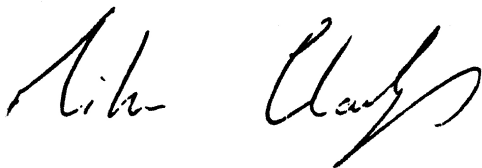


'Special' Development Control Committee

Councillors: J. I. Agnew (Chair), R. Alderson, A. Atkinson, M. Campbell, H. Christer, T. Clark (Vice-Chair), G. Coulson, R. Ellis, G. C. Glass, P. D. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, S. J. Rothwell, A. Shield, E. Turner, A. Watson O.B.E, T. Westgarth, J. Williams, R. Young.

Dear Councillor,

Your attendance is invited at a meeting of the 'Special' Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 8th November 2007 at 2.00 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

Agenda

1. DECLARATIONS OF INTEREST

To receive any disclosure by Members of personal interests in matters on the agenda, identify the item on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct.

2. PLANNING APPLICATIONS

To consider the report of the Director of Environmental Services (Herewith 'A')

Attached Documents:

[PLANNING APPLICATIONS \(A\)](#)

Agenda prepared by Lucy Stephenson Democratic Services 01207 218249

email: l.stephenson@derwentside.gov.uk

DERWENTSIDE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

8th November 2007

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

PLANNING APPLICATIONS AND ASSOCIATED MATTERS

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RECOMMENDATION FOR APPROVAL

1/2007/0298

27.03.2007

Project Genesis Limited and Land to south of Fenwick Way
Barratt Homes

Reclamation of ground via ground remediation and erection of 341 dwellings of 277 houses and 64 apartments, associated highway and landscaping

The Application

1. Planning Permission is sought for residential development of approximately 7.87 hectares of vacant land to the south of Fenwick Way, west of Genesis Way, Consett. The application site is a relatively level plateau area formed during the reclamation of the steelworks and is 9.65 hectares in size overall. The site lies between the existing residential development that was undertaken by Barratts to the north and the site of the proposed sports centre to the south. To the east is the Consett urban Park with grassland to the west.
2. The proposed development includes the reclamation of the site via ground remediation as the site is contaminated from its occupation by the steelworks and substantial structures remain underground then following this the construction of 277 dwellings and 64 apartments. The development would include some three storey townhouses and a mixture of terraced, detached and semi detached properties containing between two and four bedrooms with the dwellings having private gardens. The apartments would be four storeys in height and have one, two and four bedrooms. These would sit to the far south eastern and western ends of the site on the front corner of Genesis Way and the rear corner, opposite the proposed sports centre and the new mini roundabout approved as part of that scheme.
3. The existing soil mounds to the north of the site would be remodeled and landscaped to provide a strip of public open space, 1.78 hectares in size consisting of wildflower, trees and grassed area. This would incorporate an equipped play area and an informal kick about area, feature artwork and a

seating area. Footpath and cycle links would be created through this area linking the urban park to the east of the site via the existing footpath at Genesis Way to the Derwent Walk to the western side as well as from within the site.

4. Access to the site would be taken from the spur road which leads from Genesis Way which would also provide access to the sports complex. This is currently unadopted highway which extends round the south and west of the site. Bus stop lay-bys would be provided to the eastern side on Genesis Way, to the southern access road and also within the site.

5. History

Planning permission was granted in July 2007 for residential development comprising one hundred and forty nine dwellings including eighteen shared ownership and twelve homes for the elderly with associated highway and landscaping works (reference 06/0310).

An application for one hundred and four houses on a smaller site forming part of the application site was submitted in 2005. The application was withdrawn (reference 1/2005/1056/DM).

Planning Permission was granted in December 1994 for access roads to service proposed industrial development (reference 1/1994/1449/DM).

Planning Permission was granted in August 1999 for the use of land at Berry Edge for a car boot sale (reference 1/1999/0450/DM).

An application was submitted in 1992 for industrial and warehouse development which was subsequently withdrawn (reference 1/1992/0687/DM)

Policy

6. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)
Development Affected by Pollution (EN25)
Development on or close to Landfill and Contaminated Site (EN27)
Noise (EN29)
Large Sites Identified for Housing Development (HO3)
Recreational Public Open Space within Housing Sites (HO22)
Development and Highway Safety (TR2)

Consultations

7. The North East Assembly- The principle of development in this location is consistent with the objectives of RPG1 policy DP1 and the locational strategy, and Regional Spatial Strategy (RSS) proposed changes policies 3, 5 and 6. Whilst the approval of 345 dwellings on this site would maintain the oversupply of housing land in Derwentside, it is noted that (in accordance with the information supplied to the NEA for the RSS Annual Monitoring Report 2005-6) the majority of the council's remaining local plan allocations are greenfield sites (795 greenfield sites and 72 previously developed sites). Therefore, the development of this site better fulfils the objectives of the RSS than the greenfield sites allocated in the local plan. However, the Council should have regard to the need to manage down, on a phased basis, this oversupply in considering new applications for residential development in the borough.

The provision of affordable housing, where a need has been identified is encouraged through policy H7 of RPG1, and policy 32 of the RSS proposed changes. Although the Local Authority has identified a need for affordable housing, through a housing needs assessment, the development proposal does not include an element of affordable housing. The Local Authority should be satisfied that affordable housing is provided, where a need is identified, to ensure consistency with the objectives of this policy.

The development of this site would contribute to meeting previously developed land targets in RPG1 policy H4 and RSS proposed changes policy 30. It is advised that the Council should require a clear indication of phasing of the residential development, to ensure that the redevelopment of this site is responsive to changing circumstances over the build period, in accordance with RPG1 policy H3 and the RSS proposed changes policies 4 and 31.

In accordance with the objectives of RPG1 policy EL4 and RSS proposed changes policy 18, the local authority should be satisfied that the release of this site for housing development would not have an adverse impact on the economic development and regeneration strategies for this area, and the overall allocation of employment land provision which should be made in the district (105 hectares).

The proposal does not propose to incorporate any embedded renewable energy generation, or demonstrate how it intends to reduce energy consumption. The NEA would therefore support the inclusion of these measures, to reflect the objectives of RPG1 policies EN1 and EN7, and RSS proposed changes policies 39 and 40.

