

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/17/01683/FPA
FULL APPLICATION DESCRIPTION:	Construction of 16 new build bungalows and associated footway and landscaping
NAME OF APPLICANT:	Karbon Homes Ltd
ADDRESS:	Site Of Former Ouston County Infant School Cromarty Ouston
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France, Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.55 hectares in size, and consists of the former school site surrounded by the streets of Cromarty and Ross in the village of Ouston, 2 miles north of the centre of Chester-le-Street. The Infant school has been demolished and the site cleared. The surrounding development is modern 1960's housing, evenly split between one and two storey dwellings, with most extended in some form. There is a single vehicular access into the site on its south side, and a pedestrian access between bungalows on the north side. The boundaries of the site are formed of the rear garden fences of the surrounding dwellings. The land slopes west to east. Some semi-mature trees remain on site boundaries.

The Proposal

2. The application proposes construction of 16 two-bedroomed bungalows and associated footways and landscaping. The properties are proposed built for Karbon Homes Ltd, who are a Registered Provider.
3. The application is reported to Committee as a 'major' proposal.

PLANNING HISTORY

4. There is no relevant planning history associated with the site.

PLANNING POLICY

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), 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.
6. 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’.
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. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
10. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
11. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
12. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
13. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change.* Applicants for energy development need not demonstrate the overall need

for renewable or low-carbon energy. Small scale projects provide a valuable contribution to cutting green-house gas emissions. Applications should be approved if the impacts are considered acceptable.

14. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
16. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
17. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
18. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
19. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
20. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
21. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and

kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

22. The following are those saved policies in the Chester-le-Street Local Plan relevant to the consideration of this application:
23. *Policy HP6 – Residential within settlement boundaries* – Proposals for residential development will be permitted within the defined settlement boundaries of a number of listed settlements, including Ouston, providing it is classed as previously developed land and meets the general criteria of Policy HP9.
24. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
25. *Policy HP10 – Backland Development* – will only be permitted where; a separate and satisfactory access can be provided, the amenity of new and existing properties is safeguarded; the proposal is in scale and character with the locale; the proposals are compliant with relevant policies and HP9 in particular.
26. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
27. *Policy HP15 – Community Provision* – On developments of more than 10 units a contribution will be sought for the provision and subsequent maintenance of social, infrastructure and/or recreational and leisure facilities in the locality where directly related to the development being proposed.
28. *Policy T15 – Access and Safety Considerations in Design* – requires a safe access, capacity in the existing road network, consideration for pedestrians and cyclists and effective emergency vehicle access.
29. *Policy T17 – General Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.

RELEVANT EMERGING POLICY:

30. 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 at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highways* – County Highways Engineers have assisted in a redesign of the highways layout to achieve a layout capable of adoption. All required standards are met.

INTERNAL CONSULTEE RESPONSES:

32. *Drainage and Coastal Protection* – confirm that agreement has been reached on a scheme of drainage for the site, requesting that the formal details be submitted for formal agreement.
33. *Landscape* – Whilst acknowledging the demand for bungalows, Landscape Officers note the minimal rear gardens proposed. The proposed landscaping scheme is criticised in terms of the size available for proposed planted specimens and their chances of attaining maturity.
34. *Sustainability* - confirm that as previously developed land in an existing residential area the site has locational sustainability, and with the applicant proposing embedded sustainability, no objections to the application area offered.

PUBLIC RESPONSES:

35. 39 neighbours have been consulted, a site notice was posted at the site entrance, and a press notice was published in The Northern Echo. No objections or comments have been received.

APPLICANT'S STATEMENT:

36. The development of this site will create good quality, much needed housing on a derelict brown field site in the heart of this residential area. The site has been unused now for a number of years and is now just a deteriorating piece of infill scrub land bounded by properties on all sides.
37. Further to discussions throughout the tender purchase process with DCC planning department & assets it was deemed the best use of the land would be for a bungalow scheme. This is due to the high demand and low supply of such properties in modern times and also the fact that due to the sites topography houses would be over bearing on the neighbouring properties. From these discussions and site investigations we have come up with this well designed scheme of attractive two bedroom bungalows which provide a variance in accommodation.
38. We have undertaken detailed discussions with the Highways officer during the planning process in order to create a well thought out scheme and road layout with adequate parking for all dwellings. This has resulted in a slight variance from the initial scheme and is now suitable. Further to this we also propose a suitable drainage system which will prevent any flooding to be caused by the development.

39. We have undertaken public consultation with the surrounding neighbours, local ward and parish members along with an open forum discussion at the village hall. Following this consultation we believe the scheme has support from all consulted.
40. All in all, we feel that this site will provide much needed, sympathetically designed housing on this derelict and deteriorating site.
41. The homes will be provided by the local housing provider Karbon Homes as either Shared Ownership Housing or Rent to Buy.

The above is not intended to list 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 <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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, impact upon its surroundings, landscape and ecology, and highway safety and the loss of playing fields.

