



Area Planning Committee (North)

Date Thursday 25 October 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 27 September 2018 (Pages 3 - 22)
4. Declarations of Interest (if any)
5. Applications to be determined
 - a) DM/17/03908/FPA - Land to the West of Hall Cottage, Hall Road, The Grove (Pages 23 - 44)
Development of 29 dwellings including means of access, associated car parking and landscaping
 - b) DM/18/02339/FPA - Site of Former Belle Vue Swimming Centre, Ashdale Road, Consett (Pages 45 - 64)
Proposed residential development of 24 bungalows with associated access and landscaping
 - c) DM/18/02098/FPA - 29 Front Street, Chester-le-Street (Pages 65 - 80)
Change of use of first floor from retail use to 14 apartments, installation of external door, additional first floor windows and rooflights
6. Appeal Update (Pages 81 - 82)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
17 October 2018

To: **The Members of the Area Planning Committee (North)**

Councillor I Jewell (Chairman)
Councillor S Wilson (Vice-Chairman)

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, G Darkes,
A Hoggood, C Martin, M McKeon, O Milburn, J Robinson, A Shield,
J Shuttleworth, L Taylor and S Zair

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the **Council Chamber - County Hall, Durham** on **Thursday 27 September 2018** at **1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, G Darkes, M Davinson (substitute for S Wilson), A Hopgood, C Martin, M McKeon, O Milburn, J Robinson and A Shield

Also Present:

Councillors A Batey and D Wood

1 Apologies for Absence

Apologies for absence were received from Councillors J Shuttleworth, L Taylor, S Wilson and S Zair.

2 Substitute Members

Councillor M Davinson substituted for Councillor S Wilson.

3 Minutes

The minutes of the meeting held on 28 June 2018 were confirmed as a correct record by the Committee and signed by the Chairman.

4 Declarations of Interest (if any)

Councillor C Martin explained that he had taken advice from the Solicitor – Planning and Development, Neil Carter as regards Item 10 – the former Arizona Chemical site. He noted that it was a site within his Electoral Division and he had discussions regarding this project with members of the community and the Parish Council, along with meeting the Architect responsible. He explained that he had not expressed a preference in terms of being for or against the project and had no intention of speaking at the start of the item. Councillor C Martin noted he looked forward to taking part in the debate and decision making on the application.

Councillor O Milburn declared a non-prejudicial interest in Item 9, Beamishburn Road, Stanley, as a Local Member for Tanfield.

6 DM/18/01298/FPA - Land to the North of St Johns Mews, Burnhope

The Senior Planning Officer, SF gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, SF advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 28 dwellings for the over 55s and was recommended for refusal, the reasons set out within the report.

The Senior Planning Officer, SF referred Members to site photographs and noted the proposals would bring the existing road surface and drains up to an adoptable standard for the benefit of new and existing residents. Members were referred to the property types and noted the proposed entrance between 2 existing properties, with the proposed houses being moved back on the site in comparison to original submissions in order to give better potential residential amenity. The Senior Planning Officer, SF noted the landscape of the site was open, semi-improved grassland, effectively countryside. It was explained that the application was a resubmission, having been submitted in May, with the original application having been withdrawn 17 months ago. Members noted that since the publication of the agenda papers, 2 further layouts and a flood risk assessment had been received. It was explained that the revisions to the plans had not allowed sufficient time for adequate consultation with the public or consultees.

The Senior Planning Officer, SF noted the principle issue was that of intrusion into the countryside. He added that the house types did not correlate with plans and there was a lack of surety in terms of the relationships proposed.

In terms of statutory and internal consultees, it was explained that the parking scheme had been redesigned following input from Highways Engineers, however, further amendments would be required in order for the scheme to be at an adoptable standard. The Senior Planning Officer, SF added that Officers had concerns in terms of foul water, though Northumbrian Water did not object, subject to a condition in terms of approval requiring the development to be implemented in line with the latest submitted drainage scheme. Members noted the Coal Authority required a standard condition in relation to site investigations prior to commencement of the development.

The Committee noted Spatial Policy responses in relation to space requirements and in terms of relevant OSNA policies as set out within the report.

The Senior Planning Officer, SF set out that the Drainage Team had noted some overlap in terms of highways adoption and suggested a SuDS could deal with surface water issues. The Landscape Team objected to the intrusion into the Countryside. Members noted no objections from Ecology, Education or in terms of footpaths or archaeology.

The Committee noted there had been 14 letters of objection from the nearby properties and a neutral representation from Burnhope Parish Council. It was

explained Residents' main points of objection related to interrelated drainage/surface water and highways layout, noting there would be an increase in the volume of traffic in an area where children played.

The Senior Planning Officer, SF reiterated that the main planning issue related to Policies EN1 and EN2, encroachment into the countryside. He added that there was, in general, a healthy housing supply within the County, however, the Applicant had noted the properties would be for those aged over 55 years old. The Senior Planning Officer, SF noted that this restriction would be outside of the control in the form proposed of the Local Planning Authority and that proposals in terms of a Management Committee were at best nebulous. Members noted that in terms of neighbouring amenity, separation distances on the southern boundary of the site were below standard subject to which plan was assessed. It was noted the proposal included a Warden to live on-site within the development, though it was not clear what their role would be and whether there was a need for them to be on-site, and why they should occupy an affordable unit..

In summary, the Senior Planning Officer, SF noted that the application was recommended for refusal noting: the application represented encroachment into the Countryside, contrary to saved Local Plan Policies EN1 and EN2; and the highways and drainage scheme had not given sufficient surety, contrary to saved Local Policies GDP1(I) and TR2 and Part 14 of the National Planning Policy Framework. In relation to the second refusal reason as set out within the report, the Senior Planning Officer, SF explained that as there was a lack of clarity in terms of separation distances due to changing plans that it was proposed the wording be amended to explain this and that therefore the application would be contrary to saved Local Plan Policy GDP1.

