

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/15/00597/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 12 no. terraced dwellings
<b>NAME OF APPLICANT:</b>	Mr Daniel Haffenden
<b>ADDRESS:</b>	Former Willington Health Centre Chapel Street Willington
<b>ELECTORAL DIVISION:</b>	Willington and Hunwick
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site is that of the former Willington health centre, which is currently vacant following demolition of the health centre building. Accordingly the land is considered previously developed (brownfield land) and it lies within the Willington development limits.
2. Chapel Street runs along the eastern boundary of the site. Willington Primary School and associated playgrounds lies to the south. The current Willington Health Centre sits across the street to the east. To the north is a residential property, vehicle garage business and car park. To the west is a telephone exchange building. There are a number of mature trees surrounding the former car parking area, some of which are protected by a Tree Preservation Order.
3. Development of the site would be provided in two distinct sections: a terrace of 9 dwellings across the site frontage and a small terrace of three properties located to the rear of the site in the former car parking area. The dwellings would all be of two storey, brick and concrete roof tile construction with off street car parking to the front and private rear gardens. The proposal includes some tree removal including 1 of the trees covered by the TPO (T5).
4. The application is being reported to the committee as it constitutes a major development.

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## PLANNING HISTORY

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5. Planning Approval was granted for a health centre on the site in 1975 which has since been demolished. An application for 9 dwellings and 9 flats at the site was withdrawn prior to determination.

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## PLANNING POLICY

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## NATIONAL POLICY

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
8. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
10. *NPPF 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. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF 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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*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 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)*

## LOCAL PLAN POLICY:

13. 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 weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
14. *Policy GD1 General Development Criteria* 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.
15. *Policy H3 Distribution of Development* New development will be directed 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 the other policies of this plan.
16. *Policy H22 Community Benefit* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
17. *Policy H24 Residential Design Criteria* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
18. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>*

## RELEVANT EMERGING POLICY:

### The County Durham Plan -

19. The emerging County Durham Plan was submitted in April 2014 and has been examined in public. 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. At the current time, the emerging plan is being afforded little or no weight given the publication of the inspector's interim views.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

20. *Environment Agency:* No comment

21. *Northumbrian Water*: The sewage treatment works is operating at capacity and requires upgrading. This will only take place if there was certainty over the development commencing. Recommend the developer talks directly to Northumbrian Water to understand timescales and factor in phasing. A condition is recommended that the development cannot be occupied until the upgrading is carried out.

22. *Coal Authority*: No objection

23. *Highways Authority*: No objection. Parking spaces must be made available prior to occupation of the dwellings.

#### **INTERNAL CONSULTEE RESPONSES:**

24. *Trees and Landscape*: Concerns from the Trees Section that the proximity of the trees to the proposed development will be a nuisance and could lead to more felling; but no objection from the Landscape Section subject to a landscaping scheme being conditioned.

25. *Environmental Health*: Some concerns about noise from the nearby garage and school and therefore recommend a noise assessment is conditioned to determine whether mitigation measures will need to be included in the construction of the houses.

26. *Sustainability section*: No issues with the sustainability of the site, but the scheme should seek to embed sustainability in design and construction and therefore a condition is recommended.

27. *Archaeology*: No objection

28. *Contaminated Land*: No objections but a contaminated land assessment will be required by condition.

29. *Planning Policy*: No objections

30. *Drainage and Coastal protection*: Drainage scheme required

#### **PUBLIC RESPONSES:**

31. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. There were no comments received.

#### **APPLICANTS STATEMENT:**

32. With regard to the redevelopment of the former site of the Willington Health Centre I confirm that I purchased the land in 2014 as it is a brownfield site and the governments statement that this sort of land should be used for development, this site is a prime site for this situation, I made an application in in May 2014 for a development of 9 2/3 bedroom houses and a single block of 9 2/3 bedrooms. After a lot of discussion with DCC Planning I withdrew the application in August 2014. I have now re-designed the development into 9 3/2 bedroom terrace and one 3 3 bedroom single block, this redesign has been discussed with the DCC Planning department and I feel we have taken on bard their requirements as well as the development will enhance the surrounding area.

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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33. 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 development, layout and design, highways issues, impact upon trees, drainage and other issues.

