

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/16/04017/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 40no. dwellings
<b>NAME OF APPLICANT:</b>	Mr David Atkinson
<b>ADDRESS:</b>	Land At West End Villas Crook DL15 9LR
<b>ELECTORAL DIVISION:</b>	Crook
<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 relates to multiple parcels of land at West End Villas in Crook, which is a residential estate of post war housing to the west of the town centre. While the land is currently grassed with some trees, it had previously been occupied by housing which was demolished in the 1980/90s. The open space in the centre of West End Villas does not form part of the application site and proposals.
2. The application proposes the erection of 40no. dwellings, comprising of 22 bungalows and 18 two storey houses, 34 of which would be two bed with 6 three bed. All of the properties on the site would be provided for affordable rent through County Durham Housing Group.
3. The application is reported to the Planning Committee as it constitutes a major development.

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### PLANNING HISTORY

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4. There is no recent relevant planning history relating to the site.

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### PLANNING POLICY

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#### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, 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.

6. *NPPF Part 4 – Promoting sustainable Transport* 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. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *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. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 8 - Promoting Healthy Communities* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.
10. *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. Inappropriate development in areas at risk of flooding should be avoided.
11. *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.

## **LOCAL PLAN POLICY:**

12. The following policies of the Wear Valley Local Plan are relevant to the application; however, 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.
13. *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.
14. *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.
15. *Policy H15 Affordable Housing:* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
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*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

19. 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 from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

20. *Highway Authority*: No objections. The latest site plan reflects post-submission discussions with the applicant regarding increased parking provision, including a smaller car park in lieu of the one which is to be removed as part of re-development. This car park will be the responsibility of the applicant. Off street parking provision is now deemed acceptable.
21. *Coal Authority*: No objections subject to further coal mining investigation.
22. *Northumbrian Water*: No objection. The adjacent sewer network does not have capacity to accommodate additional foul flows at present, although it is likely that works can be carried out to increase capacity. A discharge rate has been agreed with the developer in relation to surface water. No objections subject to inclusion of condition.

### INTERNAL CONSULTEE RESPONSES:

23. *Drainage and Coastal Protection*: No objections - there is no scope to include SuDS within the site in relation to surface water drainage and an appropriate discharge rate has been agreed with NWL.
24. *Affordable Housing*: The SHMA identifies a need for 10% affordable provision in the South of the County. The proposed scheme will deliver 40 new units in a mix of bungalows and houses, all of which will be for affordable rent. This will surpass the affordable requirement but will provide much needed affordable rented accommodation and help to meet an identified need for older persons' accommodation. The scheme will be delivered by Galliford Try in partnership with County Durham Housing Group who will own and manage the affordable rented units. As such, in terms of affordable housing provision, we would strongly support the delivery of this scheme.
25. *Landscape Section*: I welcome the efforts made to retain existing trees and leave the Senior Tree Officer to comment on the details of this. I would like confirmation of the location and details of the front garden enclosures, and I would like to see details of any proposed soft landscaping.
26. *Landscape (Trees)*: The proposal will result in the removal of large mature trees and the impact of this removal should be considered in the wider scheme and whether the requirement for housing outweighs the positive impact the trees have. If the proposal is accepted, it is recommended that a thorough replacement tree planting scheme is carried out, with species selection compatible for residential landscapes considered and planting in the retained open spaces.
27. *Design and Conservation*: Map regression reveals that the land in question has on the whole been previously developed and as would be expected of housing stock of this age and origin the original densities were much higher. The area is dominated by two storey brick built dwellings with fewer more recent bungalows. The scale, style and materials proposed for the current developments are considered therefore to reflect the immediate vernacular and on this basis there are no grounds for objection.

28. *Environmental Health (Noise)*: No objections subject to the provision of a construction management plan.
29. *Ecology*: No objections subject to mitigation requirements being conditioned.
30. *Contaminated Land* – No objections, contaminated land condition required relating to phase II investigations.
31. *Education*: No objections, there are sufficient primary and secondary school places available to accommodate pupils from this development.

