

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03568/FPA
FULL APPLICATION DESCRIPTION:	Residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent. (Amended plans)
NAME OF APPLICANT:	Galliford Try Partnerships North Ltd
ADDRESS:	Land To The South Of The Wynds, Esh Winning Deerness
ELECTORAL DIVISION:	
CASE OFFICER:	Susan Hyde Planning Officer 03000 263961

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a 1.3 hectare parcel of land 500 metres to the east of Esh Winning Centre and was previously the site of Esh Winning library and community centre with associated car parks and outdoor space. The site has now been cleared of buildings and benefits from having a mature belt of trees to the north west and south east of the site. There are also trees within the site.
2. To the west of the site is the existing residential development of The Wynds, to the north is a cemetery and beyond that a further residential housing estate and to the east is the recently purpose built primary school. To the south of the site is Station Road and beyond which is open countryside. The site is considered to be a mixture of brownfield and greenfield land. The land slopes from north to south and includes a distinct change in levels.

The Proposal

3. This application proposes the construction of 50 residential dwellings with associated works. All the properties are proposed to be affordable housing and proposed to be houses for rent. The application is a full application with all matters being considered.
4. Access to the site is via Cemetery Road that borders the site to the west that also provides access to the primary school and residential properties. Two vehicular access points are proposed into the site which reflects the change in levels on the site with the streets forming two cul de sacs.

5. The proposed house types are a mixture of two bedroom and three bedroom terraced houses and two bedroom bungalows. Both cul-de-sacs provide a mixture of house types.
6. The tree belts to the north east and south west of the site that flank The Wynds and Station View are both proposed to be retained. The two tree belts are located outside the rear gardens of the dwellings to and are proposed form general amenity space. Other trees within the application site will be lost to accommodate the development.
7. The application is being reported to Planning Committee as the development constitutes a major residential development comprising of more than 10 dwellings.

PLANNING HISTORY

There is no planning history on 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.
- 9 The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
- 10 The following elements are considered relevant to this proposal;
- 11 NPPF Part 1 - Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 12 NPPF 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.
- 13 NPPF Part 6 Delivering a wide choice of high quality homes. To boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

- 14 NPPF Part 7 Requiring Good Design. 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.
- 15 NPPF 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.
- 16 NPPF 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.
- 17 NPPF Part 11 Conserving and Enhancing the natural Environment. The planning system should contribute to and enhance the natural and local environment by 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

City of Durham Local Plan

- 18 Policy E14 Existing Trees and Hedgerows sets out that a full tree survey will need to be carried out to accompany planning applications when development may affect trees inside or outside the application site.
- 19 Policy E15 New Trees and Hedgerows. Trees and Hedgerows planting is encouraged.
- 20 Policy E22 Conservation Areas sets out that the Local Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials where appropriate reflecting existing and architectural features.
- 21 Policy H3 New Housing Development in the Villages. New housing development comprising windfall sites of previously developed land will be permitted within settlement boundaries.
- 22 Policy H12 – On sites of 15 or more dwellings and where a local need exists the Council will negotiate 20% affordable housing.
- 23 Policy H12A – The type and size of houses will be monitored and if there is a need for a particular type of house this will be negotiated.
- 24 Policy H13 - The Character of Residential Areas sets out that planning permission will not be granted for new development or changes of use that will have a significant adverse effect on the character and appearance of residential areas, or the amenities of residents within them.

- 25 Policy T1 - General Transport Policy sets out that the council will not grant planning permission for development that would generate traffic which would be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
- 26 Policy T10 - Parking sets out that vehicles parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development
- 27 Policy T21 – The Council will seek to safeguard the needs of walkers.
28. Policy R2 - Provision of Open Space - New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
29. Policies Q1 and Q2 - Designing for People and Accessibility sets out that the layout and design of all new development should take into account the requirements of all users.
30. Policy Q5 Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
31. Policy Q6 – All new developments on the edge of settlements or exposed sites will require peripheral planting
- 32 Policy Q8 - Layout and Design – Residential Properties sets out criteria for new build properties
33. Policy Q15- The Council will encourage the provision of artistic elements in the design and layout of developments.
34. Policy U8a Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
35. Policy U11 – Development on sites which are known to be contaminated will only be permitted where the extent of the contamination is established and suitable mitigation is proposed.
36. Policy U14 – Energy Conservation

RELEVANT EMERGING POLICY

The County Durham Plan

37. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector

dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP and a new plan is being prepared. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. The Highway Authority – Raises a concern that the plots 19 – 22 front Cemetery Road and front the bus lay by but have car parking to the rear of the site which may lead to on street parking.