The application does not mention the provision of Sustainable Drainage

Systems (SUDS). The inclusion of such provision would conform with the objectives of RPG1 policies ENV3, ENV4 and the RSS proposed changes policy 36, and therefore the NEA would support the local planning authority in requiring the incorporation of SUDS. The application includes a flood risk assessment which concludes that the site will not cause any increased risk of flooding. RSS proposed changes policy 37 requires that, in considering planning proposals, a sequential risk based approach to development and flooding should be adopted as set out in PPS25. It will be necessary to ensure that the Environment Agency is satisfied that these requirements have been met to ensure general conformity with the objectives of this policy. The development proposal is considered to be in general conformity with the objectives of RPG1 and the RSS proposed changes, subject to the issues raised in this report being addressed.

8. County Council Planning Policy Team- the following comments are made on behalf of the County Planning Authority in order to achieve the general objectives of the County Durham structure Plan. Structure Plan Policy 1 promotes the principles of sustainable development. Although the site lies within the fabric of Consett, which is identified in structure plan policy 3 as a main town where new development is encouraged, the site itself is fairly isolated from day to day facilities. Improving accessibility to the site needs to be a priority.

The site is also in a town which should be encouraging employment development so the local planning authority will need to fully consider the consequences of losing such a large employment land allocation before granting permission for more housing. However it is noted that a large part of the site has already received permission for the development of housing. The site is located on the urban fringe of Consett.

The design layout submitted does not seem to have had much regard for structure plan policy 71 regarding environmental impact of the development on the current state of the site and its surrounds which provides the setting for a distinctive design. To comply with this policy area more attention should be given to providing a locally more distinct design of building than that of the recently built new estate to the north of the site. Planning Policy Statement 3 supports local authority intervention to avoid new properties lacking in design quality.

Structure plan policies 37, 43 and 44a seek to ensure new development accommodates the needs of pedestrians and cyclists. The layout details needs to clearly indicate how cyclists will access and travel round the site. To accord with the County Council access and parking guidelines (Annex G of the Local Transport Plan 2) developers should demonstrate how pedestrians and cyclists will access each dwelling and that each dwelling includes one easily accessible secure cycle parking space.

There are to be 521.5 new car parking spaces to be provided. This exceeds the County Council's accessibility and parking guidelines. To comply the development should not exceed an average of 1.5 spaces per dwelling (517.5 spaces). The site will be within 400m of accessing bus stops. The existing bus stops may need to be improved to serve the new development. The building of new residential development should be conditional on the developers providing well lit shelters.

9. County Highways Development Control Officer- I have now had an opportunity to study the revised layout and would advise there are a number of matters relating to the layout which give me concern (including its suitability for adoption and average parking provision at plots 278 to 311).
10. County Public Rights of Way Officer-After checking the Definitive Map I can inform you that there are no registered Public Rights of Way affected by the proposals. Please be aware that the Definitive Map is only a record of known Public Rights of Way. Other rights can be acquired on the basis of usage or documentary evidence or by the actions of a landowner.

When looking on the ground and at aerial photographs, there are several unregistered paths which criss-cross the site. I have currently have no evidence in my possession at this time to suggest whether public rights have been acquired over these routes.

After viewing the proposals I welcome the incorporation of pedestrian access points around the site boundary, and think the network of internal of footpaths will hopefully help decrease future residents' use of their cars.

I note that the internal footpaths will be accessible by cycles. Please bear in mind that it is an offence to ride a bicycle on a footway (a pavement at the side of a carriageway) and a person who rides on a pavement can be fined on the spot. Therefore the intent to have both cycles and pedestrians using these routes should be examined further.

11. County Council Landscape Architects: The species mix for the structure planting is acceptable. I look forward to seeing the details of the other planting when they have been prepared. I will expect the planting proposals to take account of the site's elevation and exposed situation.

Comments on amended plans: I have no objection to the layout of the scheme but I would expect the depth of topsoil in the structure planting areas to comply with BS 4428:1989 for tree planting, namely to be 600mm minimum depth. The depth in grassed areas should be 100mm, but wildflowers succeed best where there is poor topsoil, or none. While I

recognise that such differential depths may be difficult to achieve perfectly, and in order to achieve a smooth finish to the surface it is likely to be necessary to provide some depth of topsoil in wildflower areas, it would benefit the planting if there is some differentiation along the lines outlined. I would also recommend that to increase public acceptability a mown strip of approximately 1 metre, which will therefore not support wild flowers, be maintained at the edge of all paths.

12. Council's Environmental Health Department- The site is bounded by Genesis Way, which carries significant traffic as indicated in the application submission; previous noise measurements in the area have indicated the potential for problems from noise to new residents. Preliminary measurements carried out on the 24/04/07 would support this view and suggested that properties close to the road may well lie within noise exposure categories B to C as defined by PPG 24. I would recommend that the developer undertake a comprehensive noise survey as detailed in PPG24 and submit amelioration proposals for those properties likely to be affected;

Should planners be minded to grant permission it may be worth considering conditions controlling hours of operation, in order to protect current neighbouring residents from noise at unreasonable times. I would suggest that normal operations should not start before 08:00hrs and finish around 17:00hrs Monday to Friday, Saturdays 08:00hrs to 13:00hrs and no work on Sundays or Bank Holidays;

Over the last year or so this section has dealt with several complaints concerning noise from construction sites during the night, mainly due to the use of generators to provide power for security personnel on site. I would ask that the developer provides information as to whether generators will be used on the site during the night and if so a condition should be stipulated that no generators shall be used on site outside of the agreed working hours, mentioned above, unless details of the type of generator to be used (sound power levels etc.) and suitable siting locations have been submitted to and agreed with Environmental Health; finally

I would also recommend that a condition be applied to have the developer propose and implement a suitable dust management scheme in order to minimise potential impact on nearby receptors.

I have read through the Noise Assessment submitted by Wardell Arsmtrong. I would recommend that the authors' recommendations in the conclusion of the report are followed and that precise specification of the glazing and type of acoustic venting should be agreed before the development is occupied. It may also be worth considering extending the mitigation proposed for the facades facing directly onto Genesis Way to the

facades running into the estate in order to provide an adequate level of protection from the traffic which will use the new road and from any development nearby, for example leisure facilities.

13. Council's Contaminated Land Officer: The Remediation/Development Strategy document (March 2007) is satisfactory as far as it goes, however it only gives a broad outline of the information required. As mentioned in the document in due course I require a copy of :-
Desk Study (ref: E3760/DTS/Sep 2003)
Site Investigation report (ref: E3760/GI/INT Feb 2004)
Mining Ground Investigation (ref: E3670/GI/M/INT Feb 2004)
Desk Study Ground Investigation Interpretative reports
When available a more Detailed Remediation Strategy/Specification and Method Statement
In due course a Validation/Completion Report following the completion of the works.