**PUBLIC RESPONSES:**

32. The application has been publicised by way of site notice, press notice and neighbour notification letters. One letter of concern has been received.
33. The occupier of one of the properties next to one of the building plots has concerns over loss of land beside their property. They also express concern over impact on staircase, hall way windows to the side elevation and are worried about the impact of the development during the construction process.

*The above is not intended to repeat every point made and 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 <https://publicaccess.durham.gov.uk/online-applications/>*

**APPLICANTS STATEMENT:**

34. The proposed development represents a significant opportunity to deliver the following economic, social and environmental benefits to Crook and the wider area and include:
  - Delivery of 40 no. affordable dwellings creating a sustainable residential extension to the settlement of Crook
  - 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

The statements above provide a strong case that demonstrates that the proposed scheme follows adopted planning policy and meets the criteria for good quality residential design. Given the adherence to national and local planning policy we would confirm that the scheme should be viewed favourably and engender support for a positive determination.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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, design and amenity and highways impacts.

### Principle of development

36. The application site falls within the development limits of Crook and therefore the proposal is wholly in accordance with Policy H3 of the Wear Valley Local Plan.
37. Notwithstanding this, it is recognised that the housing policies of the Wear Valley Local Plan are not up to date. In such circumstances the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
38. The main purpose of the NPPF is to achieve sustainable development. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
39. The application site lies within an established residential area in Crook, which is identified as a main town in the County Durham Settlement study, reflecting the wide range of services and facilities that are available. The application site is well located for access to these services and facilities through being located within the existing residential framework of the town.
40. The development would provide a mix of 40 dwellings for affordable rent including a significant proportion of bungalows, which is a form of housing required to meet an identified need for older persons' accommodation. All the units would be owned and managed for this purpose and in line with policy requirements 10% would be formally secured through a Section 106 Agreement.
41. Accordingly there is no conflict with the aims of NPPF Parts 4 and 6 in respect of location of housing and delivery of sustainable, inclusive and mixed communities.

### Layout, design and amenity

42. The development would comprise of a mixture of semi-detached and terraced bungalows and two storey dwellings which would be built of brick with grey concrete tiled roofs. The dwellings would respect the setting of the site and would be laid out on the established road network within the existing urban area. The development would be carried out at a similar density to the existing residential development at West End Villas.
43. Gardens would be provided to the front and rear of the properties. The rear gardens would generally be less deep than the 10 metre requirement under Wear Valley Local Plan Policy H24; however, this is in keeping with the established character of the area.
44. Adequate separation distances between properties would be provided within the development and to neighbouring properties, thereby protecting residential amenity. The concerns expressed by a neighbour relating to loss of light to their side windows are noted, but the windows in question do not serve habitable rooms and the relationship is in any case considered acceptable.
45. It is noted that many of the existing street trees have already been removed, but as they were not protected there was no control over their removal. There are still further trees to be removed, but while they do have some general amenity benefit they are not old established specimens worthy of protection and retention. It is also understood that complaints have been received about overshadowing and damage to walls and paved areas caused by the trees. The majority of trees on parts of West End Villas that are not to be developed are to be retained on the site. The applicant has agreed that it would be possible to provide a landscaping scheme on the site which would involve the planting of trees which would be more suitable to a dense residential environment. This would mitigate to some extent the loss of the existing trees and impact on general amenity. The landscaping scheme can be conditioned.
46. The proposed development is therefore considered to be of appropriate form, mass, scale, layout, density and materials. There would be no conflict with Wear Valley Local Plan Policies GD1 and H24 and NPPF Part 7.

## Highways Impacts

47. It is noted that the provision of bungalows to the north east of 9-12 West End Villas would result in the loss of an existing tarmaced area which is utilised for off street parking. This was initially a cause for concern as its loss without replacement would have placed an additional burden on off street parking in the area. However, the plans have since been amended, and a small car parking area for 6 cars is proposed to the south of 56-60 West End Villas. The Highways Authority considers this a suitable replacement provision and has raised no objections in this respect. In relation to off street parking provision within the curtilage of the dwellings, this has been increased during the application process to the satisfaction of the Highways Authority.
48. Conditions would secure the submission of engineering details including footways, kerbing, and street lighting, as requested by the Highway Authority.
49. On this basis and given the acceptance of the scheme by the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety. The proposal does not therefore conflict with Wear Valley Local Plan Policies GD1 and T1 or NPPF Part 4.

