

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | DM/14/02713/FPA |
| FULL APPLICATION DESCRIPTION: | Demolition of existing buildings and erection of 14no. apartments and associated infrastructure. |
| NAME OF APPLICANT: | Livin |
| ADDRESS: | Butterby Grange, Neville Close, Spennymoor, County Durham, DL16 6XD |
| ELECTORAL DIVISION: | Tudhoe |
| CASE OFFICER: | Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 0.22ha in area and is located to the north east of Spennymoor. It currently consists of two storey, 21 unit sheltered accommodation. The building is currently unoccupied, in a poor state of repair and already undergoing demolition.
2. Residential properties surround the application site, largely consisting of semi-detached bungalows. The adopted highway and parking court of Neville Close is located to the east, providing the only vehicular access to the site. To the south is a small amenity area, to the west is a public footpath, beyond which beyond lies school playing fields. To the north are residential properties. Spennymoor town centre lies approximately 0.5miles to the west.
3. Planning permission is sought for the demolition of the existing building and the erection of 14no 2 bed apartments aimed to provide social accommodation for disabled persons and over 55's. The apartments would be arranged in three rectangular blocks of development, two storey in height arranged in a linear arrangement with an outlook over the school playing fields and public footpath to the west. The apartments would be brick built with timber cladding and render panels adding a contemporary appearance. An off street parking court of 17 spaces would be provided centrally in the development.
4. 2no. affordable units (10% of total proposed) and a public open space commuted sum of £14,000 are to be secured in line with policy requirements and as detailed within a draft s106 accompanying the application. However, all of the units would be managed by Livin as social housing.

5. This application is being reported to Planning Committee in line with the Scheme of Delegation as it falls within the definition of a major development.

PLANNING HISTORY

6. Prior notification for demolition of existing building, approved 2014

PLANNING POLICY

NATIONAL POLICY

7. 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 following elements of the NPPF are considered relevant to this proposal.
8. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *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.
10. *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.
11. *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. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *Part 10 – Climate Change.* 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. This is central to the economic, social and environmental dimensions of sustainable development.
13. *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, geological conservation interests and soils;

recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

14. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Sedgfield Borough Local Plan are considered relevant.
15. *Saved Policy E11 – Safeguarding Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
16. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
17. *Policy H14 - Maintenance and improvement of housing stock* - seeks to support the improvement of housing stock through the redevelopment, conversion or modernisation of buildings.
18. *Policy H17 – Backland and Infill Housing Development* – Sets out that housing development on backland and infill sites will normally be approved providing a satisfactory means of access and adequate parking provision can be achieved, satisfactory amenity and privacy levels for both the new development and adjacent dwellings can be provided and the development is commensurate with the character of the surrounding area.
19. *Saved Policy H19 –Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
20. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
21. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.

22. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
24. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
25. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
26. *SPG Note 3 (The layout of new housing)* - sets amenity/privacy standards for new residential development.

EMERGING PLAN:

27. The emerging County Durham Plan is undergoing Examination in Public and is therefore advanced. 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:
28. *Policy 1 – Sustainable Development* – Outlines that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. The policy also outlines that where there are no relevant policies to the application the council will grant permission for sustainable development.
29. *Policy 3 - Quantity of New Development* - Sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
30. *Policy 4 - Distribution of Development* - Sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 270 are to be provided in Chilton. 179 Ha of Employment Land allocation is also proposed, 8ha of which is to be provided in Chilton.
31. *Policy 5 – Developer Contributions* – Sets out that where appropriate new development will be required to contribute to the provision, and or improvement of physical, social and environmental infrastructure taking into account the nature of the proposal. It is also highlighted that in circumstances where the viability of the

scheme is in question the developer will be required to demonstrate that there is a case through a site specific financial evaluation.

32. *Policy 15 – Development on Unallocated Sites in Built up Areas* – Sets out all development on sites in built up areas that are not allocated in the County Durham Plan will be permitted providing that the development is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of the settlements last community building or facility and is compatible with and does not prejudice any intended use of adjacent sites and land uses.
33. *Policy 31- Addressing Housing Need* - Sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
34. *Policy 34 – Type and mix of housing need* - On all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability and market considerations and the opportunity to facilitate self-build schemes.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at
<http://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* - No objections to the development of the site, advising that the proposed parking provision is acceptable, as the existing development would have had access to some of the existing provision on Neville Close. It is however recommended that an amended plan be submitted to detail the stopping up the existing public highway adjacent to the entrance of the site.
36. *Northumbrian Water Limited* – Offer no objections subject to a condition requiring details of surface and foul water drainage to be submitted.
37. Spennymoor Town Council – No Objections

