact of any redevelopment of the site and must be retained and protected. Along the northern boundary there does not appear to be any sound reason for removal of TPO tree 34 and it would expose the gable of plot 33. Amendments have been made to move development out of the Root Protection Areas, but there would still be insufficient space for construction access between the protective fencing and build which could result in tree damage and soil compaction during construction and impact on the longevity of the trees and their role in screening the development. The future of the substation on the west boundary has not been adequately clarified and it would not be acceptable for any excavation related to the substation or any new trenching to be within the RPA of the TPO protected trees. Plots 13-19 in the southwest corner are likely to suffer from excessive shading and despite initial tree works the trees are likely to be subject to future pressures from the property owners. While a no dig methodology would be suitable for the access along the eastern boundary it would require a raised surface which is not always practical.
37. So while improvements have been made to the layout of the scheme in respect of the relationship to the trees; however there are still a number of areas of concern where proposed dwellings are considered to be too close to protected trees. The scheme has not therefore adequately demonstrated that the long-term vitality of all the retained protected trees would be adequately protected. 49 dwellings is over development of the site and results in designing in conflict rather than designing it out.
38. *Landscape* – Satisfied with amendments to the open space locations and considers the detailed landscape scheme within the development, designed by a Landscape Architect, to be a good one and provides for valuable structure planting, using a variety of hedgerow plant species to front and side boundaries, some trees to open space and front and rear gardens, as well as shrub planting to open spaces and front gardens. A phased programme of landscape implementation should be agreed by condition. The impact of the substation and cabling needs further consideration as new cable within the rpa of 7 trees to the west boundary could potentially cause unacceptable damage to the trees. If the cable has to be replaced then a new location out with the rpa should be designed for.

39. *Ecology* – While there are still concerns over the failure to incorporate a dawn survey (as recommended in best practice guidance) in the assessment, it is agreed that the timings of the surveys are likely to have picked up the risk of any large bat roosts being present. Previous comments regarding the lack of biodiversity enhancements in the form of provision of multifunctional greenspace on site appear to have not been addressed.

PUBLIC RESPONSES:

40. The application was advertised by site notice, press notice and letters were sent to neighbouring properties. There were 5 objections and 2 comments received initially and a further 3 objections received following reconsultation on amended plans. One of the objectors has made representations both as a neighbouring resident and separately in formal capacity as H.M Coroner for the area.
41. The objections received consider the proposal to be over development of the site which would impact on drains and trees within the site, while not providing any affordable housing which the area needs. There are also serious concerns about the suitability of Holy Well Lane west to be able to cope with the levels of traffic that would be generated because it is a single track road with no passing places and has dangerous crests and corners along it. It is also considered that the egress From Holy Well Lane onto the A690 will be problematic for the volume of vehicles generated. It is considered that traffic from the previous hospital was minimal and has been overestimated by the Highways Authority.
42. One of the comments received would like it noted that bat activity is prolific during the summer months and although the application notes the existing mature trees are to be retained to provide roost sites, consideration should be given to further provision of bat boxes, bat tiles and bat lofts on the houses. The other comment suggests all properties should have at least 2 parking spaces.

APPLICANTS STATEMENT:

43. Gleeson Homes have worked with Durham County Council to achieve a development proposal which responds to the site constraints in a positive manner. The development has been subject to various revisions during the determination period which is testament to the commitment of Gleeson to achieve a scheme which is suitable in all respects. Overall it is felt that these alterations are to the benefit of the scheme and will significantly improve the context of the application site which has remained derelict and unsightly for many years.
44. Gleeson have committed to providing a significantly improved landscaping scheme which will minimise the visual effect of the proposed development from views beyond the site. It will also significantly improve the character of the development from within the site. In addition to the extensive landscaping alterations, the scheme has been subject to many general design alterations and layout iterations which result in a scheme which is respectful and sympathetic of its surrounding locality.
45. Overall, the development proposals presented by this planning application seek to redevelop the longstanding vacant former Homelands Hospital site in a manner which will significantly improve the appearance and environment of the site. Whilst the site has laid vacant for many years, there has been no alternative genuine developer interest in the site. Gleeson Homes specialise in redeveloping difficult sites, often in challenging market areas. Those sites, like the Homelands Hospital

site, are almost without exception brownfield sites thereby reducing the pressure to build on greenfield sites.