Following a review of the Geo-Environmental Ground Investigation Interpretative Report and our meeting sometime ago with the developers/consultants regarding this site, I am awaiting the results of the further investigation and testing. Following these results I would expect to see a Risk Assessment and Remediation Strategy for the development of the site. This should be followed in due course by a Validation/Completion report.

14. Council's Engineers-The surface water run off from this development could be contentious, if they are proposing soakaways then the water will percolate through the reclaimed material, leaching into the surface water collection for which we are responsible at the bottom of the Genesis site. If they are discharging into the public SW sewers this again is passing through the SW system we are responsible for. We currently have an estimate for the cleansing of this system at £13000, for which Derwentside DC have to find the monies yet most of the water issuing through this pipework comes directly from the newly developed sites and possibly this new development plus the development at Fell View, the proposed sports village and the development on the Park Road Allotments site. Could it become a condition of the planning that all these new developments contribute to these long term maintenance costs?

I have asked Durham CC Private Street Works engineers to provide a list of works which will need to be done to get the relevant roads adopted as yet I have not had a response from them but as you recall the intention was to pass the liability for this road to the Highway Authority or at least the responsibility for getting the road adopted to the developer. I am pretty sure that they would wish the road to be adopted anyway. The developers should be responsible for getting the road adopted upto the turning head.

15. Development Plans Team: Planning permission was granted on a large portion of the site (5.69ha) for residential development on 17th July 2006 (ref: 06/0310). It was indicated in this permission that a smaller piece of land to the northwest of the site would be developed for business units as part of a future application. This application seeks permission to effectively update the earlier permission (06/0310) to include the business site and a mound area to the north, equating to a land area of some 9.65ha gross and 7.87ha net. While the whole site is allocated for business use in the adopted Local Plan, the 06/0310 application was judged to be an acceptable departure from the plan given the wider regeneration benefits it offered, and also the indication of some business development as part of the scheme. The 2005/06 Annual Monitoring Report for the District shows a supply of employment land totally approximately 47.16 hectares. In the absence of an up-to-date employment land review for the District it is difficult to determine if the application site would result in a materially significant reduction in the employment land reserve. To give the total employment land figure some context however, it is perhaps worth considering the draft Regional Spatial Strategy recommends the District allocate a supply of employment totally 105 hectares up to 2021.

The application seeks permission for 345 units, which equates to a density of around 43 or 44 dwellings per hectare. The earlier permission was granted for 149 units and included 18 shared ownership and 12 homes for the elderly. The proposed scheme doesn't include any affordable housing provision or homes designed specifically for the elderly. The 2006 Housing Needs Assessment for the District estimates that there will be a shortfall of 130 affordable units per annum over the next five years in the District. The immediate implications for affordable housing are that an affordable housing target of between 35 - 50% of new units would be justified on all suitable sites. The District currently has a large housing supply in place (allocated sites and sites with permission) and given the likely annual allocation the District will receive in the Regional Spatial Strategy (RSS), there is no pressing need to grant permission for new developments (especially of the scale of the proposed development). Further permissions may impinge upon strategic planning imperatives both now and in the future; such as the need to provide affordable housing as part of this supply; to provide more energy efficient homes; and to ultimately be in general accord with regional housing allocations when formally adopted in the RSS (likely end 2007).

The general layout of the scheme appears quite 'mazy' and lacking in coherency. The large scale of the site and high density of dwellings may mean the internal layout is difficult to navigate and confusing. Some form of internal demarcation is perhaps needed to help give the scheme some character and a layout that is easier to remember and navigate. This could

be achieved simply by incorporating a well-considered landscaping design for the scheme, or by creating road surfaces which grade down the further into the site you travel.

The main 'junction' in the middle of the site could be improved to provide better orientation and legibility. A successful junction could be more reminiscent of a village green-type nexus, providing a more fluid footway and road network. There are several double garage blocks that protrude beyond the building line at several locations as the site borders Genesis Way and the main road to the south of the site. These garages (see fig 2 for example) tend to dominate the street frontage and act as 'blocks', both in terms of the affect on the appearance of the streetscene and the impact they have on views and passive light penetration. The scheme proposes landscaping a mound to the north of the residential portion of the site and creating footways linking this area to the scheme. While this would be welcomed it would benefit from some features, such as a 'viewpoint' and public artwork/sculpture.

The scheme accords with Durham County Council Accessibility & Parking Guidelines in terms of the number of car parking spaces per dwelling (1.5). Some parking spaces are located to the front of units which means cars have to cut across the footways to park, creating potential conflicts between pedestrians and cars. Drives to the front of units tends to make the car a dominant feature in the streetscene; some of these could be replaced by parallel parking bays to improve the appearance of the streetscene and provide accommodation for visitor parking, whilst some small parking courts/bays could further alleviate the problem.

The Design & Access Statement emphasises the links the site enjoys for cycling and pedestrians. Despite this, many of the units (especially the smaller flats which do not have garages) have no storage space for cycles. The scheme proposes including a bus route that would pass through the site and provide a welcome alternative transport option to the private car.

Energy efficiency measures that could be reasonably incorporated into the development should be sought. The increased importance of climate change is reflected in national, regional and local planning guidance (Planning Policy Statement 22, Policy 39 & 40 from the draft RSS, policy GDP1 Local Plan), encouraging developments to have embedded in them energy supply from renewable sources and to be more resource-efficient. For a development of this scale a District Heating System or community heating/power scheme could be feasible and would likely reduce the cost and consumption of energy for residents.

16. Environment Agency- We must object to the proposal on the following grounds: The Agency has received a Flood Risk Assessment, (FRA),

provided by KF Shadbolt & Partners which we understand has been provided to support the planning application. The Agency has been reliant on the accuracy and completeness of the FRA in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors. However, based on these reports we can confirm that we consider the details do not meet the requirements of the Agency.

Many options are put forward in this FRA for the management of surface water however the Environment Agency can't make any comments or propose conditions when there is so little detail. Our preferred option is discharging to NWL's public sewer, if this can be confirmed then we will be able to remove our objection.