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – Advises that in the principle of developing the site for housing accords with relevant policies of the Sedgefield Local Plan and emerging County Durham Plan.
39. *Landscape* – Offer no objection subject to the submission of a detailed landscaping scheme.
40. *Trees* -Offers no objection subject to condition relating to tree protection measures.
41. *Ecology* – Advise that subject to the use of the Method Statement detailed in the Bat Survey Report the likely risk of impact on protected species is likely to be low.
42. *Environmental Health* – Offer no objections however highlight that soundproofing measures should be incorporated to prevent transfer of noise between apartments,

while a condition relating to the restriction of working hours on site should be imposed along with appropriate dust suppression

43. *Contaminated Land* –After reviewing the submitted Phase 2 Land contamination report, recommend the imposition of conditions requiring the submission of validation of remediation measures in relation to land contamination.
44. *Sustainability* – Offers no objection but recommends that the indicated sustainability and carbon reduction initiatives are embedded within the scheme, and controlled by condition
45. *Drainage and Costal Protection* – Offer no objections to the scheme subject to the submission of full means of foul and surface water drainage being submitted for approval.

PUBLIC RESPONSES:

46. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. No letters of objection have been received.

APPLICANTS STATEMENT:

47. The development relates to the redevelopment of a vacant building which no longer serves its functional need due to its layout and condition. The development will represent a high quality scheme that will enhance the surrounding area, protecting the privacy and amenity of existing residents. The accommodation proposed will help to fulfil the demand for older persons, disabled and affordable homes in the area.
48. A draft s106 agreement is included as part of the application in relation to offsetting the lack of open space provision proposed with the requirement for 10% affordable housing provision also outlined within the agreement.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBMOP6GDI0Y00>

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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 raised relate to the principle of development, highway safety, the impact on the character and appearance of the surrounding area, amenity of adjacent land uses, ecological interests and drainage issues.

The Principle of Development

50. The NPPF seeks to direct new development to locations with good access to jobs services and community facilities. Spennymoor is a Main Town in recognition of the wide range of accessible work opportunities, health facilities, schools, shopping and leisure facilities. The application site is located within the defined settlement limits of Spennymoor, where saved policies H14 and H17 of the Sedgfield Borough Local

Plan outlines that planning permission for the redevelopment of housing stock and infill developments will be supported in principle.

51. In terms of the Emerging County Durham Plan, policy 15 outlines that development on sites in built up areas will be permitted providing the development is appropriate in location and function of the settlement.
52. The proposal is an appropriate scale of development on this site, consistent with the role the settlement plays within the County Durham hierarchy. The development of the site for social housing would be compliant with the NPPF in this respect while also boosting housing supply, a key component of the NPPF.
53. Livin is a Registered Social Landlord and the units are therefore intended to be available on an affordable basis and for over 55's. 2 units would be secured as affordable in perpetuity by S106 agreement. The S106 will also secure a public open space commuted sum of £14,000 for provision, maintenance or improvement of facilities in the local area.
54. Overall the development would meet the key aims of the NPPF and is in principle in accordance with saved policies of the Sedgefield Borough Local Plan and emerging policies of the County Durham Plan.

Accessibility and highway safety

55. The vehicular access to serve the development is proposed to be taken from the adopted highway to the east of the site, which serves the existing development and adjacent dwellings. This adopted highway has a number of off street parking spaces associated with it which are proposed to be retained while a court yard style parking layout is proposed to be created within the development.
56. The Highway Authority raise no objection to the proposed access or the parking levels due to the provision of 17no. off street spaces and that the existing use would have had some access to some of the existing provision on Neville Close. The Highways Officer has recommended that the site plan be amended to indicate the stopping up of an area of adopted highway adjacent to the entrance of the site. While the applicant has indicated a willingness to do this it is advised that this rationalisation will be perused outside of this planning application.
57. The proposal is acceptable in highways terms and accords with Saved Local Plan Policy D3.

Impact on character and appearance of the surrounding area

58. Local Plan Policies D1 and D5 require that developments are designed and built to a high standard which contribute to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area. This is reflected within section 7 of the NPPF which sets out the importance of good design.
59. The existing development on site, although commensurate with the existing housing stock, offers little in terms of architectural merit. It is currently being demolished as it no longer meets its functional need.
60. It is considered that the proposed development would result in a significant improvement to the character of the surrounding area. The development would also have a more appropriate relationship with the surrounding highway and footpath layout, resulting in a less intensively developed site. An indicative landscaping layout

has been submitted indicating areas of shrub planting and hardstanding and the retention of existing semi-mature vegetation. Although this layout is considered acceptable, as advised by the councils landscape officer this needs to be fully detailed up, along with details of tree protection measures. A condition requiring this is recommended.