PLANNING CONSIDERATIONS AND ASSESSMENT

46. 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, the impact on the character and appearance of the area having regard to matters of design and layout, impact on protected trees, highway safety, ecology, and drainage.

Principle of development

47. The application site is brownfield land, but it lies in open countryside outside of any development limits. The proposed housing development is therefore a departure to Wear Valley Local Plan policies ENV1 and H3 which seek to protect the countryside from development not related to agriculture or other countryside purposes and to direct new development to within towns and villages able to support it. The objectives of policies ENV1 and H3 therefore remain consistent with the NPPF and can be given weight.
48. It is acknowledged that the NPPF emphasises sustainability in considering the location of new development, and that the emerging County Durham Plan does not propose to retain defined settlement boundaries, however the longstanding aims to prevent isolated dwellings and protect the character of the countryside remain key objectives in the NPPF, as well as in the emerging County Durham Plan and the development limits of the Wear Valley Local Plan remain in force. It is also acknowledged that the NPPF encourages reuse of previously developed land, but there is no presumption that all previously used land is suitable for development.
49. By the nature of its original use as an isolation hospital, the site is isolated from the built up areas of Crook and Helmington Row, surrounded on all sides by agricultural fields. Approximately 200m to the north at the junction of Holy Well Lane and the A690 is a small collection of 7 properties and a village hall. Among those is the converted former school (School House) which is a Grade II listed building. Holywell Fold is the nearest residential dwelling approximately 65m to the north. There is some ribbon development of terrace housing and a pub along the A690 towards Crook, as well as some allotment gardens. Approximately 200m south along Holy Well Lane is Helmington Grange farm.
50. As a result of the limited and sporadic nature of those buildings and the clear physical separation of the site, it could not be considered as falling within a built up area and therefore in addition to the conflict with the Wear Valley Local Plan policies ENV1 and H3, the site would not be treated favourably under policy 35 of the emerging County Durham Plan as the proposal would not fall within a built up area and would not meet any of the exception criteria in the draft policy i.e. the site is not an allocation in the Plan; the development is not necessary for agriculture, tourism or a rural business; the development does not directly support local services; and would involve demolition rather than reuse of redundant buildings.
51. Despite its physical isolation, the applicant suggests that the site is still in a sustainable location in relation to the distance and accessibility to local services. This is disputed by the Council's Planning Policy and Sustainability Sections as the applicant's conclusions on this are based on using 2000m suggested maximum

walking distance for commuting purposes, rather than using the preferred maximum walking distance to town centres of 800m, within which the desirable walking distance most likely to encourage walking is 200m. The applicant has also used distances as the crow flies, rather than actual travel distance. Acceptable walking distance also depends on other factors such as the quality of services within the town centre, length of stay, and physical factors such as the gradients and safety of the route, which can all discourage walking even at shorter distances. In this case the centre of Willington lies over 2300m (2.3km) from the centre of the site. The distance involved, poor range and quality of services at the end of the journey and steep gradients are likely to be major discouraging factors to walking and cycling. In the other direction the town centre of Crook lies just over 2000m (2km) from the centre of site. Crook has a greater range and quality of services, but probably still not sufficient to encourage a return walking journey in excess of 4km, particularly considering the very steep gradients involved. There is a bus service along the A690 and there are bus stops in both directions near the A690 junction with Holy Well Lane, but most residents in the proposed development would be beyond the maximum suggested distance of 400m to those bus stops. The distance to the bus stops, along with the limited range of services available in Crook and Willington is more likely to discourage bus use rather than encourage it. Residents on this site are therefore most likely to be reliant on private car use to access daily services and facilities, employment, leisure facilities and to visit family and friends, which conflicts with the NPPF aims of reducing private car journeys and locating development where walking, cycling and public transport opportunities will be strengthened and maximised.