The Chairman thanked the Senior Planning Officer, SF and asked Mr J Kerr to speak in objection to the application on behalf of local residents.

Mr J Kerr explained he was representing the residents of St. John's Mews and noted the objections they had made as set out within the Officer's report and presentation. He explained that the proposed access was via an unadopted and unsuitable road that had not been brought up to standard by the Developer in 18 years. It was added that drainage issues at the site had not been addressed by the Developer over the last 18 years, and with no details within the application. Mr J Kerr noted that normally drainage conditions were very stringent, in terms of the separation of foul and surface water, this not currently the case at the site.

Mr J Kerr noted the Officer's report had stated the application represented encroachment into the countryside and added there were a number of alternative sites for development within the Burnhope area. He added that the application was for a landlocked site, with issues in terms of access and safety, with an adverse camber on the road, a 90 degree corner and if residents were to be over 55, there was potential for increased visitors for there to be an increased risk of an accident.

Mr J Kerr noted there was incomplete information on several issues, including in terms of proposed sewage plant, noise levels and in terms of any mine workings. He noted the Council could demonstrate a 5 year supply of housing and that

Members should note the “drip feed” of information that had been given in terms of the application, giving the Council, partners and Residents no time to respond. Mr J Kerr noted other issues included: land ownership, lack of clarity in terms of parking; and that part of the proposal would overlook existing properties.

Mr J Kerr concluded that the Residents of St. John’s Mews would ask the Committee to follow the recommendation of the Officer to refuse the application, noting they felt it was unnecessary development, unsafe, taking on board the developer’s track record, and to preserve this area of the countryside for the future.

The Chairman thanked Mr J Kerr and asked Mr G McGill, Agent for the Applicant to speak in support of the application.

Mr G McGill noted that the process of the application had begun over 5 years ago and that a strong impression was given at that time that the scheme would be acceptable, notwithstanding the principle of development in the countryside. He explained that the scheme had always been a specialist scheme, looking to provide housing for the over 55s and that these type of “departure” applications represented one of the only ways to enable these types of bungalows to be built.

Mr G McGill noted a number of technical difficulties in terms of the drainage at the site and the proposals offered a solution, with no cost to existing residents. He added that in terms of the meeting privacy and amenity concerns, these had been rectified within the revised drawings. He noted paragraph 50 of the report stated Environmental Health Officers accepted the findings of submitted reports.

Mr G McGill explained that the bespoke design provide a good standard of accommodation, providing lifetime homes, grouped around a village green, with 6 affordable units, greater than the minimum requirement of 15%. He added that a Site Warden would benefit the scheme, though was not critical. Mr G McGill added that Housing Officers had confirmed that there would be a strong interest from Registered Social Landlords (RSL) in terms of those properties. He noted that the proposed management of the site was achievable, and had been successful in other areas of the country. Mr G McGill added that there would also be New Homes Bonus for the Council in terms of the proposed development, as well as benefits to existing residents in terms of drainage and highways improvements.

Mr G McGill noted that it was felt: the application would provide much needed bungalows for the over 55s, catering to an aging population; issues in terms of layout could be amended, as demonstrated by the latest revision of plans; and the application would break the deadlock in terms of drainage and highways issues. He concluded by noted it was felt in terms of planning balance that the application should be approved.

The Chairman thanked Mr G McGill and asked the Senior Planning Officer, SF to respond to the points raised by the speakers.

The Senior Planning Officer, SF agreed that application site had been discussed over a number of years, however, there had been changes in legislation demand and land supply in the intervening period. He added that what was originally

proposed and what was being proposed now represented very different offers. It was explained that usually many issues and information could be left to be addressed by way of conditions, however, in this case Officers felt that too much was being left for later agreement and therefore the recommendation was for refusal, subject to the amended reason previously mentioned.

The Chairman thanked the Senior Planning Officer, SF and asked Members of the Committee for their questions and comments.

Councillor A Shield noted he had not attended the site visit, however, he explained that he knew the site well. He noted he was saddened as the application sought to address social need, however, from the information from the Officers and the history of the situation at the site, he did not feel the application met planning requirements. He noted several belated changes and he felt there were still too many outstanding issues and a lack of information and therefore he supported the Officer's recommendation for refusal.

Councillor C Martin noted the arguments in terms of highways and drainage, though reiterated the point raised by Planners in terms of the main issue being encroachment into the countryside. He agreed in terms of the need for more bungalows, however, in terms of proposed development he agreed with Officers and **moved** the application be refused, subject to the amendment as stated by the Senior Planning Officer, SF.

Councillor A Hopgood noted she had not attended the site visit, though explained she had visited family in the area for over 35 years. She agreed in terms of a shortage of bungalows across County Durham, however, did not agree there was a shortage of bungalows in the Burnhope area specifically, and therefore questioned this in terms of "housing need". She noted the objections from those living in a 9 house cul-de-sac that would be turned into a through-road, and that the issues raised by Residents had not been addressed over the last 18 years. She noted she too supported the Officer's recommendation.

Councillor D Boyes noted the Senior Planning Officer, SF had used the term "nebulous" in respect of information relating to the proposed Management Committee and the ongoing situation in terms of highways and drainage as described by the Officer and the speaker of behalf of existing Residents. He agreed that the Management Committee did not seem likely to be able to provide the control required and noted it did not seem correct that there was not already a RSL in place. He noted he would be unable to support the application and agreed with the Officer's recommendation.

Councillor M McKeon noted she had similar concerns to those raised by other Committee Members and also those of the Officers, including the late changes in terms of drawings and inadequate time for Residents to respond. She **seconded** the proposal for refusal as recommended by the Officer.

Councillor M Davinson noted the proposal was for refusal, subject to an amendment to the second refusal reason, as described by the Senior Planning Officer, SF, wording to be delegated to the Head of Planning and Assets.