If however it is proposed to discharge the surface water into the surface water drain which eventually discharges in to the River Derwent, via the Howden Burn then the Environment Agency would recommend that any surface water discharge to the Howden Burn be restricted to greenfield rates of 3.5 litres/second/ per hectare of development.

The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Should the above objection be resolved, we would request the following condition be included on any planning permission granted:
Condition: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Reason: To prevent pollution of the water environment.

The Howden Burn is polluted when it issues from the hillside to the west of the development site. The pollution is historic in nature and it is believed to be caused by salts leaching from slag deposited during the life of the former steelworks. Although not part of our formal objection, due to the history of this site with regards to the former steel works, we recommend the following information regarding contaminated land be strongly considered by the LPA throughout the determination process.

The existing pollution at this site could potentially result in the designation of areas of the former steelworks, including the development site, as contaminated land under the provisions of Part 2A of the Environmental Protection Act 1990. Responsibility for the designation of the site would rest with the local authority who are the principal regulator for the Part 2A

regime. The implications if the site were to be designated as contaminated land following its development are potentially significant as it could result in the issue of 'blight'.

At present there is a lack of information regarding the location of the source of the pollution in the Howden burn and as a consequence it is not possible to assess the potential implications in terms of the proposed development. Given the consequences it is important to disassociate the development site from the existing pollution and as such consideration should be given to placing a requirement on the developer to undertake investigations to identify the source of the pollution. This would allow any links between it and the development site to be established and on the basis of this the nature and scope of potential remedial options could be identified.

Where the source cannot be identified consideration should be given to ensuring that the development is designed in such a way that any contribution the site could make to the pollution is minimised. A key factor is likely to be surface water ingress and measures should be taken to minimise infiltration. This could be achieved through the capping which is already proposed and the hardsurfacing, provided by buildings and the roads associated with the development itself. The views on this approach and the level of information needed should be obtained from the relevant section of the local authority since it could potentially form the basis for excluding the development area from consideration were they required to designate areas of the former steelworks as contaminated land.

In undertaking the investigation and assessment of the site the Environment Agency recommends that developers should:

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

We would also like to make further recommendations regarding sustainable development. We consider that a planning application of this scale should incorporate Sustainable Energy Use / Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the emerging Regional Spatial Strategy for the North East, we would strongly encourage the proposed development to incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings. In addition, we would suggest the proposed development should have embedded a minimum of 10% energy supply from renewable resources.

After discussions with the applicant regarding the surface water drainage on this site, we are now in a position to withdraw our previous objection so long as the following condition is included on any granted planning permission:

Condition: Surface water from the development must be discharged to public sewer

reason: To ensure satisfactory provision of drainage facilities from the site
Should it become clear prior to the determination of this application that surface water will not be able to go to sewers, we would then wish to be reconsulted with any alternative schemes.

17. Northumbrian Water- As the Council will be aware there is an issue about sewage treatment capacity at the Consett STW and we are currently investigating the impact on sewerage treatment from all planned development in the town. Until such time as this is completed, would you please apply the following planning condition.
Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details. Reason The capacity of the Sewage Treatment Works to which the development will discharge is currently under investigation and cannot accept the foul flows.

I am aware that there has been discussion between the Council and NWL due to the impact on regeneration of the town and I would reassure you that our investigations are being carried out as a matter of priority.

18. Durham Bat Group-This is an important economic contribution to the area which will further expand Consett's roll as a dormitory town. It will bring three hundred and forty five new families and their pets into close contact with the important habitats of the Derwent Valley. The people and pets can only have a negative effect on wildlife. This can be minimised by careful planning and offset by mitigation. It is not reasonable to assume that any positive contribution will be possible as the current land is a former steels works and the estate will not be able to provide links to strengthen existing areas. Any mitigation will have to be provide new homes for the more abundant species which will tolerate close proximity to people. In the

context of bats at this site, this means that we are looking for mitigation for Common Pipistrelle and possibly Soprano Pipistrelle as part of the new buildings and landscaping which connects the new roost sites to the existing bat habitats in the valley bottom. It is important that these are properly designed and created as alien species could cause damage to existing habitats. DBG would like to see the EIS for this development and would be pleased to work with LPA to advise on how bats can best be protected as part of the development. As you know, the collective expertise of the bat group is considerably wider than just bats and we may be able to make some positive suggestions for this development. We would like to see this development used positively to bring the wildlife rich habitats of the Derwent Valley closer to Consett rather than driving the urban sprawl further down the hillside to lower the value of an important wildlife area.

19. Neighbours have been consulted and a site notice posted.

Three letters of representation have been submitted. These are summarised as follows:

- No objection to houses.
- Concerns regarding number and style of houses.
- Look and feel of squeezing a large number of houses onto site.
- Very cramped and crowded appearance.
- Designed to maximize sales for housing developer rather than the appearance of the estate to other residents in Consett.
- Mass over development given other developments within Consett.
- Loss of surroundings and views.
- Apartments out of character, an eyesore and detrimental to family orientated estates.
- Increase in local population of about 200 people.
- Effects on local services such as doctors, dentists, schools, strain on emergency services and police dealing with youth disorder.
- Loss of open green area for leisure.
- Consett set to become a building site with no restriction on building companies with residents suffering affects.
- Landscaping and access to Derwent Walk good idea which will promote wildlife and enable families to enjoy the countryside.
- Could a pedestrian access at the end of 71 Fenwick Way be provided to give close access to the Derwent walk, which is used by most people. This would avoid us having to walk around or adjacent to the building work when it commences.

Officer Assessment

The main issues in determining this application are the principle of the development, the design and layout of the development, highways issues, contamination, noise, affordable housing and sewerage and surface water

disposal. Each of these issues are addressed below.