INTERNAL CONSULTEE RESPONSES:

39. Northumbrian Water – Raises no objection subject to a condition regarding drainage.
40. Landscape Section (Trees) – Raise no objection to the proposed development and requested that the tree belts to the north and south of the site are retained outside the gardens of the neighbouring properties. Also cross section of the site required where there is a change in levels. (This has been provided)
41. Trees - Trees which must remain are located adjacent to the entrance road to The Wynds and Station View. It would be preferred to have these trees located outside the gardens of the dwellings. If included in the gardens, pressure to remove the trees due to leaf and light issues will be created.

Trees within the central area will need to be removed to facilitate the development although some of the trees are classed as good quality trees within the Arboricultural report, it is not thought that these trees will survive the development process.

42. Ecology – Confirmed the Phase 1 Habitats Report is satisfactory and that the movement of the bat boxes is satisfactory. Also raised concerns about the loss of biodiversity on the site.
43. Design and Conservation – Initially raised concerns about the submitted scheme and requested amendments to the layout, design and house types. Amendments have now been received and the conservation officer now raises no objection to the proposed scheme.
44. Environmental Health – Noise – Consider the noise report submitted is satisfactory. Conditions are requested regarding the hours of operation, dust noise etc.
45. Noise Action Team – no objections subject to conditions to minimise the environmental impacts.
46. Air Quality – Requires conditions regarding air quality on the site construction works.

47. Contaminated Land – Assessed the Phase 1 and Phase 2 Contaminated Land Reports and agrees with their recommendations. Considers that conditions are required regarding the mitigation of the contaminants on the site.
48. Police Liaison Officer – Raises no objection and notes that houses in cul-de-sacs tend to suffer less crime. Raises a concern about the limited size of the properties and potential for parents dropping off children to use the streets for parking.
49. Drainage and Coastal Protection – Raise no objection.
50. Housing - The development will assist in meeting housing need identified within the SHMA. The SHMA highlights a 20% shortfall of affordable housing in central Durham which the proposal surpasses. Due to the recent difficulties in securing delivery of affordable rent units we would support delivery of this rental scheme.
51. Education – confirmed that there are sufficient primary and secondary school places in local schools to accommodate children from the development.
52. Sustainability Officer – No comments received at the time of writing the report.
53. Coal Authority – No comments received at the time of writing the report.
54. NHS - No comments received at the time of writing the report.

PUBLIC RESPONSES:

55. The application was advertised with site notices and letters to neighbours and 4 letters of objection and one of these letters also raising comments of support have been received. Upon receipt of the amended plans the application was re advertised and no further responses were received.

The main concerns raised are:

- Intensification of use of the access road could cause problems for people accessing / egressing the site. Site lines are poor and this makes a bad situation worse.
- Object to a loss of trees
- Trees are blocking light to neighbouring properties on The Wynds and leaves are blocking gutters. Would wish to see more trees lost on the boundary with The Wynds.
- Provision of a site compound for construction vehicles should be provided.- particularly as the site is opposite a school.
- Loss of trees will make the existing drainage problems worse.
- The Esh Winning to Waterhouses Road floods regularly adjacent to this site and development will stop this water being absorbed.
- History of drainage problems on the site with adjacent properties having been flooded.
- Loss of parking as the car parks have been retained on site and are used by parents dropping children off at the Primary School.

Support

- Pleased to see the land being developed
- Development will remove existing problems with fly tipping and dog fouling.

APPLICANTS STATEMENT:

Introduction

This Statement has been prepared in support of a planning application for the erection of 14 two-bedroom three-person bungalows, 24 two-bedroom four-person houses and 12 three-bedroom five-person houses at the former Esh Winning Library site, Esh Winning, County Durham.

