

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/02339/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed residential development of 24 bungalows with associated access and landscaping
<b>NAME OF APPLICANT:</b>	Karbon Homes
<b>ADDRESS:</b>	Site of Former Belle Vue Swimming Centre Ashdale Road Consett
<b>ELECTORAL DIVISION:</b>	Consett North
<b>CASE OFFICER:</b>	Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is 1.01ha of land with a main frontage onto Ashdale Road. The irregularly shaped site also has pedestrian connections to Stanley Street and Nansen Street. The land is a short distance north of the centre of Consett. Ashdale Road runs between the A692 at one end and the B6306 at the other, giving easy access to the surrounding settlement and the wider transport network via private car or public transport – there are two bus stops on the road, and 19 bus stops and Consett Bus Station within a 500m radius of the site. Ashdale Road serves Consett Academy, sited adjacent Consett Sports Centre. There are tennis courts, a bowling green, playing fields and allotment gardens in the immediate vicinity.
2. The site was formerly occupied by a public swimming baths, since demolished and cleared from the land. The car park that served the baths remains and is used for informal parking, sharing the access and a turning loop into the adjacent retirement development. The remainder of the site is a mix of mown and rough grassland. A line of mature trees that surrounds St. Patrick's RC Primary School extends along the western boundary of the site, along the rear boundary of existing dwellings in Stanley Close.
3. Ashdale Road includes the frontage of the Academy and its adjacent playing fields, tennis courts, the large block of 35 older residents' retirement accommodation, local-authority built housing, modern market housing, garage blocks, a commercial garage and a disabled persons' club in a varied urban environment. The Nansen Street access to the site passes between older people's bungalows and traditional Victorian terracing leading to Harvey Court, a further development of specialist bungalows. A

further pedestrian access across the site leads to Stanley Street, which includes the Primary School and a range of house-types.

4. Consett has an extensive range of sustainable services and facilities as expected of a main town.

## The Proposal

5. The applicant, Durham Aged Miners Homes Association, seeks detailed consent for the erection of 24 2 bedroom 3 person bungalows in the form of two cul-de-sacs for. The application is described in the submitted forms as 'social housing', therefore proposed to be 'affordable' units for people aged 50 and over. 24 private car parking spaces are proposed and 11 formal visitor spaces. The development will 'front' onto Ashdale Road. Pedestrian access will be maintained across the site via the three existing access points. The housing density proposed is 24 dwellings per hectare.

6. This application is reported to Committee as a 'major' development.

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## PLANNING HISTORY

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7. No relevant planning history.

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## PLANNING POLICY

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### 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 NPPF was updated in July 2018. The overriding message remains 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. In accordance with paragraph 48 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.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient

amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

13. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 - Promoting healthy and safe 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.
15. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 - Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 - Achieving well-designed places.* The Government has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.
18. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 - 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.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. 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 and is subject to continual review.

21. *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.
22. *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.
23. *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, enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
24. *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 so developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
25. *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.
26. *Air Quality* – sets out the national European and National legislative framework and a local air quality management (LAQM) regime which requires every district and unitary authority to regularly review and assess air quality in their area. Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location.
27. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
28. *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.
29. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic

environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 180 of the NPPF provides policy support to this aspect.

#### **LOCAL PLAN POLICY:**

30. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
31. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
32. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
33. *Policy HO22 – Recreational Public Open Space within Housing Layouts* - this Policy covers open space provision within housing sites. It states that provision should be made on site where possible, or via a financial payment in lieu of direct provision, where sufficient provision cannot be made on site. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. This is a relevant material consideration in conjunction with Policy HO22 and paragraph 96 of NPPF.
34. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

#### **RELEVANT EMERGING POLICY:**

35. Paragraph 48 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. An ‘Issues & Options’ consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the ‘Preferred Options’ was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

#### **Five Year Housing Land Supply**

36. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
37. In September 2017, the Government published a consultation document entitled “*Planning for the Right Homes in the Right Places*”, which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
38. The Government published its response to the consultation in March 2018 and clarified that the standardised approach is the most appropriate method for

calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, the revised draft NPPF was issued for consultation, with paragraph 60 of that document advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.

39. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
40. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13<sup>th</sup> June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
41. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

42. *Highways* – The applicant has worked with the highways department to agree an acceptable highways arrangement as submitted to support this application. No objection is raised to the proposals subject to a condition agreeing engineering details.
43. *Northumbrian Water* – have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment". In this document it states that both the foul and surface water shall discharge to the combined sewer at manhole 1201, the surface water discharge rate shall not exceed 10 l/sec.

### **EXTERNAL CONSULTEE RESPONSES:**

44. *The Coal Authority* – has no objection to the proposed development subject to the imposition of a condition to secure the submission of a proposed mine entry remediation scheme for approval, and submission of a scheme of remedial works as identified in the Phase 2 Site Investigation Report, along with their subsequent implementation.

45. *NHS* - North Durham Clinical Commissioning Group have developed a standard approach to costing the impact of additional housing growth on local primary health care services. The calculation demonstrates a need for additional investment of £16,560 associated with this specific application. This is based on the estimated additional population resulting from the development and national guidance on the amount of space required for GP practices to deliver core general medical services per head of population.

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

46. *Spatial Policy* – confirm that the site was not designated for an alternate use in the development plans, and identify the relevant Policies thus:

- Policy GDP1 requiring high quality design is NPPF compliant and should be factored in the planning balance.
- Policy HO5 This policy sets down the scenarios for considering housing development on unallocated sites. Proposals should be small scale (under 0.4 has), appropriate to the existing pattern and form of development and should not extend beyond the existing built up area of the settlement. The proposal covers a greater site area than permitted through HO5, and as such the proposal would not draw any support from this policy.
- Policy HO22 requires public open space provision or monies in lieu. The general aims are consistent with national policy.
- Policy EN11 Existing trees should be incorporated into new developments where possible. This is NPPF compliant.
- Policy TR2 has general aims, which when read with the more up-to-date County Highway standards are consistent with the Framework and NPPG advice.

47. In relation to requirements for affordable units, they wrote: Revised NPPF paragraph 60 requires plans to be based on an up to date Strategic Housing Market Assessment (SMHA) which defines the type, tenure and quantity of housing required. The latest viability evidence in support of the County Durham Plan identifies a need for affordable units across the County. Evidence suggests that a requirement of 15% (the site is located in a Medium Value Area) can reasonably be expected on sites of over 5 dwellings (tenure mix of 80% affordable rented housing to 20% immediate products). Revised NPPF paragraph 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed. The Council's Strategic Housing Market Assessment (SHMA) undertakes this assessment and demonstrates a need for both affordable and specialist housing to meet the needs of older people. The evidence indicates that sites of 10 or more units can include 10% (or more) of the private or intermediate housing to be provided as being designed with older people in mind, for example as level-access bungalows. Whilst these requirements are now included within Policy 16 (Addressing Housing Need) of the 'Preferred Options' of the CDP no weight can be given to it, however, significant weight can be afforded to the evidence which underpins the policy, which in this case is the SHMA and viability evidence which has been recently published in June 2018.

48. For Open Space, taking into account the layout of the site, and areas of open space within it, an OSNA calculation of £28,567 is required to provide 53 (persons) x £135 (allotments) + £504 (parks).

49. *Drainage and Coastal Protection* – Engineers write; 'The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable solutions to surface water management and ensuring the prevention of flood risk to and from the proposed development. I would therefore confirm that I have no objection to the proposal'.