Upon a vote being taken it was

Resolved:

That the application be **refused** for the reasons contained within the report, subject to an amended reason No.2:

2. *The lack of consistency between site layout and elevation plans compromises assessment of required separation distances between existing and proposed dwellings at the southern boundary, which falls below that which would ensure reasonable expectations of residential privacy and amenity contrary to Policy GDP1 of the Derwentside District Local Plan 1997 (saved Policies).*

Councillor L Boyd entered the meeting at 1.45pm

7 DM/18/01134/OUT - Jingling Gate Inn, Twizell Lane, West Pelton

The Planning Officer, Louisa Ollivere gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, LO advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for the erection of four dwellings on site of former public house/nightclub (resubmission) (all matters reserved) and was recommended for refusal, with the reasons set out within the report.

The Planning Officer, LO reminded Members of the nearby 195,000 animal chicken farm, commercial livery and veterinary surgery and highlighted the surrounding vegetation and enclosures using plans and photographs.

It was added there had been no objections from the Council's Highways Section, subject to conditions and Northumbrian Water and the Coal Authority had noted a lack of details and therefore were also requesting conditions. It was noted that the Environment Agency had not commented to date. In relation to internal consultees, the Council's Environmental Health Officer (EHO) had reported back on a technical review in relation to noise and odour, with dispersion modelling. Members were informed that the EHO had noted that there would be potential impact on the nearby business in terms of the closer proximity of Residents which could increase the potential of complaint. The Planning Officer, LO added that the EHO had considered the potential to cause a statutory nuisance and would object as it was considered that the development was likely to lead to a statutory nuisance and did not consider that conditions could be imposed to mitigate the impact.

The Planning Officer, LO added that there were no objections from the Design and Conservation Officer or the Landscape Officer noting the reduction from 6 units to 4

units. Members were advised as regards the benefits of the scheme as set out by Spatial Policy and there had been no objections from the Ecology Officer, subject to conditions. It was added that there had been no comments from the Education Officer.

The Committee noted that there had been 13 letters of objection from local Residents and businesses, including the owner of the chicken farm, with a summary of objections being set out within the report. Members noted there had been 10 letters of support for the application, and a letter of support from the Local MP, Kevan Jones, with a summary of the comments in support also being set out within the report. It was added there was support from the Local County Councillors for the application.

The Planning Officer, LO noted that in conclusion, that the site was of low ecological value and issues such as drainage and highways could be dealt with in terms of conditions, however, when considering the balancing exercise of Paragraph 11 of the NPPF it was felt that impacts in terms of residential amenity of future residents in terms of noise and odour and to the agricultural economy in terms of adverse impacts on the operation of neighbouring business would significantly and demonstrably outweigh the limited housing supply, construction and commercial economy benefits, visual amenity and remediation benefits. Therefore the application was recommended for refusal.

The Chairman thanked the Planning Officer, LO and noted Local Members were in attendance and asked Councillors D Wood and A Batey to speak in relation to the application.

Councillor D Wood noted, as one of the Ward Councillors for the Pelton Division, he was in attendance to speak in support of the application. He explained there was a high level of support for the development in the village of West Pelton and in the local area and the development would be on a brownfield site. He added that he believed that this would be a sustainable development as Residents would be in close proximity to bus routes, a local school and several local shops.

Councillor D Wood noted the appearance of the site would be greatly improved by the development and it would provide a greater choice and a different size of property for families that need additional space, but do not want to move away from the village. He added that nearby residents understood the importance of the poultry farm and that its work could not be achieved without some disturbance, with neither odour or noise disturbances being permanent and residents of properties on Twizell Lane were already well aware of the issues.

Councillor D Wood noted that, as highlighted in the Committee Report, no residents had complained to either the Local Authority or to the Environment Agency and he felt that this shows the level of understanding from the local community that it was a working agricultural area. He noted a Change of Use application had also been submitted to change an agricultural building to residential use and that application had not yet been determined. He added that he had read through the associated documents on the Planning Portal and there did not appear to be any reference to likely noise or odour disturbance from the poultry farm, despite the fact

it was closer than properties on Twizell Lane, and was on the same side of the road as the farm itself.

Councillor D Wood concluded by stating that, for the reason he had outlined, he believed that the development would be positive for the village of West Pelton and would constitute a sustainable development and he would ask that Members of the Planning Committee take the points made into consideration before making a decision on the application.

Councillor A Batey explained that it was unusual for Urpeth Parish Council, the West Pelton Residents' Meeting and the Local Members to all be in agreement as regards an application. She added that previous applications at the site had been approved by the former Chester-le-Street District Council and the site was a brownfield site that in its current state was a blot on the landscape. She noted there was a lot of development in the area and this application would be redevelopment of the site. Councillor A Batey noted that there was a large building diagonally opposite the site and houses at Twizell Farm, redevelopment at the car park of the veterinary surgery, and 14 properties being developed at the crossroads and therefore the traffic generated from the proposed development would be less than those other developments. It was noted that currently the site was a hotspot in terms of fly-tipping and fires.

Councillor A Batey reiterated the point that those choosing to live in the countryside would understand that there would be associated noise and odour such as crop spraying and from farms and that the issues in relation to odour would be dependent upon wind direction and other factors. She concluded by noting that any improvement at the application site would be an advantage for businesses, school and the surrounding community.

The Chairman thanked the Local Members and asked the Planning Officer, LO to comment on the points raised. The Planning Officer, LO noted existing residential properties were around 100 metres or more away from the farm, with the usual stand-off distance being 400 metres.

She added the application site was only 55 metres away and that odour would be expected all year round, and noise in weeks during the summer. The Planning Officer, LO explained that the previous approval at the former Chester-le-Street in 2008 for 8 units pre-dated the NPPF and that decision was considered flawed.

The Chairman thanked the Planning Officer, LO and asked the Applicant, Mr K Levitt and their Agent to speak in relation to the application.

The Mr K Levitt noted he loved the Twizel Lane area and had lived locally for 53 years with noise and odour. He added that should the application be approved he would be a resident at the site, and was aware of the volume of traffic that passed through the village. He reiterated that currently the site was brownfield, and that the Local Planning Authority had agreed the site was sustainable. Mr K Levitt noted that bringing the site back into use would help tackle the issues in terms of anti-social behaviour. He noted that he believed that the information in terms of noise and odour were fundamentally flawed and that hypothetical information should not be given weight over actual evidence.