52. On account the site is detached from any settlement and residents would be reliant on private car use to access services and facilities, the site is therefore considered to be an unsustainable location for housing, particularly at the scale of development proposed. It was for these reasons that despite being brownfield land, the site was categorised as unsuitable (red) for housing within the Strategic Housing Land Availability Assessment (SHLAA) and ultimately not included in the housing allocations in the submission of the County Durham Plan.
53. There are also other facets of sustainability beyond purely considering the location of the site. One of those set out in NPPF paragraph 50 is delivery of affordable housing to meet local needs and create inclusive mixed communities. On the basis of the up to date evidence base for the area the application should be providing 10% affordable housing. Prior to submission of the application discussions with the HCA highlighted the need to provide affordable housing, among other things, as part of any development package that would deliver wider public benefit. This had been agreed and was reflected in the HCA's development brief. The application does not however include any affordable housing, whether within the scheme, or offsite. While the applicant has demonstrated that affordable housing would make the scheme unviable, the absence of affordable housing nevertheless means that the development would not deliver the wider public benefits that affordable housing brings. The HCA might be the landowner, but there is no guarantee that the money received from the sale of the land would be put directly back into affordable housing funding in the local area so that is not a factor which should be given any weight in the consideration of this application. Accordingly, the absence of any affordable housing, while not a reason for refusal in its own right because of viability, is nevertheless a factor that tips the balance against the scheme when all matters are taken into account in assessing whether there are any special circumstances to justify a departure to the Local Plan.
54. It is also a core planning principle of the NPPF to support the transition to a low carbon future by encouraging the reuse of existing resources and the use of

renewable resources (renewable energy). All existing buildings currently remain on the site and externally appear largely intact. It is generally more energy efficient to make best use of existing built fabric than to pursue its complete demolition and to construct afresh. In the previous discussions with the HCA prior to submission of the application it was agreed that consideration should be given to reuse of the buildings or materials and that any new dwellings on this site would have to be constructed to high standards of sustainability (at least Code for Sustainable Homes Level 3) to mitigate against any demolition and the poor sustainability of the site's location. Once again, this was a principle reflected in the HCA's development brief. However, the submitted proposal seeks complete demolition and clearance of the site with no reuse of buildings, or salvageable materials, which would have enhanced the local identity of the proposal. In addition, the proposed scheme seeks only to meet current building regulations in terms of energy efficiency and it does not seek to incorporate any use of renewable energy systems. Accordingly, the development would not make any significant contribution towards supporting one of the core principles of the NPPF and the aims set out in Part 10 in respect of reducing carbon emissions and supporting the transition to a low carbon, sustainable future.

55. So, while the site is previously developed, the site and proposal performs poorly against the sustainability aims of the NPPF and there would not be sufficient added public or wider environmental benefits within the scheme to outweigh the conflict in principle with the existing development plan (ENV1, H3) and NPPF aims of promoting sustainable patterns of development, reducing reliance on private car travel and encouraging sustainable design and construction. The proposal does not therefore benefit from any presumption in favour of sustainable development and there is no overriding need for the development as the Council can demonstrate a 5 year housing supply. Some limited weight can also be given to the proposal's conflict with policies 16 and 35 of the emerging County Durham Plan given the advanced status of the Plan and the conformity of those policies with the NPPF.
56. Other considerations which are material to the acceptability of the proposal are in respect of the impact on the character and appearance of the area, impact on protected trees, highway safety, ecology and drainage, which will be addressed in turn below.

Design, layout and impact on the character and appearance of the area

57. This site differs from typical housing sites because of its history, the character of existing buildings on the site and its location. Because of this there was recognition in the HCA design brief that any development proposal on the site would have to be design led and a very high quality respecting the existing site character, the protected trees and rural setting.
58. While the design brief has no formal adopted status, its general principles and expectations are now largely reflected in the NPPF. Specifically, the importance of good design is emphasised in section 7 of the NPPF. Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. NPPF paragraph 58 requires that planning decisions should among other things ensure that developments establish a strong sense of place; respond to local character and history reflecting the identity of local surroundings and materials; and are visually attractive. The importance of local distinctiveness is further emphasised in NPPF paragraph 60 which states that while decisions should not seek to impose architectural styles or particular tastes, it is, however, proper to seek to promote or

reinforce local distinctiveness. In NPPF paragraph 64 it says permission should be refused for development of poor design.