50. *Design and Conservation* – are not opposed to the proposed development which will sit well within the existing streetscape, providing two small development areas which are accessed separately and will provide improved surveillance to existing pedestrian and vehicular routes.
51. *Landscape* – Officers regret the lack of identifiable private subdivided open space. The bin stores serving Units 12, 13, 16 and 21 could be more discreetly relocated to face their respective gable ends.
52. *Environment, Health and Consumer Protection (Noise)* – Noise attenuation measures should be implemented as described in the application before the occupation of the dwellings they relate to. A Construction Management Plan must be prepared to a set criteria, approved in writing by the Council, and adhered to during development works.
53. *Environment, Health and Consumer Protection (Contamination)* – The conclusions of the contamination reports is that further delineation works are required to determine the extent of the remediation works required to remove soils with elevated lead levels and PAHs. Therefore, as further investigative works will be required the contaminated land conditions should apply.
54. *Environment, Health and Consumer Protection (Air Quality)* - there is a risk of emissions of larger visible dust impacting on surrounding receptors then measures will be required to control emissions of dust to be implemented over the duration of the construction phase and particularly when the earthworks or site preparation works are being undertaken on site. It is therefore suggested a suitably worded condition be included to require the submission of a dust action management plan for the approval of the Local Planning Authority. During the operational phase, the proposed development will not therefore give rise to the exposure of the future occupants of the bungalows to levels of an air quality pollutant that are close to or exceed the air quality objective.
55. *Affordable Housing* - Government planning policy outlined in the National Planning Policy Framework 2018 requires Councils to quantify the need for affordable housing in their area and bring forward schemes which contribute to the overall need within its area. The definition of affordable housing, as contained in the Framework is: "Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); this should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision."
56. The Council's Strategic Housing Market Assessment (2016) is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the household survey, which underpins the SHMA identified tenure preferences of existing and newly-forming households. The SHMA therefore outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).
57. Taking the relevant policies into account the site of Site of Former Belle Vue Swimming Centre, Ashdale Road, Consett falls within a MEDIUM viability area. This



means that 15% of properties on the scheme would need to be affordable. As this scheme intends to be 100% affordable housing we are happy that this exceeds the requirement. Where a discounted sale home ownership product is being considered, we would require the developer to provide an indication of the open market price of the discounted units, to allow this proposal to be supported. This information is required to allow the percentage discount to be determined to ensure the units comply with the affordability criteria.

58. Where affordable rent is being considered the developer should seek a registered provider partner as soon as possible to determine interest in the site. There is a requirement to provide 10% of the private and intermediate properties for older people. We therefore would welcome bungalow or Building for Life provision. We welcome dialogue around the affordable housing requirement as early as possible to ensure that agreement can be reached early in the process.

59. If the tenure of the dwellings can be secured to over 50s as stated intended in the application, given an identified local demand for this type of dwelling, and the identified age-group, Affordable Housing Officers would be satisfied their requirements are met.

60. *Education* – Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, if the development was of unrestricted tenure, 24 dwellings would produce 8 pupils of Primary school age and 3 pupils of Secondary school age. In order to mitigate the impact of the development a contribution of £49,652 would be required to facilitate the provision of additional teaching accommodation. This can be secured through a s.106 legal agreement. If the development is restricted to over 50s, there would be no requirement for education mitigation.

61. *Ecology* – no issues on the site.

#### **PUBLIC RESPONSES:**

62. 88 letters of public consultation were sent out to nearby residents, schools and community buildings. Site notices were posted, and an advertisement placed in the local press. Three public objections have been received. None of the objectors are neighbours of the site.

63. Objectors state the application cannot be approved for the safety of those children accessing Consett Academy, St. Patricks School and others in the area. The development is proposed on the hardstanding which has been used as a public car park and which facilitates the drop off and collection of a huge number of children in the vicinity every morning and afternoon. The submitted environmental reports are queried in terms of pollutants effects on the surrounding schools.

64. One objection queries the timing of a traffic survey which was assumed associated with the determination of the application. Highways Engineers have no knowledge of the survey.

*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*

*<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PCSHW5GDMGA00>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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### The Principle of the Development

65. 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 residential development and Highways issues.

### The Development Plan

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

67. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances, such as the housing allocation for this site.

### The NPPF

68. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this (sic) Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

69. Considering how the application sits against paragraph 11:

- The Council does not have an up-to-date development plan.
- There are 'no relevant development plan policies' for the most important planning issue i.e. housing development. Therefore, planning permission should be granted unless criteria i. or ii. from the previous paragraph come into play.

There are (from i.) 'no areas or assets of particular importance provides a clear reason for refusing the development proposed'. The site was not allocated in the Development Plan as within a designated area of any kind, and there are no 'assets of particular importance'. Whether there are (from ii.), 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits', will be examined

below. This is the 'tilted' balance of the 'presumption in favour' of sustainable development.

## Consideration of the Tilted Balance

70. The application site is in a sustainable location, in a well serviced, established urban centre. It has excellent access to a range of services, facilities and sustainable transport opportunities appropriate to the needs of the intended residents. Where the development has the potential to create an additional demand for services, specifically in healthcare, consultees have asked for monies to enable mitigation. In locational and functional terms, the site is concluded 'sustainable'.