A Lang, Agent for the Applicant explained that an expert survey carried out on behalf of the Applicant by an Environmental Consultant had come to a different conclusion to the EHO, and that it was felt that the positives of the application outweighed any perceived negatives. He reiterated that the application had support from Residents that lived locally and the Local Members and the Case Officer had noted many other reasons why the application could be supported, other than the perceived issues in terms of noise and odour.

The Chairman thanked the Speakers and asked the Planning Officer, LO to address the comments made. The Planning Officer, LO noted that while the site could be considered an eyesore, it was not considered to be a blight. She added that if it was considered a blight, the Local Planning Authority would be able to direct in terms of clearing of the site.

The Senior Environmental Health Officer, Mark Anslow noted that his view did contradict that of the Applicant's Environmental Consultant, however, he reminded Members that he reported and provided independent technical advice to the Planning Department on planning applications. He noted that the comments made appeared to be on the impact on a short-term basis, with his opinion being there would be impact over a considerable period of the year and there would also be noise, as expected, in terms of clearing out and extractor fans. He added that issues would also be linked to temperature and that his opinion was as set out within the Committee report.

The Chairman thanked the speakers and Officers and asked Members of the Committee for their questions and comments.

Councillor G Darkes noted he had visited the site and noted the smell was quite pungent and issues with noise. He felt that future residents should not be subjected to such issues.

Councillor D Boyes noted he could agree with a number of the points raised by the Planning Officer, supporting development of a brownfield site, as had been by the former Chester-le-Street District Council. He noted the support of residents and the Local Members and MP, and noted the absence of complaints in terms of noise and odour. He felt that on balance the application had more benefits than negative impacts and therefore he **moved** that the application be approved.

Councillor A Shield asked for the site plan to be shown and asked for clarity as to whether the application was considered ribbon as being development, outside of the settlement boundary. He noted he felt that the application could not be refused solely on the proximity to the poultry farm, especially given the conflicting views from the environmental surveys. He added that he felt that if there was such an issue as the case made by the EHO then a number of complaints would have been submitted in relation to odour and noise. Councillor A Shield noted that he felt if the application was considered ribbon development then it should be refused on that basis, else he felt that he would support approval of the application.

Councillor M McKeon noted she felt torn over the issues raised in the application. She noted the very compelling case made by Residents and on their behalf by their Local Members. She noted the former use of the site, and therefore it being a brownfield site that could be brought back into use. She added, however, that she could also see the issue in that while those that may occupy the 4 properties now, once developed, may not have an issue with noise and odour, future owners may do so. She noted she was worried in terms of setting a precedent and currently was undecided.

Councillor A Hopgood noted she recalled the public house that had previously occupied the site and acknowledged that use was different to that of private residential dwellings where owners would want to sit outside. She asked if it were possible to condition such that occupiers of those houses had no right to complain in terms of noise or odour as she felt it was important not to potentially harm the existing established business. The Solicitor – Planning and Development explained that it would not be possible to place a condition that prevented future complaints, as those could be legitimate complaints in terms of a statutory nuisance. Councillor A Hopgood asked if complaints were received in the future, could there be possible restrictions applied to the business. The Solicitor – Planning and Development noted that potentially this was the case, if it was established that there was a statutory nuisance and noted the Senior Environmental Health Officer may wish to clarify. The Senior Environmental Health Officer noted that a person who moved into one of the proposed property would be at liberty to raise a complaint and this would be investigated by the Council or the Environment Agency and issues such as Environmental Agency permits could be looked at, and directions may be given for the business to bring its standards up to “best practical defence” against a statutory nuisance.

The Area Planning Team Leader (North), Andrew Farnie reminded Members of the existing business and that unreasonable restrictions should not be placed after they were established.

He suggested Members may wish to think of the situation where a new poultry farm was being applied for, less than 100 metres from existing properties. He concluded by reiterating that Officers, on balance, did not feel the application could be recommended for approval.

Councillor A Bainbridge noted the comments of the EHO as set out at paragraph 49 of the report and the importance placed on computer modelling over a “sniff-test”. He noted that the computer term “garbage in, garbage out” and asked what data was put into the modelling. The Senior Environmental Health Officer referred to the paragraphs in the report that contained his advice on the application. He explained that within the report he acknowledged the different models and methods. He added that in terms of a “sniff-test” carried out over a 2 week period was a very short snapshot of any potential issues and a number of mitigating factors could be at play, for example wet litter, that could impact on the level of odour. The Senior Environmental Health Officer explained that his view was a balanced one looking at the various models, tests and assessments.

Councillor C Martin noted the types of rural businesses located in the area, including the poultry farm and livery and the odours and noise that could be generated. He added that, especially in the context of any implications on such businesses that could come from the exit from the European Union, he would not wish to see any additional pressures in order to tidy up a brownfield site. He **moved** that the application be refused as per the Officer's recommendation.

The Chairman asked the Planning Officer, LO as regards the question from Councillor A Shield. The Planning Officer, LO noted that the development would not be considered ribbon development, other sites at Twizell Lane being green field and therefore if Members were minded to approve the application this would not set a precedent.

Councillor A Shield noted he **seconded** Councillor D Boyes' motion for approval. Councillor G Darkes added he **seconded** Councillor C Martin' motion for refusal.

The Chairman noted the order of the motions and that Councillor D Boyes' motion for approval would be voted upon first.