The Principle of the development

20. The application site forms part of the Berry Edge site which was formerly occupied by the Consett Steelworks. Following the closure of the Steelworks a feasibility study was carried out for the future development of the site (Project Genesis Study Report). This report was used as the basis for the allocation of the land for various uses in the Local Plan. This particular part site was until very recently allocated in the Local Plan as being suitable for a Business Park under policy C14. The areas identified for particular types of development on the Proposals Map were not intended to be rigid although the development of the site for residential purposes would clearly not comply with this policy.
21. This site is however now unallocated as its business park allocation is not intended to be saved and carried forward into the development of the Local Development Framework. If Members were minded to approve the proposal the development would not now be a departure from the Development Plan and therefore it would not be necessary to refer the application to the the Government Office.
22. Consideration of the proposal does though need to take place in the context of the overall need and supply of employment land. Although the site is identified in the Durham County Council Structure Plan as a site for a proposed business park it does not fall within the list of Regional Prestige Employment Sites set out in the Regional Spatial Strategy. The availability of employment land is not a major constraint within the Consett or Derwentside and it is considered that this development would not lead to a shortage of industrial land. Given the volume of employment land available in the district and also in and around Consett, the overall loss as a result of the proposed residential development is acceptable.
23. In addition the land has been allocated as a business park for many years and there has not been any interest in developing the land for such purposes, it can therefore be assumed that there is not a demand to develop the site for such uses. Planning consent was also granted in July 2007 for residential development of 149 dwellings (reference 06/0310) on the majority of the site. It is not felt that the loss of employment land would be detrimental to the future development of the Berry Edge site or the District as a whole.
24. The site is previously developed land on the edge of the settlement and within walking distance of Consett Town Centre. It is accessible by bus and is located adjacent to cycle and pedestrian routes and is therefore is a

sustainable location. Residential development would be considered to be acceptable in principle on this site.

25. It should be noted that dwellings on this site would maintain the oversupply of housing land in Derwentside and the Northeast Assembly have recommended that there is a need to manage down on a phased basis this oversupply in considering new applications for residential development.
26. The North East Assembly have also advised that the Council should require a clear indication of phasing of the residential development, to ensure that the redevelopment of this site is responsive to changing circumstances over the build period. To prevent the oversupply of housing in this part of the district and to minimise the annual effect of the proposed development on the housing figures contained within the submission Regional Spatial Strategy a condition preventing the developer from implementing the permission and building the whole development within a short space of time would allow the development to be phased over a reasonable time period of time. The applicant has stated that they would require units to be constructed and released at a minimum of 60 dwellings per annum in order to recover the costs of remediation of the site and provide a financial contribution towards the sports centre development. 60 dwellings per annum as suggested by the applicant would adequately control the number of units to be built annually.

Design and Layout of the Development

27. There have been some concerns raised regarding the design and layout of the development with the layout appearing quite 'mazey'. The houses appeared tightly spaced on the site, which presented quite a cramped look, lacking in open area. Other specific aspects of the design that need to be considered include the orientation of dwellings, boundary treatments and the layout of the housing, garages and internal access roads, and how these relate to the surrounding highways and open space to the northern side.
28. The plans have now been amended to address the concerns highlighted. To the main southern and eastern road frontage, dwellings now face directly onto the highway with private gardens and landscaping adjacent the main roads. This produces a good relationship with the surrounding area and avoids the estate from being inward facing. It is important that the boundary enclosures along these sides of the site are low and carefully designed to ensure that the openness of the estate is maintained. The areas of tarmac roads, garages and drives around the periphery of Genesis Way have been removed with the provision of rear courtyards.

30. Open space and landscaping has been incorporated at well considered strategic locations within the site including the entrance and locations to centre. This provides green links, focal points and orientation to the internal layout and footpaths which would ease navigation of the site. The orientation of the dwellings to entrances, roads and open spaces are more attractive and also focused well around the open spaces and landscaped footpathed corridors. This would also provide some informal amenity space. The curving of the housing facing onto the open space and entrances is particularly attractive.
31. Two four storey, well designed, distinctive apartment blocks are proposed at strategic locations to the southeast and southwest corners which step down well to three storey dwellings fronting Genesis Way. The different types of houses are then grouped throughout the site to guide residents and visitors through the development by the different styles of dwellings. The design of the dwellings would be similar to that within the existing estate to the north and constructed of brick with aspects of render and concrete roof tile with a mix of hard surfaces. This helps to provide the different parts of the site with more of an individual identity, which is considered important in a development of this size and density.
32. In some places the privacy distances are slightly less than would normally be required. However these relate to the distances between new properties and would not affect any existing properties therefore the residents of these properties would be aware of the intervening distances when deciding whether to purchase these homes and could make a judgment on the acceptability of these reduced distances.
33. There is still concern with the number of dwellings proposed, appearing rather squeezed into and cramped within the site. The applicant was asked to justify the density from the layout approved in 2006. They advise that this is partly due to the type of units proposed which includes two blocks of apartments and terraced houses which now provides a variety of housing, in terms of price and mix of different households such as families with children, single person households and older people.
34. Furthermore the applicants advise that given the historical use of the site, although the steelworks the buildings were removed, some substantial structures remain underground and there is deep expansive slag on site. The land, being contaminated, is not currently acceptable for development without remediation. It needs to be remediated at a significant cost before being developed for any use. Redevelopment of this site for residential use brings a value that allows for the reclamation of land via ground remediation. Ground investigations revealed that the site required a much greater amount of remediation than initially anticipated. A lower density would not be viable given the significantly high cost of the remediation of

the land to bring it up to developable standards. Following the completion of the ground stabilisation and remediation only a small proportion of houses will be constructed with standard foundations. As the housing development moves west, expensive engineered foundations will be required with the majority requiring long piles at extra cost.

35. The density of the proposed development therefore reflects the need for reclamation of the land and additional foundation costs. It is only by maximizing house density that the land can be put to best use and the costs associated with the stabilisation and remediation works can be economically defrayed. The cost of remediation is the same regardless of the number of residential units proposed.
36. A further additional extraordinary cost of the development is a contribution towards Derwentside Council Sports and Leisure Centre. This proposal would provide a financial contribution towards the development costs of the sports centre which received planning permission in April 2006. The availability of funding for the sports centre is crucial for the project to come forward. Developing the application site for residential use at the density proposed allows the whole site to be remediated as well as providing an element of funding for the sports centre. The development is also to fund the extension to the Urban Park through the partial removal and re-modeling the mound to the north of the proposed development.
37. The existing area of mounding to the northern side is to be remodeled to form a loose 'S' shape extending from east to west across the top of the site to form eight smaller landscaping mounds. A footpath/cycle path would extend through the centre from Genesis Way to join the Derwent walk and C2C cycle route. There would be three access points from the estate as well as being accessible to the existing estate. The soil will be used for the remediation of the site and to create a series of smaller mounds within the open space area. These mounds would extend to 4m in height at the highest point, (to the far northwestern side) with the majority extending to 3m adjacent the existing estate. The existing mounds have the benefit of planning consent, with the far northwestern mound having a temporary consent whilst this proposal is considered (ref. 07/0131). The area would be grassed and incorporate structure planting, trees and wildflower areas. This will improve the visual impact of the one large existing mound and enhance the outlook from the existing and proposed estate.
38. The open space would also provide benches, a play area for younger children, informal kick about area of 35m by 25m in size, for older children, feature artwork and seating area. A stone wall and trees would provide the entrance feature to the area. It is envisaged a high quality area of public open space which forms an extension to the urban park to the east of Genesis Way will be created. The landscape / open space area will stay in

the ownership of the Project Genesis Trust. The area will be maintained on behalf of the Trustees by the Project Genesis Management Company.