## Housing

71. Paragraph 74 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing. The County Council have a positive housing land supply position that means that in terms of the additional supply of standard market housing the development would bring, the benefit would only be reduced benefit. The proposal however is for bungalows, proposed to be restricted by a Registered Social Landlord for older residents. Affordable Housing Officers advise there is an identified need for both. Officers accept the proposals are for a form of affordable housing.

72. Paragraph 64 of the Framework sets out the requirement for major housing schemes to provide at least 10% of the homes to be available for affordable home ownership. With each proposal to be considered on its own individual merits, it is relevant in this case that the exemptions to this requirement include, at d), where the proposed development 'is exclusively for affordable housing'. The scheme under consideration is submitted as a 100% affordable housing product and provided that this remains the case and the site isn't sold on it is not considered necessary to require 15% of the housing to be affordable through a section 106 agreement.

73. There is however a need to ensure that the affordable housing requirement is maintained in the long term and as a 'fall-back' position. The applicants have suggested that the s.106 includes a clause securing the planning policy position (of 15%) if the site is sold on. This is set out in the recommendation to be included in the proposed s.106 agreement.

## Highway Safety

74. The Highways Officer has offered no objections to the proposed development which is considered to be acceptable in highway safety terms. Officers are aware that the significant pedestrian and vehicular movements associated with the Academy are of concern to local residents, parents and Councillors. The applicants were advised of this at the pre-application stage. The remaining residual parking areas from the swimming baths are extensively, if briefly, used by parents delivering and collecting students at the beginning and end of the academic day. The movements are assisted by school crossing staff, and on the day of inspection, by the Police.

75. As Members are aware, it is not the role of new development to resolve existing problems. When parking is undertaken on the site, it is done so informally and without rights – the site could be fenced off at any time, quite legally, to prevent vehicular access. The Academy's Travel plans are unlikely to rely on the use of the car park. Highways Engineers in commenting on this proposal have made their comments on this basis. Paragraph 109 of the Framework states, 'development should only be

prevented or refused on highways grounds if there would be an unacceptable impact on highway safety'. The consultee's response is that this is not the case.

76. The same paragraph advises, as does Policy TR2 applications should ensure that a 'safe and suitable access to the site can be achieved for all users'. The applicants have worked with Engineers to achieve this. The site has been designed to meet highways layout and parking standards. In the form of two cul-de-sacs, through traffic is prevented, but a scheme of pedestrian permeability to allow cross site walking, whilst respecting the private areas of the development has been discussed in detail and reflected in the plans.

77. Highways safety issues are considered to meet the requirements of both the Framework and relevant Development Plan Policy.

#### Design and Residential Amenity

78. The layout of the site was revised following pre-application discussions to reflect the pedestrian issues referred to above, to face dwellings towards Ashdale Road (an 'active frontage') and to give more amenity space within the development for the benefit of prospective residents. The revised NPPF gives additional emphasis to some issues, consistent with the requirements of Policy GDP1 of the Development Plan. The presented layout is acceptable in this regard.

79. The surrounding area includes a number of bungalow developments, including the neighbouring one, managed by the RSL. The urban form is therefore acceptable. The development presents gable ends to the existing adjacent bungalows, in an amenity relationship that the guidelines in the Supplementary Planning Guidance attached to the Development Plan suggest as 12.5m required separation. The development proposes a shortfall in two of the three proposed relationships i.e. - 12.0m, 12.2m and 12.5m. With no objection from the properties involved, noting the presence of a 1.8m garden fence in between, this deficiency is not considered such that it would sustain a refusal. There are no changes in levels involved, and the relationship is a significant improvement than that previously between the existing dwellings and the swimming pool building.

80. Design and residential amenity issues are considered acceptable, both Framework and Policy compliant.

#### Open Space

81. An assessment of the open space on the site has acknowledged an amount of on-site provision but identified a need for off-site provision for open space typologies specific to the needs of the proposed residents. Therefore, an OSNA contribution of £28,567 to provide the likely 53 residents with access to allotments and parks is proposed sought. This requirement, to be achieved through an s.106 agreement, is considered to meet the tests set out in the NPPF, NPPG and the Community Infrastructure Levy Regulations 2010

#### Health Care Services

82. North Durham Clinical Commissioning Group have requested a sum of £16,650 to mitigate the impact of additional housing growth on local primary health care services. The sum is based on the estimated additional population resulting from the development and national guidance on the amount of space required for GP practices to deliver core general medical services per head of population. The Framework advises, '*Planning policies and decisions should aim to achieve healthy, inclusive and*

*safe paces which: .... c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs....*'. Again proposed to be delivered through a s.106 agreement, the request is considered to meet the aforementioned legal tests and bring compliance with the NPPF.