Councillor J Robinson noted the numerous letters of support and lack of evidence in terms of prior complaints in terms of odour and noise. He asked if the need to include a contribution in terms of public art was essential or a red herring, and if a requirement did this need to be included. The Solicitor – Planning and Development noted that it was a Saved Local Plan Policy requirement if approval was sought and a relevant Section 106 (s106) Legal Agreement in this regard would be required, in addition to the usual suite of conditions with delegated authority for Planning Officers to set out. Councillor O Milburn asked if an occupier of one of the potential properties sold it in the future, would they need to disclose issues in terms of noise and odour. The Solicitor – Planning and Development noted it was not a relevant consideration for the Committee in relation to the application, and he believed such disclosures were in terms of disputes or complaints and other issues would be for a potential purchaser to make enquiries.

Councillor M Davinson noted that the Officer's report stated at paragraph 109 that "...no public art provision has been proposed nor has a 106 agreement been requested given the unacceptable nature of the proposal...", however, a slide within the Officer's presentation referred to the Applicant being "...unwilling to enter into a s106 agreement...". Councillor M Davinson added that there had been 4 fly-tipping incidents since January and the site would be better developed to prevent this. He noted that the Electoral Division was "Pelton" and added that any potential purchasers of the proposed properties would not likely miss the very large poultry farm nearby. Councillor M Davinson noted he had ran past the area 36 time in the last year at various times of day from 9am to 9pm and had not noted a problem with any smell.

The Solicitor – Planning and Development noted he would defer to the Planning Officer, however, suspected that a s106 Agreement was not advanced as the recommendation was for refusal. The Planning Officer, LO noted that both the report and slide were correct, at the time of the report that was the case, with

discussions after publication of the report, but prior to the Committee with the Applicant noting at that time that they were not willing to enter into a s106 Agreement.

A Lang noted that the Applicant would be willing to enter into a s106 Agreement regarding public art, however he felt that as the development would fall below the £500,000 threshold, it would not be an issue. He reiterated that the Applicant would be willing to include the public art contribution by s106 or by condition. The Solicitor – Planning and Development explained that as previously noted the contribution would need to be via a s106 Legal Agreement, not by condition, and would be in line with the relevant Saved Local Plan Policy and threshold as set out.

The Chairman asked the Planning Officer, LO to give an indication of the types of conditions that would be required should Members be minded to approve the application, noting details to be delegated to the Head of Planning and Assets. The Planning Officer noted they would include: time limits in relation to a Reserved Matters application; appearance, landscaping, layout and scale; access; approved plans; drainage; noise mitigation; contaminated land; bat/bird boxes; highways upgrading; lighting restriction, addressing coal mining legacy.

Councillor M Davinson asked if a condition in terms of the Applicant liaising with the owners of the Poultry Farm in terms of timings to minimise impact on their business would be useful. The Solicitor – Planning and Development noted that it was not necessary to impose such a condition, the Applicant would need to resolve any issues with neighbours.

The Solicitor – Planning and Development noted for clarity, prior to voting on the motion put forward by Councillor D Boyes, the approval would be subject to the conditions outlined by the Planning Officer, LO with delegated authority to the Head of Planning and Assets of the detailed wording, and subject to a s106 Agreement for a contribution to public art, as set out in the Saved Local Plan Policy.

Upon a vote being taken it was

Resolved:

That the application be **approved** subject to conditions delegated to the Head of Planning and Assets and a s106 Legal Agreement securing a contribution for public art.

8 DM/18/01498/OUT - Land to the East of the Junction of Belle View Drive and Drover Road, Castleside

The Senior Planning Officer, SF gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer, SF advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was an outline application for the construction of up to 31 dwellings and associated works with all

matters reserved except for access and was recommended for approval subject to conditions and a s106 Legal Agreement as set out within the report.

The Senior Planning Officer, SF noted that Policies EN1 and EN2 of the Saved Local Plan were of key consideration in relation to this application. He added that the road along one side of the site was used as a “rat-run” by those avoiding the crossroad on the A68. Members noted the relationship in terms of a nearby Listed Building and Area of High Landscape Value (AHLV).

The Committee noted that the 1997 Local Plan had identified the area as a housing site, however, this was considered out-of-date. The Senior Planning Officer, SF explained that the Strategic Housing Land Availability Assessment (SHLAA) had noted potential housing development for a larger parcel of land including the application site, though with the caveat and that access issues to be addressed.

The Senior Planning Officer, SF noted the existing road layout. He added that the Applicant had approached the Local Planning Authority for pre-application discussions and an initial proposal of around 60 dwellings had been reduced to reflect Officer comments “up to 31”. It was noted it was felt that issues such as drainage, SuDS and others could be dealt with at the Reserved Matters stage. Members noted that the access arrangements were being proposed in detail within this application and the Highways Section had no objections, subject to conditions and informatives relating to adoptable construction standards.

Members noted Northumbrian Water had noted insufficient foul drainage capacity as existing and that a condition was suggested to enable them to agree a suitable foul water drainage strategy following further assessment works.

The Senior Planning Officer, SF explained that there would be a requirement in terms of a s106 agreement to secure funding relating to: education shortfall; potential biodiversity mitigation; potential open space shortfall; provision within reserved matters for 15% affordable housing; and any off-site highways upgrades that are directly required as a result of the development.

The Senior Planning Officer, SF noted 13 letters of objection had been received, along with objections from Healeyfield Parish Council. It was noted that objections raised included: highways safety as a result of increased traffic; that affordable housing may not be affordable to local people; shortage of school places; lack of facilities in the village; use of the steep road used as a rat-run; loss of green open space; and potential drainage issues.

The Senior Planning Officer, SF concluded by noting that it was felt on balance that the proposals were acceptable and the application was recommended for approval subject to conditions and a s106 Legal Agreement as set out within the report.

The Chairman noted that Ms Jennifer Nye, Agent for the Applicant was in attendance and available to answer questions from Members as required. He asked Members of the Committee for their questions and comments.

Councillor A Shield noted while he had not been on the site visit with the Committee he knew the area very well. He noted the concerns in terms of the use of the steep road alongside as a rat-run. He noted he had spoken to other Members in the area and the proposal felt more like “in-fill development” and that his concerns related to the highways impact. He noted that if there could be assurances in terms of improved visibility splay and these concerns from the Highway Officer he would be happy to propose the Officer’s recommendation as set out in the report.