Highways Issues

39. There would be two points of access, one to the southern link road with a protected right hand turning lane proposed and a further one mid point along the western boundary. A bus lay-by is also incorporated within the site, as well as one to the south, potentially also serving the proposed sports centre. The layout has been designed to allow for bus penetration and two further new bus lay-bys are also to be installed on Genesis Way between the existing and proposed estate. The site will incorporate 521.5 car parking spaces, an average of 1.5 spaces per dwelling, through parking courts, drives and private garages. The development would provide good links for pedestrians and cyclists to the wider area, is within walking distance of the town centre and accessibility by public transport would be good given the close proximity of bus stops to the site
40. The County Council's Highways Development Control Officer

Contamination

The planning application seeks permission for reclamation of the land via ground remediation given the historical use of the site and thus contaminated nature of the ground conditions. A Geo-Environmental Ground Investigation Report was submitted with the planning application detailing issues and actions to deal with the concentrations of contamination and also address the current geotechnical constraints. The Council's Contaminated Land Officer confirmed that the document submitted with the planning application is satisfactory although further information was requested. A Desktop Study, Mining Report and Site Investigation Report was then submitted. Following a review of this Council's Contaminated Land Officer is awaiting the results of the further investigation and testing. Following these results they would expect to see a Risk Assessment and Remediation Strategy for the development of the site. This should be followed in due course by a Validation/Completion report. These aspects are thus conditioned accordingly.

Noise

The Council's Environmental Health Officer requested that a noise survey be undertaken to assess the likely impact of traffic noise on the plots that face onto Genesis Way. A noise assessment has been prepared and submitted to determine the level of noise from traffic on Genesis Way

during both the daytime and night time periods. The survey demonstrated that the properties whose facades face directly onto Genesis Way could experience some disturbance from traffic. However noise attenuation measures could be undertaken with regard to these properties to ensure that satisfactory noise levels are achieved within the dwellings and to ensure an adequate level of protection within habitable rooms that face onto Genesis Way. The mitigation recommended includes double glazing and acoustic venting to those dwellings facing onto Genesis Way. A condition of the planning permission therefore would require details of noise attenuation measures to be submitted and approved, the noise measures would need to be undertaken before the use of the houses commences.

Sewage and Surface Water Disposal and Flood Risk

Members will be aware that Northumbrian Water have had concerns with a number of schemes for residential development in the Consett area recently on the grounds that the sewerage works has reached their design capacity and cannot accept the additional flows from proposed development. Northumbrian Water is looking into this matter with a view to resolving the situation. They have indicated that a feasibility study is being undertaken with regards to the potential upgrading of the works. If members are minded to approve the application a condition could be placed on the permission requiring details of the connections. In considering other applications a condition has been imposed requiring details of connections to be agreed to the sewerage works with the Local Planning Authority. It is recommended that such a condition should be imposed in this case if members are minded to approve the application. The applicant's have indicated that they would accept such a condition.

In terms of surface water drainage the proposed development would drain into the existing adopted public sewer. The Environment Agency have now thus removed their objection to the proposal. This sewer then flows into a culverted watercourse which is the responsibility of the Council. This was designed as part of the reclamation scheme, to aid the removal of material detrimental to the watercourse (Howden Burn) and ultimately the River Derwent. It was though designed to take flows from potential business/leisure development rather than housing. The Council's Engineer feels that the operation of this structure is being adversely affected and is being blocked up by the increased discharges from the various developments that have been given planning permission and are proposed for the future. Therefore he feels that developers should be contributing to some of the future maintenance costs. The Council currently have an estimate for cleansing this structure of £13000 as it is required to be cleaned at present. This request has been put to the applicants, however they feel that the Council should seek maintenance contributions from

Northumbrian Water (as it is their sewer which connects into the Council's pipe) and not from developers as Northumbrian Water will only benefit from the development given they will charge water rates to new residents. Members however may feel that it is appropriate to require a maintenance cost of the drain from the developers as the flows from the new housing would pass through the Council's drain. Any maintenance or one off cleaning cost could be attached as a planning condition should members feel this is appropriate.

A Flood Risk Assessment was required due to the size of the development. This has been submitted and is satisfactory.

Affordable Housing

Although the Council has identified a need for affordable housing, through a housing needs assessment, the development proposal does not unfortunately include an element of affordable housing. This is disappointing especially given the provision of shared ownership units and homes for the elderly in the already approved application for this site.

The applicant states that the potential for included an element of affordable housing with the scheme is limited as part of the value realised by this proposed development will provide a financial contribution towards the development costs of the adjacent sports centre. In addition, the remediation costs for the application site are significant.

The Council are preparing an Interim Planning Policy to secure affordable properties but at this point the Council does not currently have an adopted policy relating to the inclusion of affordable housing therefore unfortunately it would be difficult to insist on an element of affordable housing being provided. Clearly there is also a aspect to this that including affordable housing would affect the economics of the development and therefore the contribution that could be made to the Sports Complex proposals.

Other Issues

Concern has been raised by a local resident regarding the potential effect of new residents placing a strain on local schools. This issue has been raised with the County Council Education Department who advise that a large number of new residents would not necessarily mean that there will be an increase in school age children requiring a school place. People may well be moving within the area and there are three primary schools within a short distance of the site which are not full. There are also three secondary schools within the local area which have always been able to offer school places.

In terms of the potential effect of new residents causing a strain on local services such as doctors or dentists the Primary Care Trust has not made the Council aware of any problems that it is encountering due to the development of sites within Consett for new housing. Members will be aware that this has been raised as an issue on a number of occasions when new housing developments have been proposed in the Consett area, however there is no clear evidence base to support refusal of planning permission on these grounds. It is also normal practice that the provision of such facilities should adjust to any changes in catchment population, rather than increased provision be made in anticipation of future developments proceeding.