Principle of Development

The site has not been assessed as part of the Durham Strategic Housing Land Availability Assessment (SHLAA).

However, the site is considered to meet the criteria of a 'deliverable' site in that it is:

Available now – The site is in the ownership of Durham County Council. Galliford Try Partnerships the contractor partner for Home Group on this project has preferred developer status on the land owned by the County Council. Home Group has commissioned the preparation of this planning application and plan to commence development at the earliest opportunity following any grant of planning permission.

Offer a suitable location for development now – The site is previously developed and considered to be in a sustainable location. It is located within 500m of Esh Winning town centre with ease of access to all the major services and amenities. It is located within an established residential area.

Be achievable, in particular viable – Galliford Try Partnerships has confirmed HCA Grant for the scheme which ensures that the delivery of the site is achievable. A viability assessment will be submitted confidentially alongside this planning application, which demonstrates the funding available for the proposals.

Design

The proposed development provides a contemporary design solution, which will enliven the local area and provide a positive change to the appearance of the setting. The scheme pays regard to its context by matching facing materials and replicating existing building forms and details.

The site is laid out to ensure that there is an appropriate level amenity separation between dwellings on the proposed development and to adjacent existing houses. External private space is well defined and protected by boundary fences.

The level of separation and orientation of the development blocks on the site ensure that all the new properties enjoy at least one elevation and or private garden space with some aspect towards the east, south and west. All principal habitable rooms have external windows.

Conclusion

The proposed development represents a significant opportunity to deliver the following economic, social and environmental benefits to Esh Winning and the wider area and include:

- Delivery of 50 no. affordable dwellings creating a sustainable residential extension to the settlement of Esh Winning, and contributing towards meeting the settlement's
- A mix of two and three-bedroom houses and bungalows will be provided, helping to meet an identified need for such properties within the County
- Residential amenity will be protected, both within the development, and between the proposed development and neighbouring occupiers
- There will be no adverse impact on the surrounding highway network
- The site is well located to promote pedestrian and cycle trips
- The site is well-connected in terms of public transport to a number of larger settlements and their services within the surrounding area
- The site is located in close proximity to the village centre of where a range of shops, services and local facilities are available
- New residents will help to sustain existing shops, services and facilities within the village due to the higher footfall and patronage, thus reinforcing the village's local retail and service role
- The site is not at risk of flooding nor will it increase the risk of flooding elsewhere
- A drainage solution is proposed that would ensure that surface water can be satisfactorily disposed of

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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 relates to the principle of development, landscape and visual impacts, residential amenity, ecology, planning obligations, ecology, highway safety and parking, flood risk and drainage..

Principle of Development

57. Planning legislation requires that the application should be determined in accordance with the development plan unless material considerations dictate otherwise. The NPPF is a material consideration and The City of Durham Local Plan remains a statutory component of the development plan and a starting point for determining applications as set out in Paragraph 12 of the NPPF. The NPPF advises at Paragraph 215 that greater weight may be given to local plan policies depending on their degree of consistency with the NPPF. Furthermore paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development.

58. The Council accepts that it is currently unable to calculate - and therefore demonstrate - a five year supply of deliverable sites based on an up to date, publicly tested Objectively Assessed Need of the area (OAN), in accordance with the requirements of Paragraph 47 of the NPPF. Consequently, Paragraph 49 indicates in such instances that the DLP policies are to be regarded as 'not up to date' or, as Paragraph 14 of the NPPF states, 'out of date'. As the LP is regarded as out-of-date with regards to housing delivery, as Paragraph 14 of NPPF states, the two limbed test set out in the second bullet of the 'decision taking' section is applicable in this instance, namely granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate the development should be restricted.

The application of the first 'limb' consideration of Paragraph 14 will highlight potential harm and benefit that should be considered in undertaking the necessary planning balance under Paragraph 14. The application of the second 'limb' will only be a relevant consideration in this instance if specific policies in NPPF indicate the development should be restricted. In this case only the first limb applies.

59. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authorities are expected to increase the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and alternative forms of tenure to meet the needs of all sectors of the community should be provided.
60. In this case the site lies within the settlement boundary of Esh Winning as defined on the City of Durham Local Plan. As the site is located 500 metres to the west of Esh Winning village centre the site is located within walking distances of a wide range of commercial and social facilities. The primary school and library are opposite the application site entrance and good public transport is available with bus stops immediately adjacent to the site. A footpath link is also provided in the application site to join an established footpath link to the village centre and this also connects the site to the local playing fields and play equipment. The site is therefore considered to be located in a sustainable location which is consistent with paragraph 14 and 49 of the NPPF in supporting sustainable development.
61. The site was formerly a library with car parking and additional community facilities and had a curtilage that included outdoor play space. As such the site is considered to be a primarily previously developed site which is in accordance with Policy H3 of the Local Plan that supports windfall development of previously developed land within the settlement boundaries. Paragraph 17 of the NPPF also states that 'planning should: encourage the effective use of land by reusing land that has been previously developed' which again is consistent with redevelopment of this site.
62. Some of the site was outdoor amenity space associated with the library and community centre and this can be considered as a green field site. Saved policy H3 from the City of Durham Local Plan states that new housing development will only be permitted on windfall sites comprising of previously developed land. Policy H3 is only partially consistent with the NPPF as it is consistent with paragraph 14 and 49 in supporting sustainable development and objectively assessed housing need. However the NPPF does provide the opportunity to support greenfield sites in sustainable locations. Paragraph 17 of the NPPF also states that 'planning should: encourage the effective use of land by reusing land that has been previously developed.' However, this greenfield/PDL issue is balanced with the fact that the site is also in a sustainable location where there is a 'presumption in favour of sustainable development.' (paragraph 14 of the NPPF). Recent appeal decisions have supported development within a

sustainable location on greenfield land. As such no objection is raised to this issue.

63. The proposal for residential development is considered acceptable in principle as it is in line with local plan policy H3 and would also be in line with the core aims of the NPPF in encouraging sustainable development.

Residential Amenity

64. The nearest properties are located to the north of the site on The Wynds and Claireville on Station View that have gardens that border the application site. There is a change of levels between the land to the north with the properties on the Wynds being set at a lower level than the application site. The layout of the development respects this change in levels with bungalows being located along the northern edge of the site. A 1.8 metre high close boarded fence is proposed to be located along this border which prevents any overlooking from the windows in the rear elevation of the proposed bungalows.
64. The distance between the windows on the rear elevation of the bungalows on plot 11 – 15 and 39 and 40 to the properties on The Wynd is generally 21 metres. The only exception is on the property to the rear of plot 13 where a rear extension has been added to the property on The Wynds and the distance is reduced to 17 metres. The bungalows on plot 12 and 13 have a rear garden that is over 11 metres deep and the 1.8 metre boundary fence will prevent any overlooking as such the residential amenity implications are considered acceptable.
65. Plots 39 and 40 are both bungalows and have a rear elevation that backs onto the rear garden of the bungalow Clairville. Again the privacy of the garden is protected by the introduction of the 1.8 metre fence which is conditioned to be retained.
66. To the south of plot 1 is a pair of semi detached houses where there is a separation distance of 14 metres to a blank side elevation. This is over the 13 metres required in Policy Q8 of the Local Plan.
67. In terms of the relationship between the proposed properties on the application site between the proposed dwellings, it is considered that the separation distances are acceptable to ensure future residents have sufficient levels of privacy as well as not being compromised by any overbearing or overshadowing issues from the proposed properties. All properties also benefit from 1 in curtilage parking space, communal visitor spaces, and private rear gardens. The development is considered to provide a good standard of residential amenity.
68. All the proposed properties have rear garden amenity spaces, with the majority of them having generous gardens with a good level of privacy. The properties on plots 43 – 50 and 32 - 36 do have smaller gardens however given these properties are 2 bedroom houses and their gardens still allow a good level of privacy with plots 43 – 50 backing onto a tree belt and this is considered acceptable.
69. Given there are residential properties within close proximity to the proposed development a condition is recommended with regards to construction hours of operation. This will ensure neighbouring residents are not overly disturbed during the construction phase of the development.

70. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties, and satisfactory standards of amenity are achieved for the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

Layout, design and visual amenity

71. The layout of the proposal is via two vehicular access roads that provide two cul de sacs. Plots 19 – 26 face onto Woodland Terrace opposite Esh Winning Primary School providing a street frontage to this street.