The Principal Highway Development Management (DM) Engineer, David Smith explained that the proposed access was designed to modern standards and a traffic survey on Drover Road had shown an average speed of 28mph. He added that this in turn yielded a requirement of 43 metres in terms of visibility, with the application demonstrating a visibility of 67 metres in both directions from the proposed access. The Principal Highway DM Engineer noted the 10% gradient as mentioned by the Councillor, adding there was a 30mph zone before this slope slowing vehicles down. He explained that in checking statistics there were no accidents recorded for this area and a daily count in reference to the rat-run showed a low number of vehicles and accordingly this was not felt to be a problem and the Highway Section had no objections to the application, subject to conditions as set out within the report.

Councillor D Boyes noted he was happy to support the application, however, he asked why the Parish Council felt the affordable housing would not be affordable to local residents. The Senior Planning Officer, SF noted there was not full details in relation to affordable housing, however national minimum standards would need to be met. Councillor D Boyes asked why the Parish Council would think they would not be affordable. The Senior Planning Officer, SF noted he could not answer this on behalf of the Parish Council.

Councillor A Hopgood noted other developments at Castleside that were “executive housing” and while supportive of the proposal asked if the mix of property types was known, for example to include bungalows. Ms Jennifer Nye noted that at this outline application stage it was not known. The Senior Planning Officer, SF noted that Members would have the opportunity to consider any proposals in relation to house type at the Reserved Matters stage.

Councillor O Milburn noted that almost all of the application site was surrounded by an attractive dry-stone wall and asked if there would be any way that it could be insisted that this would be retained as she felt it fitted in perfectly with the rural quality of the area and the ancient woodland. The Senior Planning Officer, SF noted that he had spoken to the Planning Consultant and that this could be added into conditions.

Councillor A Shield **moved** that the application be approved as per conditions and s106 Agreement as set out in the report, subject to the condition mentioned by the Senior Planning Officer, SF relating to the dry-stone wall. Councillor D Boyes **seconded** the motion.

Upon a vote being taken it was

Resolved:

That the application be **approved** subject to the conditions and a s106 Legal Agreement as set out within the report, and a condition relating to the retention of the dry-stone wall.

Councillor A Shield left the meeting at 3.05pm

9 DM/17/03634/FPA - The Crest, Beamishburn Road, Beamish, Stanley

The Planning Officer, Nick Graham gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer, NG noted a slight change, with the application now being for the erection of two dwellings and with 3 attached garages, previously to be detached, and added the application was recommended for approval subject to conditions as set out within the report.

The Planning Officer, NG noted that as a consequence of the change in terms of the garages, amended plans had been submitted and conditions 2 and 6 would be updated with the amended plan numbers accordingly, along with an additional condition requiring the materials used to match those on the host dwelling.

Members noted the location and surrounding properties including the Blue Bell Public House and South Causey Inn, with Stanley town centre approximately $\frac{3}{4}$ mile to the south-west.

The Planning Officer, NG noted no objections from statutory or internal consultees subject to conditions, though the Landscape Officer had noted the site's proximity to an AHLV; prominence following felling of non-protected trees to the northern boundary; the size and location of the structure to be of an unfamiliar domestic scale in the settlement edge location; and that the proposal would reduce the visual amenity value and rural character of the AHLV in the prominent gateway location.

In relation to representations on the application, the Planning Officer, NG noted 2 letters of objection, with issues including: services, no public footpath, street lighting, sewerage connection and highway impact in terms of increased traffic. It was added objections were also made in terms of the proposed development having impact in terms of the character of the area and that policy was in place that looked to protect such character, and that other sites within the area should be prioritised for housing.

The Planning Officer, NG noted that Officers felt the application constituted sustainable development, albeit with little weight in terms of a boost to housing numbers. He added the impact in terms of the public houses and road were noted, however, it was felt this was sufficiently mitigated via condition. It was explained that amenity impact was also felt to be mitigated via condition and as it was felt the adverse impacts of the development would not significantly and demonstrably

outweigh the benefits, in terms of Paragraph 11 of the NPPF the recommendation was for approval.

The Chairman thanked the Planning Officer, NG and noted one speaker in objection to the application and asked Mr J Donnelly to address the Committee.

Mr J Donnelly noted he was speaking on behalf of the Residents of Beamishburn Road in objection to the application. He explained he had read the Officer's report and noted the NPPF presumption in favour of new development. He added he felt this was arbitrary and not fair and did not take into account the welfare and quality of existence of existing residents.

Mr J Donnelly noted that it had been set out that the Authority could demonstrate its housing supply and the statement at paragraph 73 of the report in terms of "...benefits of adding to the County housing supply..." was therefore not relevant to the application and in any event the addition of two properties in relation to 1,368 properties per annum OAN figure was insignificant. He added it was felt the application was "garden grabbing" and would be of detriment to the area.

Mr J Donnelly noted the comments from the Highways Officer and that no objections had been raised. He explained that the proposed access was below a crested hill and that visibility 6 months of the year was compromised. He added that he spoke on behalf of the long-term Residents and from the heart, not being a case of "nimbyism" rather the 4 existing properties and pub represented an isolated settlement of a certain character and that the proposals would impact upon this and also be an encroachment into the countryside.

The Chairman thanked Mr J Donnelly and noted the Committee would need to make a decision based upon planning legislation. He asked Members of the Committee for their questions and comments.

Councillor O Milburn noted she was a Local Member for the Tanfield Division and she disagreed with the Officer's report. She noted that the character of the area and the "new road", circa 1932, together with the 4 properties, also being the route to access and approach to Beamish Hall, the Aston Martin Workshop and a Vintage Car Showroom. She asked if a traffic survey had been undertaken. The Principal Highway DM Engineer noted that there was an average speed of 28.3mph and (AADT) annual average daily traffic flows of 695 vehicles, representing low speeds and a low volume of traffic.