59. Wear Valley Local Plan policy GD1 is consistent with the NPPF in seeking that all new development should be designed to a high standard. There are a number of design criteria which among other things include that development is in keeping with the character and appearance of the area; appropriate in terms of form, mass, scale, layout, density and materials to the town in which it is located; landscape and historic features are retained and incorporated into the design and layout; and would not have a detrimental impact on the landscape quality of the surrounding area. Policy H24 also requires that new residential developments reflect the density and character of the locality. Draft Policy 16 (Sustainable Design in the Built Environment) of the emerging plan can be given some limited weight and sets out a number of design and sustainability requirements for new development, including among other things that new development reinforces local distinctiveness and is an appropriate density.
60. Because of its position surrounded by countryside, views of the site from outside are very important. The most prominent views are from the A690 where the site is viewed against attractive open countryside, while the site is also seen from Holy Well Lane and two public footpaths to the south and east (footpaths 108 & 109). The setting of the site is distinctly rural.
61. The proposed development would represent a significant change in the character of the site and how it sits in the landscape. Wear Valley Local Plan policies GD1 and H24 require new development to be of an appropriate density for the area in which it is situated. The density of the proposed development in excess of 30 dwellings per hectare represents a typical suburban density expected within towns and villages and is considered to be too high for this rural site which is detached from the settlement of Crook and seen in open landscape views within the countryside. This principle is reflected in the direction of travel of the emerging County Durham Plan and draft policy 16(h) which suggests density above 30 dph is appropriate in and around town centres and locations where there is good access to facilities and public transport services, while lower densities will be more acceptable in other locations where it is necessary to ensure development is compatible with its surroundings. At the proposed density the development is likely to have a very suburban character that would appear prominent and incongruous in a rural setting surrounded by fields. This is a view supported by the Council's Design and Conservation Section who have recommended that a smaller number of larger, better detailed units which reflect the development pattern to the centre and south of the current site would sit far more comfortably in the landscape than the current development proposal.
62. The detrimental impact of the high density of the development proposal in this rural setting would be further emphasised and increased by the design approach to the layout which locates the majority of dwellings around the perimeter of the site. At present, although the mass and heights of the existing buildings are larger, they are located more centrally within the site, which helps to reduce their prominence behind the perimeter tree coverage. The proposed houses would be much closer to the site boundary than the existing buildings around all sides of the site. Some attempt has been made on the northern boundary to break up the line of houses in recognition of the importance of this boundary in views from the A689, but conversely as a result, plots 26, 32 and 33 would have their gable ends close up to the northern site boundary where they would be highly exposed to view on this most prominent of the site boundaries and would therefore be particularly visible and intrusive in the landscape. On the western and southern boundaries there would be a large number of closely spaced dwellings, much closer to the site boundary than the buildings at

present. The western site boundary is still highly visible from the A689, while the southern boundary is visible from Holy Well Lane and the public footpaths. By ringing the dwellings around the edges of the site and having them packed so tightly together, the proposed development would create a highly prominent wall of development that would not sit sensitively against the surrounding rural landscape and would give the impression of an even higher density of development. As a result, the development would be far more prominent than the existing buildings, particularly in winter when the trees are not in leaf. The proximity of the dwellings to the trees also raises a number of concerns in respect of potential impact on the longevity of the trees and their role in screening the site, which will be addressed separately.