## Drainage

83. The efforts the developer has made to reflect the sustainable drainage requirements set out at the pre-submission stage are reflected in that consultees acceptance of the proposals. The requirements of Policy GDP1(i) of the Development Plan are met.

## Other Issues

84. Northumbrian Water asks for a condition for foul drainage, raising no objection to the proposals.
85. The County Education Department waives the requirement for education provision if the tenure is restricted to older persons as proposed.
86. Ecology have confirmed there are no issues on the site.
87. Whilst not quantified to a degree that would allow specific weight to be attributed to this important component of the planning assessment, that the development will bring economic benefits to the local economy during the construction phase of development and from the subsequent economic activity of new residents in the lifetime of the development is a material factor in favour of the development.
88. That the site is 'previously developed', or brownfield land is of positive material weight. This is an aspiration, rather than a requirement of the Framework.
89. Specialist Officers suggest conditions to mitigate noise and site works, both during site works and in the lifetime of the development. Objectors concerns in this respect are considered assessed and addressed.
90. The Coal Authority and Contamination Officers confirm that coal mining legacy issues and any contamination on site can be dealt with by way of appropriate conditions.

## The Planning Balance

91. In the absence of an up-to-date plan, or planning policies, the application has been assessed against the 'tilted' planning balance required by paragraph 11 of the Framework.
92. The application proposes a form and tenure of residential development for which there is an identified need. This is considered a significant benefit.
93. Whilst the development will displace existing informal parking related to the Academy, Highways Engineers offer no objection to the proposals and the effect on the Public Highway is concluded not unacceptable.
94. Subject to a legal agreement to secure the tenure, OSNA contributions and local healthcare provision and an appropriate suite of conditions to ensure the implications of the site can be mitigated, and that the Council has control over the quality of a detailed scheme, the proposals are recommended positively.

95. The proposals are considered 'sustainable development', benefitting from the 'presumption in favour' and a positive assessment in the planning balance.

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## CONCLUSION

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96. There are no relevant development plan policies. Therefore, the Framework advises granting permission as: there are no areas or assets of particular importance that would provide reason for refusing the development proposed.

97. The application is for a form of affordable housing, with paragraph 64 therefore advising it should be exempted from the usual legal requirement for securing a minimum percentage of this provision by legal agreement.

98. Further, the adverse impacts of the approval in terms of the resident's Highways issues are not within the remit of the application, nor considered to 'significantly and demonstrably outweigh the benefits, when assessed against the policies in this (sic) Framework' taken as a whole, and when the advice of the relevant consultees and the specific NPPF advice is taken into account.

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## RECOMMENDATION

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96. That the application be APPROVED, subject to Karbon (DAMHA) entering into a s.106 legal agreement to provide the following;

- restricted to occupation by over 50s, with the s.106 securing the planning policy position (of 15%) in the event of future market disposal of the site.
- The sum of £16,650 to mitigate the impact of additional housing growth on local primary health care services,
- An OSNA contribution of £28,567 to provide 53 residents access to allotments and parks.

and the conditions detailed below:

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

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

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

Proposed Site Plan P-100 A

Drainage Strategy Layout 000-01 Rev B

Proposed Floor Plan P-101

Proposed Roof Plan and Elevations Plots 1/2, 7/8 and 21/22 - Sheet 1 P-102

Proposed Roof Plan and Elevations Plots 3/4 and 9/10 - Sheet 2 P-103

Proposed Roof Plan and Elevations Plots 5/6, 11/12 and 13/14 - Sheet 3 P-104

Proposed Roof Plan and Elevations Plots 13/14, 15/16, 17/18 and 19/20 - Sheet 4 P-105

Proposed Boundary Details P-300

*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN11, HO22 and TR2 of the saved policies of the Derwentside District Local Plan, 1997.