## Other issues

50. The proposal does not include any provision or contributions towards open space and recreational facilities, which conflicts with Wear Valley Local Plan Policy H22. However, it is accepted that this will make the development unviable and the site benefits from good access to the existing open space and recreational facilities in the area, including the central open space area which the site surrounds. In addition, the development will deliver other important benefits through the provision of good quality affordable rented housing, including older persons' accommodation for which there is a pressing need.
51. In relation to drainage, Northumbrian Water have advised the existing sewer network does not have capacity to accommodate additional foul flows at present, but it is likely that works can be carried out to increase capacity if there is certainty that the site is to be developed, and therefore this is not a reason to withhold planning permission. An appropriate discharge rate for surface water has also been agreed with NWL. The drainage details can be secured by conditions.
52. Some further investigation is required by the Coal Authority to see if any additional remediation steps need to be incorporated as part of the development but this can be appropriately conditioned.
53. A construction management plan will need to be submitted to consider the potential environmental impacts during the construction process.

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## CONCLUSION

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54. The proposal represents a sustainable form of development which offers significant socio-economic benefits in terms of the provision of good quality affordable rented homes in a sustainable location with easy access to a wide range of services and via sustainable modes of transport. The scheme would relate well to the character and appearance of the area and is acceptable in residential amenity, highways and drainage terms.
55. There have been no adverse impacts identified which would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and there is no significant conflict with the relevant policies of the Wear Valley Local Plan.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a section 106 agreement to secure a minimum of 10% affordable housing and 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 and documents.

2751 D 22 103 REV A  
2751 D 22 102 REV A  
2751 D 22 101 REV B  
2751 D 22 100 REV A  
2751-D-104

Street Elevations 2751 D 90 -103 REV A rec 21<sup>st</sup> February 2017

Location Plan 2751 D 90 -100 REV B “

Amended proposed site plan drawing 2751 D 90 -102 REV F rec 1<sup>st</sup> March 2017

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 8, 10, 11 and Wear Valley Local Plan Policies GD1, H3, H15, H22, H24 and T1.*

3. No construction of dwellings above dpc level 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 and numbers of planting.

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

4. 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: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area.*

5. Drainage works shall not commence until a detailed scheme for the disposal of foul and 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. For the avoidance of doubt all surface water from the approved development shall discharge to the existing surface water sewer at manhole 0310 at a maximum restricted rate of 22.8 l/sec.

*Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.*

6. No construction works on foundations shall commence until the additional intrusive investigative works recommended within the Phase 2 Ground Investigation Report dated 22 September 2016 and prepared by Arc Environmental Ltd have been undertaken in agreement with the Coal Authority, and the results of said investigation have been submitted to and approved in writing by the Local Planning Authority. Should the results of the investigative works confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the development, the proposed scheme of remedial/mitigation works must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed remedial/mitigation scheme.

*Reason: In the interests of the stability of the land sought for development having regards to Part 11 of the NPPF.*

7. No construction of footways, kerbing and street lighting shall commence until plans showing full engineering details of these works have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.*

8. The on street parking bays and off street parking spaces shall be made available for use prior to the first residential occupation of the property to which they relate and shall remain available for the lifetime of the development.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.*

9. Prior to the closure of the public parking area to the north east of 9-12 West End Villas the replacement public parking area shown on drawing no 2751- D- 90-102-F(proposed site plan) to the south of 56-60 West End Villas shall be completed and be available for public use and shall remain for public use for the lifetime of the development.

*Reason: In the interests of Highway Safety and to comply with Policy GD1 and T1 of the Wear Valley Local Plan.*

10. Development shall take place in accordance with the mitigation and recommendations detailed within section H of Preliminary Ecological Appraisal Report by E3 Ecology Ltd rec. 23rd February 2017.