63. In terms of building design, the existing buildings on the site have a strong character reflecting many of the common elements of the local late Victorian/Edwardian architectural language with design features like stone quoins, stone heads, slate roofs, water tabling and vertical window proportions. The buildings at the front of the site have particularly strong character in this respect, as do the adjacent school buildings to the north on Holy Well Lane, one of which is grade II listed.
64. Despite this strong existing architectural character the proposed scheme does very little in its proposed housing design to ground it in, or interpret the local identity of either the site, or its surroundings, despite the requirements of NPPF Section 7 for development to establish a strong sense of place and respond to local character and history where necessary. The scheme proposes use of the developer's "rural house types", but they are a standard house type which the developer has used in other schemes with very little meaningful attempt to draw in the distinctive features or materials of the buildings on this particular site, or any nearby buildings. The latest amendments have indicated the introduction of "stone effect" heads and sills on 14 of the plots. While this represents a slight improvement in the scheme, it is not a sufficient response to the existing site character and history as windows would still be horizontal in proportion and there is no design justification or relevance for use of cottage style doors, arched heads and oversized dormer windows. Even with the latest introduction of the stone effect heads and sills the site frontage along Holy Well Lane would be particularly weak on local identity given the character of the adjacent buildings that the proposed dwellings would be seen alongside. The frontage onto Holy Well Lane would have been the most obvious part of the development where the strong local identity and past use of the site could have been reflected either by retention of existing buildings or design of new buildings, but the scheme has missed that opportunity with only the boundary wall being retained. As a result, the scheme would not deliver a strong sense of place or distinctive local characteristics within, contrary to NPPF paragraphs 58 and 60, and draft policy 16(f) of the emerging plan, which all emphasise the importance of good design and local distinctiveness in new development.
65. In terms of other design and layout considerations, the highway layout, surfacing and parking treatment represents a very standard car-dominated approach. As a self-contained and rural site, which does not link into a surrounding street network, other than Holy Well Lane, the layout did not have to be so car dominated. The opportunity exists on this site to have a more pedestrian friendly environment that is not dominated by the route of the carriageway and front-of-plot parking, as proposed. This is another area where the proposed scheme fails against good design principles. New landscaping within the site is the one area of the scheme which would be to a high standard and the proposal includes a small area of amenity space within the site, the location of which has been improved during the course of the application. It would have been better though if the amenity space was more of a multifunctional space and included some play equipment provision because the nearest playing field and children's play area is not within easy reach of the site

being 800m away at Helmington Row and would involve a walk along a busy A road. In the event of any approval on the site there would still be a requirement for an open space contribution of at least £44,000 for the current development proposal.

66. Taking all the above matters into account there is little evidence of a design led approach to development on this locally important site. The proposal would not be appropriate for the site in terms of its density, layout and design quality as required by Wear Valley Local Plan policies GD1 and H24, and would fail to reinforce local character and meet the good design aims of the NPPF in section 7. This would have a detrimental impact on the character and appearance of the area.

Impact on protected trees

67. The majority of trees around the perimeter of the site are protected by a Tree Preservation Order (TPO). There are also some trees within the site covered by the TPO, but all internal trees would be removed to accommodate the development.
68. The trees around the site perimeter are extremely important to soften the impact of any redevelopment of the site because of how the site sits in isolation in the landscape. The trees are therefore a very important landscape feature which must be retained and protected, not just during construction but for the future. It must therefore be possible to protect the trees during construction, ensure the development does not impact on the long term health of the trees and minimise any potential pressures for future tree works or removal because of conflict with residential properties.
69. Along the northern boundary there would be two TPO trees removed: no.s 27 & 34 (trees 48 & 56 in the Tree Report). No.27 is noted as a poor species so there is no objection to its removal, but no.34 is described in the tree report as being in fair structural and physiological condition and there does not appear to be any sound reason for its removal other than conflict with the dwelling on plot 33 because of proximity. Removal of this tree would expose to view the whole of the gable of plot 33 and increase the prominence of the development in the landscape and is therefore not accepted. The dwelling should be moved or removed from the scheme, not the protected tree. Before the latest amendments there would have been numerous building incursions within the tree Root Protection Areas (RPAs) along this boundary, but garages and dwellings have now been moved out of most of the RPAs, except for plot 27 which remains within the RPA. Of serious concern though is the proximity of the dwellings to the RPAs on plots 33, 32, 30, 27 and 26 which would not allow sufficient space for construction access between the protective fencing and build as shown on the submitted Tree Protection Plan. This is a clear indication that these plots are too close to the trees. As a result, there is potential on these plots to inflict tree damage and soil compaction during construction in what should be a protected area around the trees, which could impact on the longevity of the trees and their role in screening the development.
70. On the western boundary the future of the existing substation and electrical connection arrangements has not been adequately clarified. The Tree Report states that retention of TPO tree 20 (Tree 40 in the Tree Report), which sits right up against the substation fencing, is dependent on what happens with the substation. The application suggests the substation will be retained but does not provide sufficient information to demonstrate this would be the case. Further details of the works to the substation would have to be conditioned in the event of any approval as it would not be acceptable for any excavation related to the substation or any new trenching to be so close to and within the root protection areas of the TPO protected trees; and removal of the tree would diminish the screening of the development. The Council's