72. Policy E14 seeks the protection of important groups of trees and hedgerows. On this site the mature tree belts to the north west and south east of the site fronting Station View and The Wynds are retained and located outside the garden areas to ensure these tree belts that contribute to the visual amenity of the area are retained. Mature trees within the site will be lost to form the development. The County Landscape Officer has carefully considered the loss of these trees and concluded that the trees adjacent to The Wynds and Station View provide the most public amenity benefit. As such he raises no objections to the loss of the trees within the site.

73. The last site boundary to the north east backs onto the rear gardens of the properties on The Wynds and appropriately has adjoining rear gardens from the bungalows on the site.

74. The applications site is on two levels and the existing retaining wall is proposed to be removed and a new retaining wall introduced. This is three metres in height and annotated on the site plan as a timber retaining wall.

75. The proposed properties are a fairly standard design seen on many modern housing estates. The finished materials are brick with a tiled roof and details of the materials are submitted with the application. The proposed colour palette is similar to those on Magnolia Court to the south east of the site which is considered in keeping with this locality. During the application process some amendments have been made to the external appearance of the buildings to introduce heads and sills to the windows and a vertical emphasis to the windows to improve the appearance of the elevations. The properties are a mixture of two storey and single storey dwellings and it is not considered that the houses will therefore have an intrusive impact to the outlook or character of the surrounding area.

76. Finally, it has to be noted that this site is now redundant and empty with residents noting the site has generated some anti social behaviour like fly tipping and dog fouling. The proposed scheme would provide rented affordable housing on this site in a layout and design that would contribute to the character and appearance of the area. The proposal is therefore considered to be in accordance with policy H13 and E1 of the local plan.

Access and Parking

77. The layout of two cul de sacs with one dedicated parking space per dwelling and communal visitor parking for 19 vehicles is considered acceptable.

78. The Highways Officer has raised concerns about plots 19 - 22 fronting onto Woodlands Road having their parking spaces accessed from the rear cul-de-sac. His concern relates to people potentially parking at the front of their property which would interfere with the lay by for the bus stop. Whilst the Highways Officer has concerns regarding this aspect of the scheme, it is not felt that a highways refusal reason could be justified in this instance.
79. Connectivity on the site is improved by the provision of a footpath link adjacent to plot 10 to the existing footpath that provides a link to the village centre and play areas.
80. Overall, it is considered that the proposed development would have a suitable vehicular access as well as adequate parking provision, and the surrounding highway network would be able to cope with the additional vehicle demand. The proposed development would not adversely compromise highway safety and the proposal would be in accordance with policies T1 and T10 of the local plan.

Affordable housing and section 106 contributions

81. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should "plan for a mix of housing", "identify the size, type and tenure of housing that is required in particular locations", and "where affordable housing is needed, set policies for meeting this need on site".
82. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 20% affordable housing across the Central Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement. The applicant has submitted a scheme for 100% affordable housing with all properties available for rent. The County Durham Housing Officer has confirmed that there is a particular need for rented houses and therefore supports this application for 100% rented affordable houses. Although the planning application offers 100% affordable housing this cannot be awarded any material weight as the County Councils policy requirement is for a lower amount of 20% affordable housing and this is the proportion of the site that the planning application would be required to be provided. However as 100% affordable housing has been offered on the site this level of affordable housing can still be reflected in Legal Agreement to secure the affordable housing on the site.
83. Policy R2 on the provision of recreational and amenity space in new developments requires a provision for recreational play space and amenity space. On this site the two tree belts to the north west and south east of the site retain an attractive mature tree belt that enhances the street scene and is considered to provide some amenity space in accordance with Policy R2. The County Councils Open Space Assessment identified a need for facilities to be provided on site for younger children. Informal play space is proposed to be provided on pockets of land throughout the development with an enclosed small play area between plots 20 and 21. This is considered to meet the needs of the younger children on site. No facilities are provided for older children. However the footpath link provides good safe access to the closest playing fields and play facilities and a financial contribution of £12,500 is to be secured through a Legal Agreement for play facilities within the local area. The contributions would help to support and improve facilities within the surrounding locality for the benefit of

occupiers of the additional properties and also existing residents of the local community.