61. Overall it is considered that the scheme is of a high standard, contributing to the quality of the built environment while retaining existing landscaping surrounding the site, thereby complying with policies D1 and D5 of the Local Plan in this respect.

Impact on amenity of adjacent residents and future occupants

62. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. In considering this matter, the site layout would achieve in excess of the minimum separation distances of 21m between habitable room windows in neighbouring properties as advocated in the Local Plan (23m to the dwellings of 46 Neville Close). Internal distances would be slightly less, but not unacceptable because of room arrangements.
36. In appraising the scheme the Councils Environmental Health Section raise no objection, but have commented on the need for soundproofing between apartments and to restrict hours of construction. However there are controls outside of the planning system that deal with these matters and in this instance it is not considered necessary to duplicate those controls.
63. A land contamination survey has been undertaken on the site which identifies a number of remediation measures necessary to safeguard any risk from pollutants. The Council's Land Contamination Officer considers the findings of the report sound subject to the implementation of the mitigation measures and the submission of a final validation report.

Ecology

64. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted ecology survey report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site and it is unlikely that a licence would be required from Natural England..
65. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

Flooding and Drainage

66. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
67. In terms of the disposal of surface and foul water, Northumbrian Water and the Councils Drainage Section have raised no objections to the scheme, subject to the submission of full details of the foul and surface water drainage layouts incorporating soakaway's where possible. The application site lies in flood zone one and therefore outside any area of high flooding risk.

Other Issues

68. Planning plays a key role in helping to reduce greenhouse gas emissions providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF and is required by policy 1 of the County Durham Plan. The applicant has undertaken a commitment to achieve improvements to energy efficiency through improvements to the buildings performance and a reduction in consumption resulting from energy efficiency improvements. The Council's sustainability officer raises no objection to this approach but recommends a condition to detail this, with an expectation to improve upon part L(2013) of Building Regulations.

CONCLUSION

69. The principle of redeveloping this site for residential use is considered acceptable given its sustainable location and previously developed nature. The proposal would see the redevelopment of a vacant building which contributes little to the character of the surrounding area, and its replacement with an appropriate mix of well-designed social housing which would enhance the character of the area, while not impacting on neighbouring properties.
70. The proposed development is considered to satisfy highway safety requirements whilst also taking account of ecological and arboricultural restraints.
71. A S106 agreement will secure 2no. affordable units (10% of total proposed) in perpetuity and a public open space commuted sum of £14,000.

RECOMMENDATION

That the application be **APPROVED** subject to completing a Section 106 Agreement to secure the provision of 2 affordable dwellings and £14,000 towards the provision/maintenance of open space and recreation facilities in the locality; in addition to the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Proposed Site Plan, Ref 2505-D-90-003 Rev P3, Received 10th September 2014
Proposed Street Scene, Ref 2505-D-20-001, Received 10th September 2014
Proposed Floor Plans and Elevations Block 1, Ref 2505-D-22-001, Received 10th September 2014
Proposed Floor Plans and Elevations Block 2, Ref 2505-D-22-002, Received 10th September 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies D1, D2, D3, D5 of the Sedgefield Borough Local Plan

3. No development shall take place unless in accordance with the Method Statement (appendix 3) detailed in the Bat Survey, prepared by E3 Ecology received 10th September 2014.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policies E11, D1 and D5 of the Sedgefield Borough Local Plan.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

5. Prior to the commencement of development a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide detail for:-

- The retention and protection of existing trees on site in accordance with BS 5837 (Trees in relation to construction).
- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development taking account of ground contamination remediation measures.
- The provision of any fences or walls (including retaining walls)
- The movement of earth, the formation of banks or slopes
- Full details of any hard standing proposed

The tree protection measures shall be implemented prior to the commencement of development and retained throughout construction. The approved landscaping scheme implemented in accordance with the approved details in the first planting season following completion of the development.

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

6. Prior to the occupation of the first dwelling hereby approved details of a scheme for the management and maintenance of all areas of open space and landscaping within the development for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with policies D1 and D5 of the Sedgefield Borough Local Plan.

7. No development shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development

shall be carried out in complete accordance with the approved scheme and retained whilst the approved buildings are in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy D1 of the Sedgefield Borough Local Plan

8. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any) shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policy D1 of the Sedgefield Borough Local Plan.