arboricultural officer is of the opinion that the electricity substation should really be demolished and wayleave abandoned for a new sustainable connection to be established that will not impact upon the trees (and multiple rear gardens) when the cables need to be repaired/renewed. This would however affect the site layout and would require further consideration.

71. On the southern boundary the main concerns relate to plots 13-19 in the south west corner, which are considered likely to be affected by unreasonable amounts of shading of the south facing rooms and gardens. This would affect the ability for grass and plants to grow within the garden and reduce the enjoyment of the garden and internal rooms. The management proposals in the Tree Report recommend various works to these trees. This would improve the situation initially, but the trees are likely to be subject to future pressures from the property owners to carry out regular works or removal. Good design would seek to design out this potential conflict to secure the longevity of the trees by providing greater separation between the trees and dwellings.
72. On the eastern boundary there would be removal of a large Beech tree within Group G1 of the TPO as well as some small Holly bushes which are accepted because of their condition and the large number of retained trees in this area of the site. There would be incursions of parts of the access road, visitor spaces and turning head into the RPAs. The Tree report states these areas could be subject to a no dig working methodology which could work in principle, however it is unclear how this would be compatible with rest of the road construction as the no dig solution specified in the report requires the road to be constructed above ground level and would therefore result in a raised road surface. This creates an added complication and uncertainty about site levels, importation of material and the resultant potential impact on the trees, which has not been detailed in the Tree Report.
73. In addition to all the above issues, so many of the properties would have the majority and in some cases (plots 16, 18, 26, 27, 28, 29, 30) nearly their entire rear gardens within RPAs of the TPO protected trees. This arrangement would be severely limiting on any alterations and garden works residents of those properties could undertake in the future. If any residents caused damage to the roots of the protected trees they could be liable to prosecution for an offence under the TPO Regulations. This is an impractical situation for residents and would be unduly burdensome for the Council who would have to regulate it. Removal of permitted development rights would be essential in the event of approval, but would not be a sufficient control to prevent more minor garden digging works that would fall outside of planning control, but could nevertheless be damaging to the tree roots and longevity of the trees.
74. Site drainage is another aspect of the development that the scheme has not taken fully into account in respect of the potential impact on trees. The scheme proposes to take a new drainage connection to the roadside watercourse to the south, which is shown within the Flood Risk Assessment to include provision of a new pipe along the roadside verge of Holy Well Lane into the development. That would involve considerable unacceptable excavation and root severage within the RPAs of all the roadside trees.
75. So taking all these matters into account, despite some improvements made to the layout of the scheme in respect of incursion into RPAs; there are still a number of areas of serious concern, as highlighted above, where proposed dwellings and other development are considered to be too close to protected trees with the potential for damage to be caused to the trees during and post construction. Nearly all the trees around the perimeter of the site are strictly protected by a TPO. The protected trees are an important factor which significantly limits the scale of development possible on

the site. The submitted scheme does not however pay sufficient regard to the protected nature of the trees by locating the development too close to those trees and would design in conflict rather than seek to design it out. The proposal has not therefore adequately demonstrated that the long-term vitality of all the retained trees would be protected in all respects. The proposal would not therefore accord with saved Policy GD1(ii), (iii) and (xi) of the Wear Valley District Local Plan, which seeks to ensure that all development is designed and built to a high standard and contributes to the landscape and natural quality of the surrounding area.