Recommendation

Conditional Permission subject to the submission of a revised layout addressing the concerns of the County Council's Highways Development Control Officer and confirmation of their satisfaction with the scheme.

- Standard time limit (ST)
- Approved plans (ST01)
- Amended Plans-13th September 2007 (GO4)
- Materials (AO3)
- Car Parking (HO3)
- Boundary Treatments (HO14)
- Car Parking (HO3)
- Contamination Remediation (CL01, CL02, CL06)
- Surface Water drainage (DO4)
- Removal of permitted development rights (PD01)
- Design and Phasing of Highway works (HO7)
- Landscaping (LO1)- this shall include the depth of topsoil in the structure planting areas to comply with BS 4428:1989 for tree planting, (600mm minimum depth) and a mown strip of 1 metre, shall be maintained at the edge of all paths.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent pollution of the water environment in accordance with GDP 1 of the Derwentside Local Plan
- Prior to the commencement of the development full details of connections to the sewage treatment works shall be submitted to and approved in writing by the Local Planning Authority.
Reason- In order to ensure that the sewage treatment plant can accept the flows from the development in accordance with Policy GDP1 of the Local

Plan.

- Surface water from the development must be discharged to public sewer
Reason: To ensure satisfactory provision of drainage facilities from the site in accordance with Policy GDP1 of the Local Plan.

- Within two months of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of the equipped play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the approved scheme prior to the occupation of the 100th house on the development, or other such time period as may be agreed in writing with the Local Planning Authority.

Reason- In order to ensure that adequate play facilities are provided in accordance with Policy HO22 of the Local Plan

-No dwelling shall be occupied unless a footpath of adoptable standard has been provided along the entire highway frontage of the site.

Reason: To prevent the occupiers of the dwellings having to walk on the carriageway to the detriment of highway safety, in conformity with Policy TR2 of the District Local Plan.

-The bus lay-bys shall be provided in accordance with the approved details prior to the occupation of the tenth dwelling to be completed, or other such time period as may be agreed in writing with the Local Planning Authority.

Reason- In order to encourage sustainable means of travel in accordance with PPG13.

-No more than 60 new dwellings shall be occupied within any calendar year.

Reason- To control housing occupancy at the site.

-Within one month of the commencement of the development or other such time period as may be agreed in writing with the Local Planning Authority, details of noise attenuation measures shall be submitted and approved in writing by the Local Planning Authority. The agreed noise measures shall be undertaken in accordance with the approved details prior to the occupation of the dwellings to which they relate.

Reason- In the interests of the amenity of the residents of the proposed dwellings and in order to comply with Policy EN25 of the Local Plan.

-All construction work shall take place between the hours of 8:00 and 18:00; Monday - Friday and 8:00-13:00; Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy GDP1 and EN29 of the Derwentside Local Plan

-Before any of the units of residential accommodation hereby permitted are occupied the open space/landscaping area to the north of the site shown on the approved plans shall be provided and made available for use as such by the residents of the accommodation created by the development and thereafter so retained.

Reason: In order to ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and

the character of the area having regard to policy GDP1 and HO22 of the Derwentside Local Plan

-Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details of the equipment, seating, landscaping and surfacing in the areas of land to be provided for public amenity and play use shall be submitted to and approved by the local planning authority. Each area shall be finished according to the approved plans as the houses nearest it are completed, and at that time made available for the use of the occupiers of the houses.

Reason: In the interests of the character and appearance of the development in accordance with Policy GDP1 of the Local Plan.

-No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities, which shall include the provision of wheeled refuse bins, shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

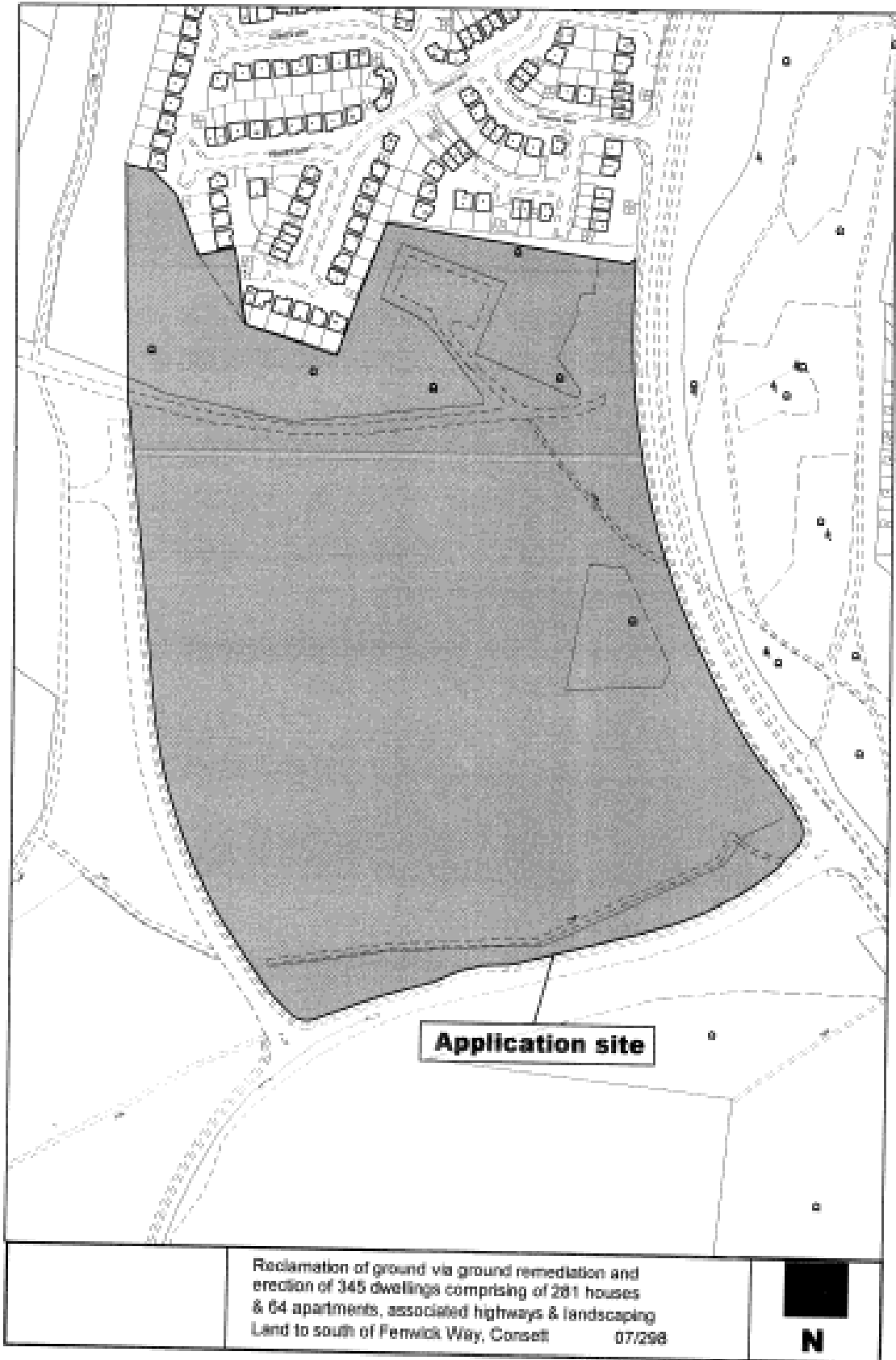
Reason: In order to safeguard the amenities of the area having regard to policy GDP1 of the Derwentside Local Plan