3. Before the dwelling to which they relate is constructed, the applicant must submit, and have approved in writing by the Local planning authority details of elevational materials to include walling, roofing, rainwater goods, roof-edges, doors and fenestration, with the development thereafter carried out in full accordance with the approved details.

*Reason:* To ensure a high standard of design in keeping with the character and appearance of the area in accordance with Policy GDP1(a) of the saved policies of the Derwentside District Local Plan, 1997, and part 5 of the Framework.

4. Before the dwelling to which they relate is constructed, the applicant must submit, and have approved in writing by the Local planning authority details hardstanding materials in private areas, with the development thereafter carried out in full accordance with the approved details.

*Reason:* To ensure a high standard of design in keeping with the character and appearance of the area in accordance with Policy GDP1(a) of the saved policies of the Derwentside District Local Plan, 1997, and part 5 of the Framework

5. The proposed estate road must be designed and constructed to meet current highway design standards. No construction of the approved highways shall commence until plans showing full engineering details of the proposed estate roads and site entrance have been submitted to and approved in writing by the Local planning authority. The proposed development shall not be occupied until the estate roads have been constructed in accordance with the submitted and approved plans.

*Reason:* To ensure Highway safety in accordance with Policy TR2 of the saved policies of the Derwentside District Local Plan, 1997, and part 9 of the Framework.

6. The surface water management scheme must be implemented wholly in accordance with the proposals set out in following documents:-  
Drainage Strategy Layout- Ref : 2017116 Drg No 000-01 Rev B  
Flood Risk Assessment – Ref: 2017116 – July 2018

*Reason:* To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere, in accordance with Policy GDP1(i) of the saved policies of the Derwentside District Local Plan, 1997 and Part 14 of the Framework.

7. For foul drainage, the development must be carried out in accordance with the drainage scheme detailed in the submitted 'Flood Risk Assessment' dated July 2018. The scheme shall ensure that both the foul and surface water flows discharge to the combined sewer at manhole 1201. The surface water discharge rate shall not exceed the available capacity of 10.0 l/sec that has been identified in this sewer.

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

8. For Contaminated Land, the development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing by the Local Planning Authority. The

full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 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. The applicant must submit the required elements to address the phases of development for phased discharge of the condition as follows:

#### Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

(c) During the implementation of the remedial works (if required) 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 in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. 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 14.

9. The applicant must ensure all sound attenuation measures detailed in the noise assessment [Apex Acoustics 6901.3 dated 27/7/18 Rev A] are fully completed prior to the beneficial occupation of the development and permanently retained thereafter.



Reason: In the interests of residential amenity in accordance with part 15 of the Framework.

10. The applicant shall prepare and submit a Construction/Demolition Management Plan (CDMP) to the Local planning authority for approval. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include but is not restricted to:

- 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.

No works, other than site investigation works, shall be permitted to start on site until the CDMP has been submitted and approved in writing by the local planning authority. The development of the site shall be carried out in accordance with the approved CDMP.

*Reason:* to ensure the residents of the development are not put at unacceptable risk from, or are adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability in accordance with part 15 of the Framework.

11. As identified in the submitted Phase 2 Site Investigation Report (February 2018, prepared by Roberts Environmental Ltd); actual shallow mine workings pose a risk to both public safety and the stability of the proposed development. Therefore, to ensure the required remedial works are undertaken, prior to the commencement of development the applicant must: submit a scheme of remedial works including a schedule of timings for the written approval of the Local planning authority and thereafter implement the agreed remedial works in full.

*Reason:* to ensure the residents of the development are not put at unacceptable risk from, or are adversely affected by, unacceptable levels of soil, air, water or pollution or land instability in accordance with part 15 of the Framework.

12. Coal Authority information indicates that Mine Entry 411551-018 may be within influencing distance of the site. The developer must therefore submit a proposed mine entry remediation scheme for approval in writing by the Local planning authority before development commences in the affected area of the site. This shall include the details of foundations/mitigation of a specialist design to afford the stability of land within the site potentially affected. The development must be completed in full accordance with said approval.