Principle of the Development

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant Development Plan is the Chester-le-Street District Local Plan adopted in 2003 and remains the starting point for determining applications as set out at paragraph 12 of the NPPF.
44. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The most relevant Local Plan Policy which deal with housing development in this instance is saved Policy HP6. This policy allows for housing developments on previously developed sites.
45. The NPPF advises further that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. The Council, at present, are unable to demonstrate a 5 year supply of housing and as a consequence the policies for the supply of housing are out-of-date. In a recent appeal decision (for 14 dwellings), the Council's housing land supply situation was accepted, with the Inspector agreeing with the assessment that 'any shortfall is unlikely to be significant'. Of a comparable scale, that this development would provide 16 dwellings towards housing delivery would count in that Inspector's language, in 'moderate weight in support of the proposals'. It was also acknowledged in that instance that economic benefits would accrue from the development and lifetime of a residential scheme. That conclusion was given material weight in that decision, and should be given such in consideration of these proposals. With the proposals required considered in the first instance against the Development Plan, the paragraph 14 implications of this issue will be discussed in the planning balance.

46. For the purposes of the planning assessment, the proposals are considered compliant with up-to-date parts of the development plan, and therefore the principle is acceptable subject to consideration of the detailed impacts of the scheme.

Highway Safety

47. The application has been discussed pre-submission, with revisions to the layout that satisfy County Highways Engineers that the proposed layout is to an adoptable standard. The proposals are therefore Policy T15 compliant in terms of highway design, the sustainable location of the site, ensuring compliance with Policy T17.

Drainage

48. A detailed approach to sustainable drainage has been agreed with Council Engineers ensuring advice for sustainable drainage and flooding set out in the NPPF and NPPG is adhered to.

Scale, Character and Design

49. Against HP9, the proposed development is considered to relate well to the surrounding area in form, density and layout, with the single storey nature of the development proposed ensuring respect for the amenities of adjoining properties. Despite the concerns of landscape officers, proposed curtilage is generally comparable to properties surrounding, but the extent of which will ultimately be a matter of choice for prospective residents. Open space is proposed addressed through off-site contribution, set at the usual level of £1000 per dwelling, that would be used to enhance open space in the surrounding area. As far as the Policy is NPPF compliant, the proposals are acceptable.

Affordable housing

50. Policy HP13 of the plan requires provision of affordable housing on schemes of more than 15 units, with a 15% provision the usual expectation. The proposed dwellings do not meet the strict definition of affordable housing in the Framework. The homes will be provided by the local housing provider Karbon Homes, utilising an allocation of Homes and Communities Agency Rent to Buy Grant funding which both the County Council and Karbon Homes have secured for this settlement, thus making it possible to create a supply of Rent to Buy homes. This does not meet the requirements of the Policy, however the proposals provide a form of low cost, accessible homes, consistent with recent Committee decisions in Langley Park and Sacriston. Noting the Council having an additional level of control as current landowner, the proposals are considered acceptable in widening the choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities, as per Part 6 of the Framework.

Other considerations

Open Space

51. In line with Policy HP15 of the development Plan, as the site is larger than 10 units, in lieu of on-site provision, the proposals provide for an off-site contribution for such. This is considered to meet the tests set out in the Community Infrastructure Levy 2010 and the advice in the NPPF and NPPG in being, 'necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'.

The Planning Balance

52. With the assessment in the first instance Development Plan led, that the proposals comply with Policy HP6 is considered significant in considering the application. The site is situated in an accessible and sustainable location for new development, and would make a positive social contribution and give an extra dimension to the local housing market through the provision of additional housing.
53. The proposed development would also have some limited economic benefits related to the construction and future occupation.
54. However with the lack of an up-to-date housing supply requiring due regard to the balancing exercise in paragraph 14, it is concluded the development does constitute 'sustainable development', and therefore benefits from the presumption in favour of such, with no issues identified that, 'significantly and demonstrably' outweigh the contribution it would make to housing supply and economic regeneration.

CONCLUSION

55. For the purposes of considering this application the relevant policies in the development plan are considered in large degree up to date, and the proposals are compliant with the weighted requirements.
56. The balancing exercise has concluded that the development is 'sustainable', and therefore benefits from the 'presumption in favour'.
57. Subject to a legal agreement to secure the off-site open space / play provision monies, and appropriate technical conditions, the proposals are considered acceptable.

RECOMMENDATION

58. That the application be **APPROVED** subject to:
1. That the application be APPROVED subject to the developer entering into a legal agreement to secure a financial payment for the provision/enhancement of open space and/or play space 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:

Bungalow Type A Floor Plans and Elevations 925-01

Bungalow Type B Floor Plans and Elevations (Plot 7) 925-02

Bungalow Type B Floor Plans and Elevations (Plots 5 & 14) 925-03

Bungalow Type C Floor Plans and Elevations 925-04

Bungalow Type D Floor Plans and Elevations (Plot 7) 925-05

Proposed Bungalow Block Plan 1 925-06

Proposed Bungalow Block Plan 2 925-07

Proposed Bungalow Block Plan 3 925-08

Proposed Bungalow Block Plan 4 & 5 925-09

Proposed Site Plan 925-013

Engineers Site Plan 925-014

Boundary Enclosure Details 925-15

Proposed Site Sections 925-16

Landscape Plan N577-ONE-00-XX-DR-L-0201A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP10, HP13, HP15, T15 and T17 of the Chester-le-Street Local Plan 2003 (saved Policies 2007).