Reason for Approval

The proposed residential development is considered to comply with Policies GDP1, EN25, EN27, EN29 HO3, HO22, and TR2 of the District Local Plan on the layout of new housing and there are no other material considerations which outweigh the decision to approve the application.

Report Prepared by, Ann Rawlinson, Senior Area Planning Officer

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Application site

Reclamation of ground via ground remediation and erection of 345 dwellings comprising of 281 houses & 64 apartments, associated highways & landscaping
Land to south of Fenwick Way, Consett 07/298



DEVELOPMENT CONTROL COMMITTEE

8th November 2007

APPENDIX – DISTRICT LOCAL PLAN POLICIES

The following local plan policies have been referred to in reports contained in this Agenda:

Policy GDP1

When considering proposals for new development, the Council will not only assess each application against the policies in the following chapters, but will also expect, where appropriate, the following measures to have been incorporated within each scheme:

- (a) a high standard of design which is in keeping with the character and appearance of the area. The form, mass, layout, density and materials should be appropriate to the site's location, and should take into account the site's natural and built features;**
- (b) designed and located to conserve energy and be energy efficient;**
- (c) protection of existing landscape, natural and historic features;**
- (d) protection of important national or local wildlife habitats, no adverse effect upon, or satisfactory safeguards for, species protected by the Wildlife and Countryside Act 1981, no harmful impact on the ecology of the District and promotion of public access to, and the management and enhancement of, identified nature conservation sites;**
- (e) the protection of open land which is recognised for its amenity value or the contribution its character makes to an area;**
- (f) the provision of adequate landscaping within the design and layout of the site and where appropriate creation of wildlife habitats reflecting the semi-natural vegetation of the surrounding area and using native species wherever possible;**
- (g) designed and located to deter crime and increase personal safety;**
- (h) protection of the amenities of neighbouring occupiers and land users;**
- (i) adequate provision for surface water drainage;**
- (j) protection of areas liable to flood from development;**
- (k) protection of ground water resources and their use from development.**
- (d) visual amenity**

Policy EN25

Residential or other sensitive development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses.

Policy EN27

Planning permission will only be granted for new development within a 250 metre radius of a landfill site, mine workings, or on or adjacent to a contaminated site, if the developer:

- (a) provides the results of an expert investigation to detect and monitor the presence and likely effects of any gases, leachates, corrosive materials, groundwater areas of permeable sub strata and the potential for subsidence within and around the site; and**
- (b) identifies a detailed programme of remedial works to resolve known and potential problems, covering site preparation, design and building construction, protection for workers and all other measures required to make the site, proposed development and surrounding area safe and stable.**

Policy EN29

Planning permission will only be granted for development if it:

- (a) would not result in noise generating uses likely to cause an unacceptable degree of disturbance being located in close proximity to existing noise-sensitive uses; or**
- (b) would not generate noise levels which would have a significant adverse effect on the amenities of neighbouring occupiers.**

New noise-sensitive developments will be permitted where they would be located an appropriate distance from any existing noise-generating uses.

Policy HO3

The following large sites are proposed for housing development:

	Dwellings (Estimated)
<u>Annfield Plain</u>	
Harperley Road	40
Pontop Terrace	15
Rear Of Earl Grey Public House	10
<u>Burnhope</u>	
South Of Vale View	15
<u>Consett</u>	
Railway Street	25
Sherburn Terrace	40
<u>Delves</u>	
Gloucester Road	80
<u>Dipton</u>	
Ewehurst	40
<u>Hamsterley</u>	
East Of Dane Engineering	50
<u>Langley Park</u>	
Adjacent To Hillside Estate	20
<u>Leadgate</u>	
Garden Terrace	25
Station Yard	20
<u>Medomsley</u>	
Medomsley Sawmill	35
<u>New Kyo</u>	
Shield Row Lane	75
<u>Quaking Houses</u>	
Oswald Terrace	10
<u>Shotley Bridge</u>	
Elm Park	38
North Of Murray House	50
Wood Street	10
<u>South Moor</u>	
Oxhill Farm	60
<u>Stanley</u>	
Chester Road	15
Stanley Hall	270
Tyne Road	35

Policy HO22

Planning permission for new housing developments will be granted if:

- (a) the detailed proposals include sufficient public open space and play areas, in appropriate locations, to meet the needs of residents within the development, in accordance with the recommendations contained in the NPFA document the 6 acre standard - minimum standards for outdoor playing space, at Appendix H; and**
- (b) such approval may be subject to a planning condition or the applicant agreeing to enter into a planning obligation to ensure that the area(s) will be set out and then maintained; or**
- (c) the developer agrees to make a financial payment in lieu of direct provision, where sufficient provision cannot be made on site.**

Policy TR2

Planning permission for development will only be granted where the applicant can satisfy the Council that the scheme incorporates, where necessary:

- (a) a clearly defined and safe vehicle access and exit; and**
- (b) adequate provision for service vehicles; and**
- (c) adequate vehicle manoeuvring, turning and parking space; and**
- (d) effective access at all times for emergency vehicles; and**
- (e) satisfactory access to the public transport network; and**
- (f) a satisfactory access onto the adopted road network.**

Planning permission will only be granted if the proposal also complies with the car parking standards in Appendix D.