Highway safety

76. There have been a number of objections received in respect of the suitability of Holy Well Lane to accommodate the additional vehicle movements generated by the proposed development, as well as the safety of the access and the junction onto the A690.
77. The Highway Authority has acknowledged that Holy Well Lane is inappropriate for significant traffic volumes and this would normally be an unsuitable situation for the scale of development proposed, however, regard has to be given to the site's existing lawful planning use as a hospital. While vehicular movement and parking demand would not have been particularly high for much of its history, continued use in the present day could bring with it potential generated traffic greater than that which would arise from the proposed housing development. Therefore, despite having concerns and the strong representations received on this issue, the Highway Authority considers that a refusal could not be substantiated on those grounds.
78. Notwithstanding this, the Highway Authority would still prefer a reduced housing density as this would correlate to reduced vehicle movements, which would be more suitable for Holy Well Lane and the junction with the A690.
79. Regarding the layout, the proposal is a very standard rigid highway layout designed primarily for the movement and parking of vehicles. A pedestrian footway has been added along the southern section of the main access road at the request of the Highway Authority. The parking provision has been improved during the course of the application to meet the County parking standards, but there is still an unresolved issue with the location of a parking space at plot 47. The Highway Authority has noted that the existing Holy Well Lane street lighting between the site entrance and the A690 is not to current standards and would have to be upgraded as part of any consent, under s.278 works.
80. So despite the acknowledged concerns about the width of Holy Well Lane and a desire for fewer dwellings on the site, it is considered that the proposal would not lead to a severe cumulative impact on highway safety and therefore there are not sufficient grounds to justify a highways refusal on that basis. Other than repositioning the parking space on plot 47 which could be conditioned, in highways respects the development proposal therefore accords with Wear Valley Local Plan policies GD1 and T1, as well as NPPF paragraph 32.

Ecology

81. The NPPF requires new development to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Wear Valley Local Plan policy GD1 also requires that new development does not endanger wildlife habitats and where appropriate creates wildlife habitats.

82. The proposal involves demolition of all existing buildings and removal of some trees within the site so it has potential for impact on bats and breeding birds. In 2007 there was a known bat roost in one of the buildings. Bats are a protected species.
83. The site has been resurveyed and the findings are set out in the supporting Habitat Survey and Bat risk assessment, which found no further roost present. It is noted that since the previous roost was found, the buildings have been empty and unheated and the roof tops and slates have deteriorated which is possibly why the roost is no longer present. The risk of bats still being present in the buildings is therefore considered to be low and any risk could be sufficiently addressed in a method statement to control demolition. This has been agreed with the County Ecologist. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations.
84. The County Ecologist has however commented on the lack of biodiversity enhancement in the scheme and one of the observations has suggested that additional bat habitats should be incorporated into the fabric of the new buildings. There have since been improvements to the internal landscaping scheme and the majority of the mature perimeter trees will be retained with new bat boxes. There could however be further enhancement to meet the requirements of the NPPF, particularly given the previous history of a bat roost on the site. It is therefore recommended that in the event of any approval additional mitigation measures should be incorporated into the new dwellings and secured by condition for the proposal to fully comply with the biodiversity enhancement requirements of the NPPF and Wear Valley Local Plan policy GD1.

Drainage

85. The site does not lie within an area of flood risk, but there was an initial objection from the Environment Agency because of concerns about the proposed discharge of surface water runoff into the nearby watercourse. This surface water arrangement was a requirement of Northumbrian Water because the existing sewerage pumping station is at full capacity and could not accept the additional foul and surface water in the existing combined system.
86. The Environment Agency has now withdrawn its objection following additional work, subject to designing a surface water drainage scheme to limit the surface water to a maximum of 9 litres per second.
87. Northumbrian Water have confirmed this remains an acceptable option as it would remove the current discharge of surface water into the combined system, thereby freeing sufficient capacity for the foul drainage from the development. This would occur through the use of permeable crushed aggregate construction on private and shared drives and surface water being directed to the watercourse in a flow attenuation structure using oversized pipes. In the event of any approval this could be adequately dealt with by a condition requiring submission of a detailed scheme designed to the Environment Agency requirements.
88. In respect of drainage issues the proposal complies with Wear Valley Local Plan policy GD1.