*Reason:* to ensure the residents of the development are not put at unacceptable risk from, or are adversely affected by, unacceptable levels of soil, air, water or pollution or land instability in accordance with part 15 of the Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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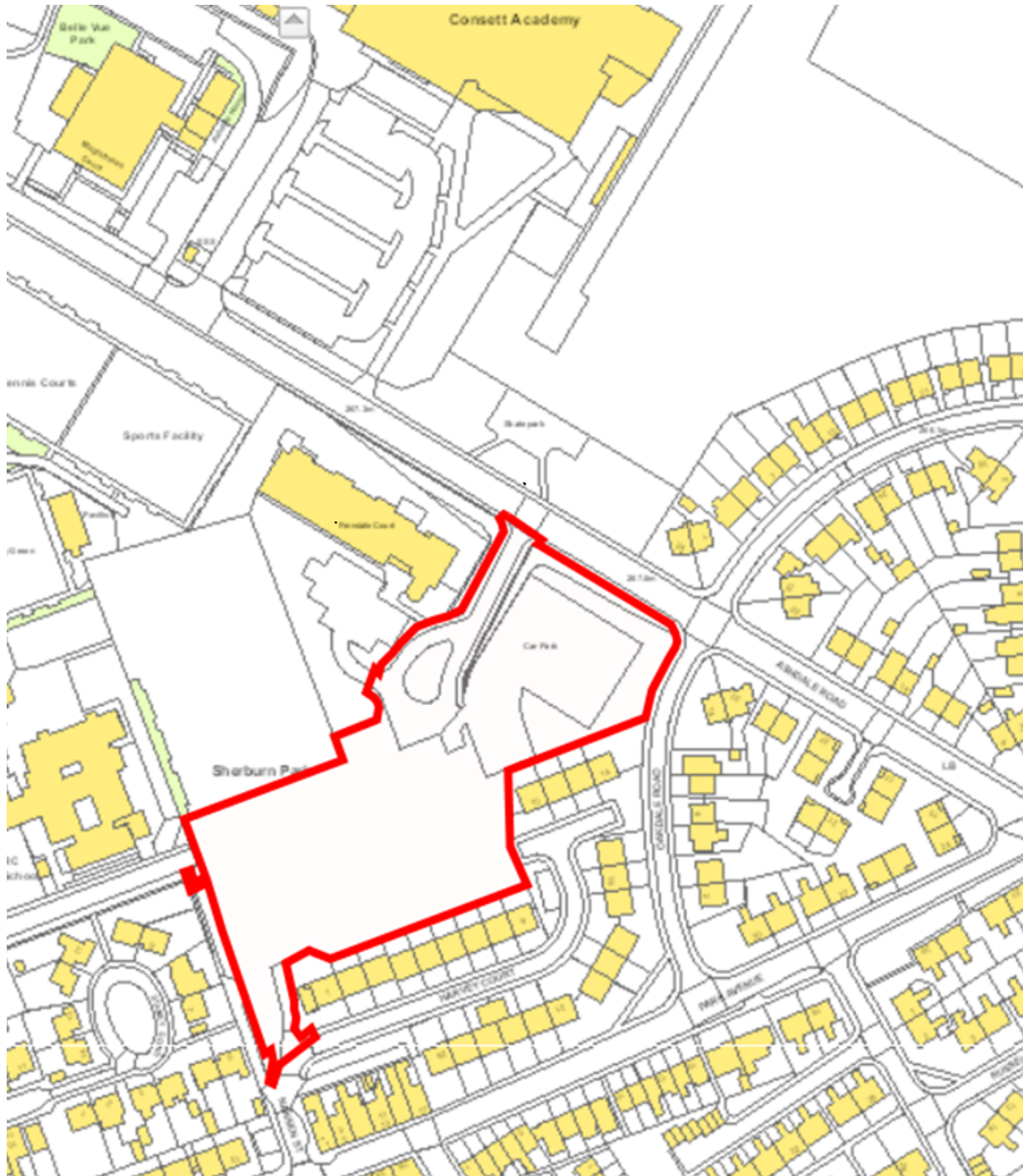
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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.)

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2018)  
National Planning Practice Guidance Notes  
Derwentside District Local Plan 1997 (saved policies)  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



**Planning Services**

Proposed residential development of 24 bungalows with associated access and landscaping

Application Number DM/18/02339/FPA

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**Comments**

**Date** 25<sup>th</sup> October. 2018

**Scale** NTS