Councillor O Milburn noted the nearby equestrian centre, with riders coming out on to the road and the additional traffic at times, for example the nearby Inn being used as a wedding venue. She added that in addition to concerns in relation to traffic, the drawings associated with the application looked to out of keeping with the look and feel of the existing properties, being huge compared to the current buildings.

Councillor A Hopgood noted when looking at maps and images of the site, what was proposed did not seem to bear any resemblance to what was currently there, and would not blend in at all. She added that 4 bedroom properties would likely have a minimum of 2 cars, and with a shared drive and garages unlikely to house

vehicles. She queried where parking would take place as there was no highway that could be utilised. The Principal Highway DM Engineer noted a blue line on the plans as displayed on the projector screen. He explained this represented the length of the driveway and turning head, and that the dimensions were such to be able to accommodate the required parking within the curtilage.

Councillor A Hopgood asked if there was any negotiation in terms of the design. The Solicitor – Planning and Development noted the application as submitted was that to be determined. The Planning Officer, NG explained there had been extensive discussions, including pre-application, and it was felt by Planners that the design had reached a point where it was considered acceptable.

Councillor L Boyd noted she agreed with Councillors O Milburn and A Hopgood that the application was out of keeping with the area and felt there were issues in the area with traffic on the small country roads.

Councillor J Robinson noted that he felt the application was contrary to Saved Local Plan Policy GDP1, in that the design was not of a high standard and therefore did not protect the heritage or protect or respect local amenity. He added he felt that the proposals would dominate the area and did not represent in-fill. He added he had not noted any reference to demolition of the existing garage.

Councillor M Davinson noted the design was differed to that of existing properties and added he felt the design as shown on the elevation drawings looked more akin to a public building, such as a court, rather than a residential property. Councillor M Davinson noted he had ran past the application site a few days earlier and had noted at that time there were issues with vehicles not being able to get through. The Principal Highway DM Engineer noted the nature of the road, on the periphery of residential development, with 50 metres between dwellings. He added that the area was more rural, however, there were low speeds, good visibility, good edge marking and “slow” markings on the road.

The Planning Officer, NG added that, in response to Councillor J Robinson, Paragraph 2 referred to the demolition of the existing garage and that permission was not needed for this and therefore did not form part of the application. He reiterated that there had been a change to the proposal, with the original detached garage to the front of the dwellings removed with attached garages now being proposed.

Councillor A Hopgood asked as regards the 28mph average speeds as stated. The Principal Highway DM Engineer noted this represented the 85th percentile average speed and explained this equated to a requirement of approximately 43 metres in terms of visibility. He added that there was around 100 metres, and while there was a crest in the road, there was a long visibility distance and in terms of weather conditions, road users would drive to the conditions at the time. He concluded by noting that Highways had no issues relating to visibility.

Councillor O Milburn **moved** that the application be refused, as she felt it was contrary to Saved Local Plan Policy GDP1 as the design was not of a high quality in keeping with the character and appearance of the area and did not protect existing

landscape features. The Solicitor – Planning and Development noted the policy had a wide scope and asked if the Member could drill down in terms of which specific aspects she felt the application was contrary to. Councillor O Milburn noted it was the design and in terms of landscape, how the building would sit in the landscape, it would be visible for miles. The Solicitor – Planning and Development reminded Members that if agreeing to the motion put forward then they would be saying that adverse impacts significantly and demonstrably outweighed the benefits of the development. Councillor J Robinson **seconded** the motion for refusal.

Upon a vote being taken it was

Resolved:

That the application be **refused** as the proposal was considered to be contrary to Part (a) of Policy GDP1 of the Derwentside District Local Plan and Part 12 of the NPPF as the development is not considered to be of a high standard of design and not in keeping with the character and appearance of the area. In addition, the proposal was contrary to Part (c) of Policy GDP1 of the Derwentside District Local Plan and Part 15 of the NPPF as the development would not protect existing landscape features. In accordance with Paragraph 11 of the NPPF, the adverse impacts of the development outlined above were considered to significantly and demonstrably outweigh the benefits of the development.

Councillor D Boyes left the meeting at 3.40pm

10 DM/18/00828/OUT - Site of Former Arizona Chemical, Vigo Lane, Chester-le-Street

The Senior Planning Officer, Graham Blakey gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for outline planning permission (all matters reserved except access) for the erection of up to 83 dwellings (revised scheme 6 July 2018) and was recommended for approval, subject to conditions and a s106 Legal Agreement.

The Senior Planning Officer, GB noted the application site was in close proximity to the former British Oxygen Company (BOC) site which had permission for 230 dwellings, with around 30 having been completed. He explained as regards proposals in terms of highways, a traffic island and layby would be installed, with some trees to the boundary removed to facilitate the visibility splay, though this would be dealt with at the reserved matters stage. Members noted an indicative layout showing how the site would be able to accommodate the number of properties, a SuDS pond and footpath link. The Senior Planning Officer, GB explained that as Vigo Lane represented the border with Gateshead Council and there would be a number of requirements in terms of highways works to Vigo Lane, and including the Portobello Road / Vigo Lane junction within the Gateshead Council administrative area.

The Senior Planning Officer, GB noted that as Local Plan Policies were considered out-of-date then the NPPF Paragraph 11 balance test would apply. He added there had been no objections from statutory or internal consultees subject to conditions and no representations made from the public. The Senior Planning Officer, GB noted the application was recommended for approval, subject to the conditions as set out, a s106 Legal Agreement and an additional condition in relation to off-site highways works as described within the Gateshead Council administrative area.

The Chairman noted there were no registered speakers and asked Members of the Committee for their questions and comments. Councillor A Hopgood **moved** that the application be approved as per the report. Councillor C Martin **seconded** the motion for approval and thanked the Architect in relation to the application who had made himself available and had listened to the public. He added that while he had initially had concerns in relation to highways issues, the number of works that have been proposed seem to represent a significant improvement.