CONCLUSION

89. The site is located in the countryside where reliance on private car travel to access services and facilities is likely to be high, thereby reducing the benefits to be gained from redeveloping a brownfield site in this location. The site was considered to be unsuitable for housing in the SHLAA and was not included in allocations of the emerging County Durham Plan. There is no overriding need for the development as the Council can demonstrate a 5 year housing supply. In addition, the failure of the proposal to deliver wider social and environmental benefits in the form of reuse of existing buildings, affordable housing and sustainable construction/renewable energy that might otherwise outweigh the poor sustainability credentials of the site's location, as previously discussed with the landowner (HCA), tips the balance firmly against the proposal in principle. The proposal is therefore contrary to Wear Valley Local Plan Policies ENV1 and H3, as well as the aims of the NPPF to support the transition to a low carbon future by promoting sustainable patterns of development, reducing reliance on private car travel and encouraging sustainable design and construction. Similarly, the proposal also conflicts with the direction of emerging policy in the County Durham Plan.
90. The density and suburban character of the proposal would also represent an inappropriate form and overdevelopment of the site in a rural context. In particular, the design treatment of the dwellings and layout would fail to reinforce the strong local character and distinctiveness of the site and its surroundings, while the density of development and proximity of the dwellings to the site perimeter would make it a highly prominent suburban development, which would relate poorly to the surrounding countryside and fail to adequately safeguard the long-term vitality of all the retained protected trees. Internally, the rigid highway layout and car dominance of the highway design and front-of-plot car parking would also detract from the overall design quality of the scheme. All these matters represent poor design in relation to the rural context of the site and would result in the development having a detrimental impact on the character and appearance of the area. This is contrary to Wear Valley Local Plan Policies GD1 and H24, and falls significantly short of the expectations of high quality design and the aims of reinforcing local distinctiveness set out in the NPPF.
91. The proposal does not therefore represent a sustainable form of development and any benefits of seeing this brownfield site redeveloped do not in this case justify a departure to the Wear Valley Local Plan, the direction of the emerging plan and are outweighed by the conflict with the aims of the NPPF as set out in this report.
92. Previous discussions with the land owner have made it clear that in light of the policy presumption against redevelopment of the site for housing any proposal would have to be of a very high quality in respect of design and sustainability, while also delivering wider public and environmental benefits, but this proposal falls significantly short in all those respects.

RECOMMENDATION

93. That the application be **REFUSED** for the following reasons;
1. The proposal by reason of the residential development of an unallocated site outside the development limits of Crook would be contrary to Wear Valley Local Plan Policies ENV1 and H3, and the scheme as a whole would be contrary to the core principles and aims of the NPPF which seek to support the transition to a low carbon future by promoting sustainable patterns of development, reducing reliance on private car travel and encouraging sustainable design and construction.

2. The proposal by reason of its density, layout and design would relate poorly to the character of its surroundings, while also failing to adequately safeguard the long-term vitality of all the retained protected trees around the perimeter of the site. Accordingly the proposal would have a detrimental impact on the character and appearance of the area. This is contrary to Wear Valley Local Plan Policies GD1 and H24, and does not meet the expectations of high quality design and the aims of reinforcing local distinctiveness which are set out in the NPPF paragraphs 56, 58 & 60.

STATEMENT OF PROACTIVE ENGAGEMENT

94. The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, issues raised, and representations received, advised the applicant of objections and concerns regarding the proposal and encouraged discussions and opportunities to resolve issues arising. However, the issues of concern could not all be overcome and a positive outcome delivering high quality sustainable development which would improve the economic, social and environmental conditions of the area in accordance with the NPPF could not be achieved in this case.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Wear Valley Local Plan
County Durham Plan Submission Draft
Consultee comments
Public Consultation Responses



Planning Services

Homelands Hospital, Crook

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