3. Development must be carried out in full accordance with the submitted drainage scheme as set out on BDN Drainage Report 4588 (rev. 12.07.2017), and BDN Plan R4588-200

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF Part 10.

4. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: to protect the reasonable expectations of residential amenity from surrounding dwellings as required by Policy GDP1(h) of the Derwentside District Local Plan, 1997 (saved 2009).

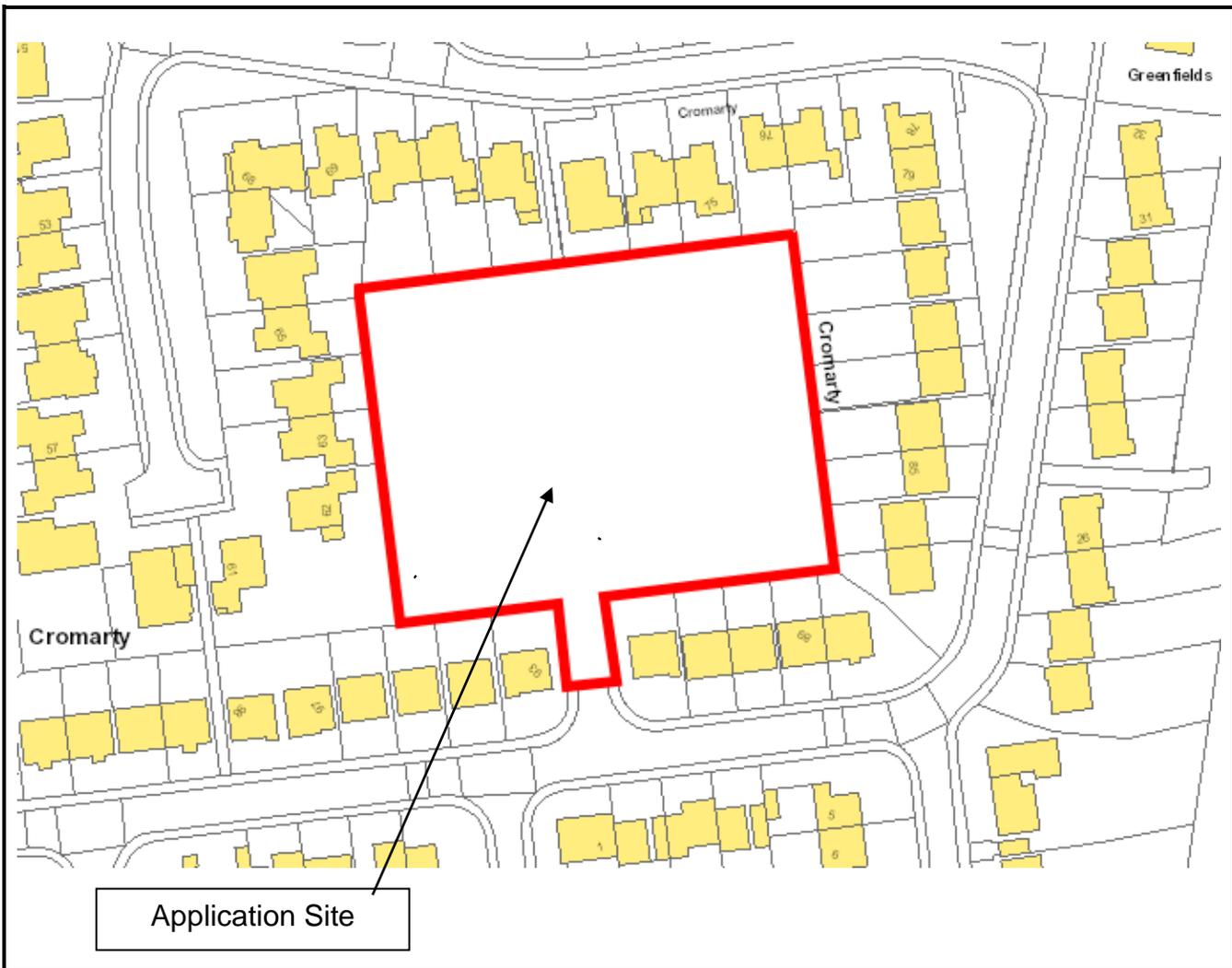
STATEMENT OF PROACTIVE ENGAGEMENT

59. The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes

- Chester-le-Street Local Plan (saved policies 2007)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



Application Site



Planning Services

Construction of 16 new build bungalows and associated footway and landscaping

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Comments

Date 27th July 2017

Scale NTS