84. Policy Q15 of the Local Plan encourages the provision of artistic elements in the design and layout of development. The County Council usually requires a 1% contribution of the build cost for the provision of the artistic elements. In his case the applicant has provided a disclosure of the financial viability of the development to demonstrate that this would not be feasible. As such an enhancement to the submitted scheme has been negotiated that includes the provision of four benches on the amenity areas. This is considered to both provide an attractive feature and encourage more use of the amenity areas for all the potential residents of the development. In addition appropriate boundary treatment along the frontage of Woodland Road to improve the street scene has been proposed. These elements provided on site are considered to be in accordance with Policy Q15.

Drainage

85. Policy U8A requires satisfactory arrangements for foul and surface water drainage to be provided. Northumbrian Water has been consulted on the application and raised no objection subject to a condition regarding surface water and foul drainage. The County Drainage Officer has also assessed the submitted information and requires further information to be submitted about the critical flood exceedance route. This is conditioned accordingly.

Contaminated Land

86. Policy U11 requires details of contaminants on the land to be established and suitable remediation to address the actual or potential hazard or contamination identified. On this application a phase 1 and 2 contamination report has been submitted and carefully assessed by the Environmental Health Contaminated Land Officer and conditions are required to ensure that appropriate mitigation is implemented.

Ecology

87. Policy E16 seeks to protect and enhance nature conservation. In this case the County Ecologist has carefully assessed the bat report and following the submission of additional information has concluded that the report and additional information for the replacement bat boxes is satisfactory. He has noted that there is a loss of the grass and trees on the central area of the site that does provide some biodiversity on site.

CONCLUSION

88. The site is defined in the local plan as being within the settlement boundary of Esh Winning and would be the redevelopment of the previously developed library site. This is considered to conform to Policy H3 of the Local Plan.
89. The proposed development is assessed to be in line with the sustainable aims of the NPPF. The site is considered to be within walking distance to the commercial centre of Esh Winning and has good access to public transport links adjacent to the site.

90. The proposed scheme would not have an adverse impact on the amenities of surrounding buildings and the amenities of future occupiers of the proposed properties would also be protected. It is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the City of Durham Local Plan.
91. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. There are concerns that the location of some of the in curtilage parking could result in some parking near the bus stop, however this issue is not considered sufficient to justify a refusal reason. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.
92. The proposed development would deliver affordable housing on site with the full amount required by planning policy (20%). The section 106 agreement will ensure that the 20% affordable housing is required on site in accordance with planning policy. The legal agreement though will also reflect the 100% affordable housing offered by the applicant at their request as the applicant has advised that it is required to secure funding for the development – however this additional provision of affordable housing has not been given any additional consideration in the decision making process on this application. Amenity space in the form of tree belts adjacent to The Wynds and Station View are retained and small pockets of amenity and play space are provided within the site in accordance with Policy R2. A developer contribution of £12,500 will also be made towards the provision and maintenance of recreational and amenity space in the near locality. This contribution would be secured through the Section 106 legal agreement.

RECOMMENDATION

Mindful to APPROVE the application subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing and a financial contribution towards the provision and enhancements to sports provision and recreational areas in the locality; and subject to the following conditions;

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:

SITE LOCATION PLAN validated 10th November 2016

C01 Rev G SITE LAYOUT PLAN received 06/03/2017

AMENDED ELEVATION PLANS BUNGALOWS received 22nd December 2016

AMENDED ELEVATIONS 2 AND 3 BED TWO STOREY HOUSES received 22nd December 2016

TYPICAL SECTION THROUGH THE RETAINING WALL received 23rd January 2017

PHASE I CONT LAND validated on the 10th November 2016

PHASE II CONT LAND 1st February 2016

15002 P115 SITE SECTIONS(1) validated 10th November 2016

15002 P300 MATERIALS SCHEDULE(1) received 21st February 2017

15002 DESIGN AND ACCESS STATEMENT NOV-16 validated 10th November 2016

4657 ECOLOGICAL IMPACT ASSESSMENT R03 validated 10th November 2016

561 ESH WINNING TRANSPORT STATEMENTS V1 PART 1 validated 10th November 2016

DRAINAGE STRATEGY validated 10th November 2016

FLOOD RISK ASSESSMENT validated 10th November 2016

PLANNING STATEMENT validated 10th November 2016

SITE MANAGEMENT METHODOLOGY validated 10th November 2016

STATEMENT OF COMMUNITY INVOLVEMENT. validated 10th November 2016

DUST MANAGEMENT PLAN validated 10th November 2016

VIABILITY ASSESSMENT(1). validated 10th November 2016

AFFORDABLE HOUSING STATEMENT validated 10th November 2016

ARBORICULTURAL IMPACT ASSESSMENT validated 10th November 2016

NOISE SURVEY AND FAÇADE ACOUSTIC DESIGN STRATEGY validated 10th November 2016

UPDATED DRAINAGE STRATEGY received 2nd December 2016

DRAINAGE PERCOLATION TEST received 3rd February 2017

DRAINAGE STORM FLOOD ASSESSMENT received 1st March 2017

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

3. Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.

4. The development shall be undertaken in accordance with the following contaminated land reports: Arc Environmental Phase 1 desk top study reference 16-379 dated 1/11/16, the Arc Environmental Phase 2 site investigation report dated 5th January 2017 and the James Christopher Consulting remediation strategy JCC16-123-(E)-01 dated February 2017.

The full scheme shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a or b are not required.

Throughout completion phases of the development all documents submitted relating to Phases 3 and 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Completion

- (a) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out and where necessary a Phase 3 Remediation Strategy shall be prepared. The development shall be completed in accordance with any amended specification of works.
- (b) Upon completion of the remedial works, 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

6. All sound attenuation measures detailed in the noise assessment report Apex Acoustics Report No 5460.1 version A dated 4th November 2016, shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason – In the interest of the aural amenity of the properties in accordance with Policy Q8 of the City of Durham Local Plan 2004.

7. No works, other than site investigation works, shall start on site until a Construction Management Plan (CMP) which shall be prepared by a competent person has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan. The CMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) have upon any occupants of nearby premises. In addition a site management plan for traffic and parking of vehicles shall also be provided. The detailed mitigation proposed shall include:
- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
 - An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
 - Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
 - Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition

activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.

- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

- . Details of parking for all people working on the site.

- . Details of traffic management with emphasis on consideration for the operation of the primary school opposite.

Reason: In the interests of residential amenity in accordance with Policy H13 of the City of Durham Local Plan 2004.

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Report validated on the 28th November 2016

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved site plan as to be retained, are protected by the erection of fencing, placed in accordance with BS 5837 – 2012 and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved.

Reason: In the interests of the visual amenity of the area and to comply with policy E14 of the City of Durham Local Plan.

10. Before any dwellings are constructed above damp proof course level details of the design, materials colour and finish of the 4 communal benches shall be submitted to the Local Planning Authority and approved in writing. The benches shall then be implemented before the occupation of the dwellings and retained thereafter.

Reason – In the interests of visual amenity as the benches in accordance with Policy Q15 of the City of Durham Local Plan 2004.

11. Before the construction of any dwellings on site commences a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority.

The landscape scheme shall include the following:

- Trees, hedges and shrubs scheduled for retention
- A planting schedule for the structural timber retaining wall
- Details of hard and soft landscaping including surface materials, planting species, sizes, layout, densities and numbers. The soft landscaping shall include details of a replacement tree planting scheme to compensate for the loss of trees protected by the TPO
- Details of planting procedures or specification
- Finished topsoil levels and depths
- Details of temporary topsoil and subsoil storage provision

- Seeded or turf areas, habitat creation areas and details
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc

Trees, hedges and shrubs shall not be removed within five years. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

The approved landscaping scheme shall be carried out in the first available planting season following the completion of the development.

Reason: In the interests of the visual amenity of the area having regards to City of Durham Local Plan Policies E14, E15 and Q5 and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. Unfortunately a positive outcome has not been possible to negotiate on this application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance



Planning Services

Residential development of 50 two and three bedroom 1 and 2 storey affordable dwellings for rent. (Amended plans)

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**Date
November 2016**