9. No development shall commence until a scheme for the provision of surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with saved policy D1 of the Sedgefield Borough Local Plan and part 11 of the National Planning policy Framework.

10. No development other than demolition and preliminary clearance and ground works or that is required to be carried out as part of an approved scheme of remediation shall commence until the remedial work detailed in the Phase 2 Land Contamination Study compiled by Solmek, Received 10th September 2014 have been implemented. Upon completion of the remedial works a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

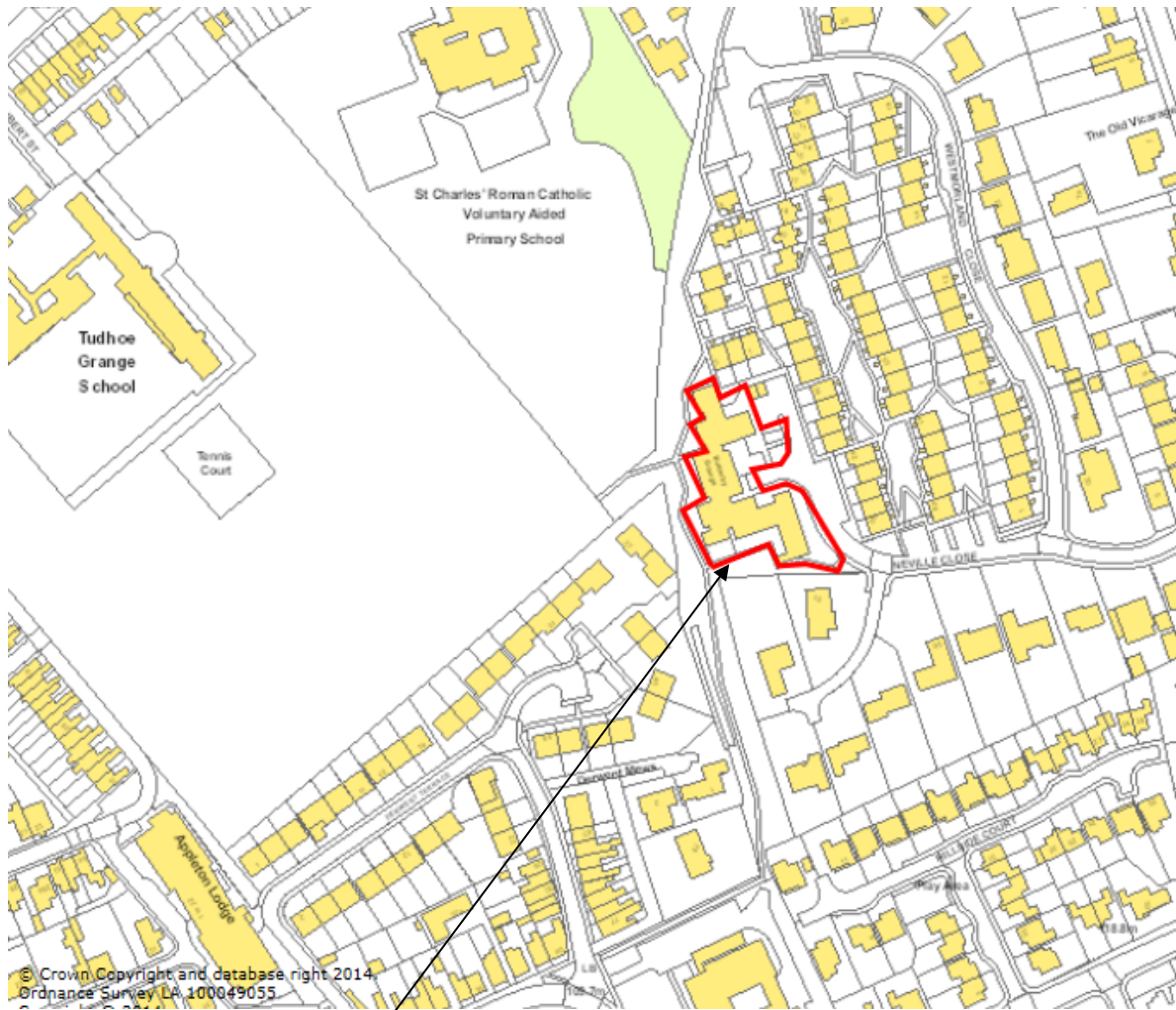
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
County Durham Plan (submission version)
Consultation responses



Application Site



Planning Services

Demolition of existing buildings and erection of 14 units

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date 1st December 2014

Scale 1:2500