### Principle of development

34. Policy H3 of the Wear Valley Local Plan seeks to direct development to towns and villages best placed to support it and states that development within Willington is permissible.
35. This is consistent with the National Planning Policy Framework which also seeks to direct development to locations that are considered sustainable, for example locations within and close to existing built up areas where services are available without the need to resort to the use of the private car.
36. The application site is located close to the centre of Willington, as such a range of local services are provided nearby within walking distance and public transport links are available. The location is considered sustainable in line with the NPPF.
37. Also identified within the NPPF is a core land use planning principle which states that planning decisions should encourage the effective use of land by re using land that has been previously developed (brownfield land) provided it is not of high environmental value.
38. The site constitutes previously developed (brownfield land) having previously hosted the health centre which has since been demolished. The site appears to have been left vacant since this time.
39. The appearance of the site at the present time is somewhat awkward, with boulders preventing unauthorised vehicular access to the site associated with an empty car park. The proposal would bring the site into step with the well-developed surrounding urban environment.
40. Officers consider the development acceptable in terms of principle and the scheme accords in this respect with policy H3 of the Wear Valley Local Plan and the aims of the NPPF.

### Layout, design and amenity

41. The development would comprise of two storey terraced properties which would be built of brick with tiled roofs. The dwellings would respect the setting of the site through fitting in well with its urban nature. The development of the site would not result in the loss of an important open space and is served by adequate existing access arrangements.

42. Given the compact nature of the site and small scale of the development, it would not be appropriate to provide open space within the development. Instead an off site contribution of £12,000 will be sought towards the provision/maintenance of social, community and or recreational facilities within the locality to meet the requirements of Wear Valley Local Plan Policy H22. Each property would be provided with a private garden area. The gardens proposed to the dwellings are less deep than the 10 metre requirement under policy H24, generally measuring 8mtrs in depth upwards. The separation distance between the rear elevations of the larger terrace to the gable end elevation of unit 10 are slightly short at just over 12mtrs rather than the suggested 15mtrs detailed within the Policy.
43. However, in light of NPPF guidance that post-dates the local plan policies, Officers are able to give more significant weight to the importance of viably using this previously developed land in a sustainable location to justify these very minor departures from Policy H24. The proposed garden size would not be out of character with other terraced dwellings in the area. The slightly short separation distance would not in Officers opinion have a significant impact on the amenities of future occupiers of the site to warrant attempted revision to the scheme.
44. It is unlikely that the development would conflict with adjoining uses, although the presence of a vehicle garage across from the site is noted. Environmental Health Officers have recommended a condition in this respect requiring a noise survey which would determine whether sound attenuation measures are required within the proposed development to protect future residents from the transferral of sound from commercial premises. The garage already sits among existing housing and given the development would present a gable end to the garage, rather than habitable rooms it is considered likely that a suitable mitigation scheme could be achieved if deemed necessary by the survey and therefore it is appropriate to deal with the issue by condition.
45. In line with Policy GD1, the development is considered to be of appropriate form, mass, scale, layout, density and materials.

#### Highways Impacts

46. Policy GD1 relates to highways issues and it requires that safe access to the site and adequate parking should be provided. It also requires that development does not create unacceptable levels of traffic which would exceed the capacity of the local road network.
47. Policy T1 relates to transport and generally echoes the requirements of Policy GD1 but also adds that development should be capable of access by public transport networks.
48. The Highway Authority has no objection. They are satisfied that the local road network is capable of hosting any traffic that could be generated. An appropriate amount of off street parking provision is provided within the scheme. These should be made available prior to the occupation of the dwellings and can be conditioned as such.

#### Impact upon Trees

49. The majority of trees are located along the western boundary of the site, particularly in the nw and sw corners of the former car parking area. Not all are protected by the tree preservation order. T5 of the TPO, which is located centrally in the western boundary, would be removed along with some other low quality specimens which are

not included in the TPO. Many trees that are not in conflict with the development proposals would be retained.