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

11. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To ensure the construction is carried out with appropriate consideration and minimal disruption to the amenity of the local area and in the interests of highway safety in accordance with Wear Valley Local Plan Policy GD1.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

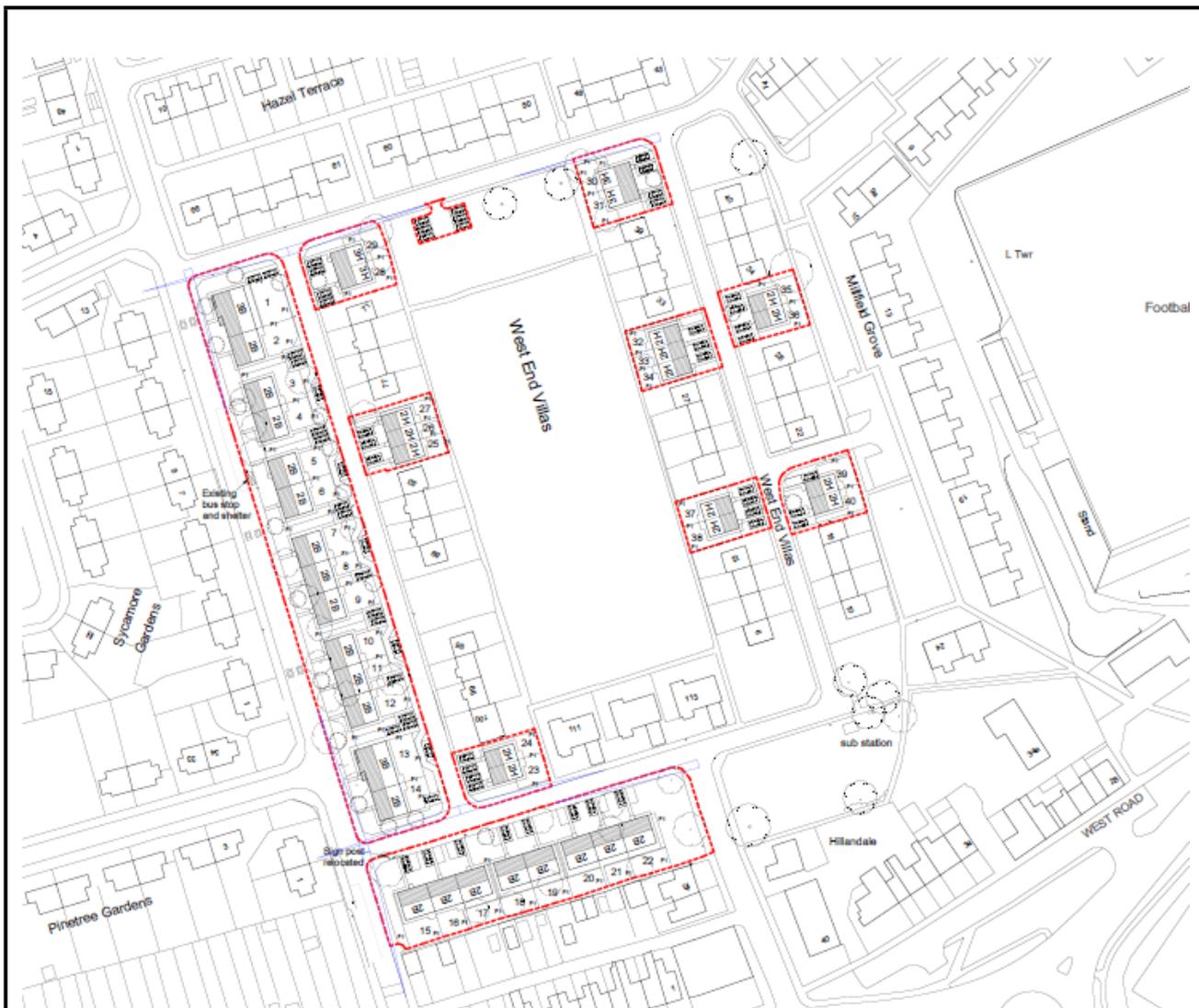
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In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the

most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

## BACKGROUND PAPERS

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



**Planning Services**

40no. dwellings

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23<sup>rd</sup> March 2017