50. The Council's Tree Section does not support loss of T5 and considers the proximity of some of the plots to the trees could lead to a situation where residents might consider them to be a nuisance.
51. Its only plots 1, 2 and 12 however which are near to the trees. T5 would be lost as a direct result of plot 12, but it is noted that the concerns of the Tree Section are more about opening up views of the telephone exchange building behind it. The new dwellings would however obscure views of the telephone exchange and therefore it is not considered to be an issue. As the rest of the trees along that boundary are to the sw and nw of plot 12 they are not likely to lead to any significant overshadowing of plot 12. Trees T1 and T2 are to be retained to the rear of plots 1 and 2. Had they been to the south of those plots there may have been legitimate grounds for concern about shading, but not when they are to the west and particularly when they are not very large specimens. Regard must also be given to the desirability of re developing this sustainable empty site, which contributes little to the appearance of the area. This is a factor which carries significant weight, particularly in outweighing the loss of T5.
52. Therefore, while acknowledging concerns of the Tree Officer, there are not considered to be sufficient reasons to justify refusal on the grounds of tree impact. The Landscape Section has not objected and a landscaping scheme can be conditioned.
53. The proposal accords with Wear Valley Local Plan policy GD1 in this respect.

#### Drainage

54. Northumbrian Water has noted that the existing sewerage treatment works require upgrade prior to accepting any additional flows from the proposed development. They have however indicated it is likely that these works can be actioned, subject to them having some certainty that the site will be brought forward for development. The timing of the upgrade works is a matter that needs to be discussed between Northumbrian Water and the developer.
55. Accordingly, while there is not sufficient sewage capacity at present, there is good likelihood that the matter will be addressed and therefore it is considered appropriate to condition that the dwellings cannot be occupied until the works to upgrade the sewage treatment works have been completed as requested by Northumbrian Water.
56. A condition will also be required to ensure an appropriate surface water drainage scheme is provided.
57. Subject to these conditions the proposal complies with Wear Valley Local Plan policy GD1 in this respect.

#### Other issues

58. The risk of protected species being on the site is considered to be low due to the highly urban location and the nature of the site which is half tarmac and half rough dirt/grass.
59. The number of units proposed is below the level at which affordable housing provision is required, which in this delivery area is set at 15 dwellings.

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## CONCLUSION

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60. The proposal would allow the appropriate development of this previously developed site for housing within a sustainable location within Willington.

61. The proposal therefore accords with NPPF parts 4, 6, 7, 10, 11 and local development plan policies GD1, H3, H22, H24, and T1 of the Wear Valley Local Plan.

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## RECOMMENDATION

That the application be **approved** subject to the completion of a section 106 legal agreement to secure a contribution of £12,000 towards the provision/maintenance of social, community and or recreational facilities within the locality and the following conditions -

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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 and documents.

Dwg 3059/10A

Dwg 3059/11A

Dwg 3059/12A

Arboricultural impact assessment

Arboricultural method statement

AMS EXIA-A

EXI-A

TPP REV C

All received 26th Feb 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF parts 4, 6, 7, 10, 11 and local development plan policies GD1, H3, H22, H24, and T1 of the Wear Valley Local Plan.*

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

*Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.*

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime.



*Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.*

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.*

6. No dwelling shall be first occupied until its car parking space(s) have been made available for use and thereafter all car parking spaces shall remain unobstructed and available for the parking of private vehicles at all times.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Wear Valley Local Plan.*

7. No development shall commence 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 while the development is in existence.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.*

8. No development shall take place until a detailed acoustic report, carried out by a competent person in accordance with the current edition of BS 8233 and the WHO Guidelines on community noise, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from commercial premises. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

*Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Wear Valley Local Plan.*

9. No dwelling shall be occupied until Northumbrian Water have provided written confirmation that upgrade works to the local sewage treatment works to create additional capacity to serve the development hereby approved have been completed.

*Reason: To ensure there are adequate foul drainage arrangements for the site in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.*

10. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.*

11. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy 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.*

12. No development shall take place, nor any site cabins, materials or machinery be brought on site until all trees scheduled for retention are protected in accordance with the details in the Arboricultural Method Statement Tree Protection Plan (AMS TPP-Rev C. The fencing must be retained throughout construction works and no storage of any materials is to take place inside the fences.

*Reason: To protect the trees from construction damage in the interests of the health and amenity of the trees and impact on the character and appearance of the area. In accordance with policies GD1 of the Wear Valley District Local Plan.*

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents provided by the applicant  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Wear Valley Local Plan  
The County Durham Plan (Submission Draft)  
All consultation responses received



**Planning Services**

12 no. terraced dwellings and associated works

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14<sup>th</sup> May 2015