Councillor M Davinson noted the s106 Agreement included a contribution in terms of additional capacity at schools in the area and asked if this was for Durham or Gateshead or both. The Senior Planning Officer, GB noted that as the application was within County Durham, the County Council was the appropriate Local Education Authority and the contribution via s106 in terms of additional school capacity would be for County Durham.

Upon a vote being taken it was

Resolved:

That the application be **approved** subject to the conditions and s106 Legal Agreement as set out in the report, and a condition in relation to off-site highways works to Vigo Lane.

11 Appeal Update

The Area Planning Team Leader (North) referred Members to the report setting out and update relating to Appeals relating to the Area Planning (North) Committee (for copy see file of minutes).

Members noted that the report set out 2 decisions from the Planning Inspectorate dismissing appeals against Committee decisions and also a number of Appeals that had been submitted to the Inspectorate.

Resolved:

That the report be noted. The Area Planning Team Leader (North) referred Members to the report setting out and update relating to Appeals relating to the Area Planning (North) Committee (for copy see file of minutes).

Members noted that the report set out 2 decisions from the Planning Inspectorate dismissing appeals against Committee decisions and also a number of Appeals that had been submitted to the Inspectorate.

Resolved:

That the report be noted. The Area Planning Team Leader (North) referred Members to the report setting out and update relating to Appeals relating to the Area Planning (North) Committee (for copy see file of minutes).

Members noted that the report set out 2 decisions from the Planning Inspectorate dismissing appeals against Committee decisions and also a number of Appeals that had been submitted to the Inspectorate.

Resolved:

That the report be noted.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03908/FPA
FULL APPLICATION DESCRIPTION:	Development of 29 dwellings including means of access, associated car parking and landscaping
NAME OF APPLICANT:	Project Genesis Ltd
ADDRESS:	Land to the West of Hall Cottage Hall Road The Grove
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 1.32 ha. of land, accessed from Hall Road, at The Grove, Consett. The Grove was a 1950's development of local authority-built dwellings that extended north from the A692 to Selby Lodge, a large detached dwelling and Consett Hall. The Hall has since been removed, with Hall Cottages (a single dwelling) the remaining associated built structures. A modern housing development has extended the settlement further north, around the rear of Hall Cottages.
2. The Grove is surrounded by open countryside that includes the site. A series of three inter-connected ponds constructed with the modern housing estate lies north of the settlement. A public car park sits on the cleared site of the Hall, with lines of mature trees separating this from the housing development and lining the Hall Road boundary of the site.
3. The proposed development site is set on a promontory, consisting a gently sloping plateau of semi-improved grassland that despite the nearby presence of the Consett Iron Works (latterly Steelworks) has remained undeveloped, no doubt because of its former proximity to Consett Hall. The boundaries of the site slope steeply to the north and west in open countryside. The countryside to the north and west of The Gove, including the site is designated as an Area of High Landscape Value (AHLV). A public footpath runs north-south across the site, dropping steeply to Pemberton Road. Along the south of the site Consett Road, known locally as Mutton Clog Bank drops towards the same road, with a religious Youth Village a short distance beyond. Informal footpaths link the site to the ponds and a network of paths in the reclaimed and landscaped Steelworks site.

4. The site has long distant views towards the settlements at Berry Edge and Blackhill and the countryside towards Shotleyfield
5. The small settlement includes two Primary schools with playing fields and a recreation ground. It sits within a hierarchy of settlements including the Castleside, Moorside and Consett which cumulatively share a wide range of facilities and services. There are 10 bus stops within The Grove, with the roundabout adjacent the site used for bus turning. The main A692 gives good access to the A68, and settlements north and south and the A691 and A693 to Durham and Stanley/Chester-le-Street respectively.

The Proposal

6. The scheme has evolved during the course of the application and now proposes the erection of 29 detached and semi-detached dwellings in a mix of two storey, split level and bungalow designs. Affordable units are included. The layout is a simple cul-de-sac design, accessed from the modern roundabout via Hall Road, a short cul-de-sac in its own right that serves only Hall Cottages, with all dwellings facing into the site. The footpath through the site is proposed diverted in line to pass behind the dwellings, alongside the retained roadside trees. The existing hedge-line separating the development from the grazing land on the slope to the west is to be retained outside proposed gardens.
7. This application is reported to Committee as a 'major' development.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The 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.

20. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

21. The 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.

22. *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.

23. *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.

24. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

25. *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 and in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered, and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

26. *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.

27. *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.

28. *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.

29. *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.

30. *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 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

31. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:

32. *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.

33. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.

34. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.

35. *Policy EN6 - Development within Areas of High Landscape Value* - Development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.

36. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.

37. *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 73 of NPPF.

38. *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.
39. *Policy TR3 – Cycling* – Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

RELEVANT EMERGING POLICY:

40. 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

41. 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.
42. 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).
43. 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 61 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'.
44. 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.
45. The Council's position on 5-year housing land supply was publicly 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 13th 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.

46. 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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

47. **Highways** – Some minor changes to part of the parking layout are required, and confirmation of a visibility chord at the site entrance. No objection is offered to the proposed layout in principle. A condition could ensure that the scheme is constructed to a standard capable of adoption. The Principal Highways Engineer confirms that the implications to the wider highway network from a relatively small development are acceptable. The public contention that the Construction Management Plan should be revised to direct construction traffic via Consett Lane is not an acceptable alternative.
48. **Northumbrian Water** – Raise no concerns but ask for a condition to be attached to any approval requiring compliance with the connections and discharge rates set out in the applicant's 'Flood Risk Assessment and Drainage strategy'.

EXTERNAL CONSULTEE RESPONSES:

49. **The Coal Authority** – the land is not affected by the Coalfield Development High Risk Area map.

INTERNAL CONSULTEE RESPONSES:

50. **Spatial Policy** - have confirmed that the County Plan is not at a stage where it can be given weight. There are no Neighbourhood Plans in the area. The relevant policies and their NPPF compliance weighting in the Derwentside District Local Plan saved policies are:
- Policy GDP1: has been 'tested' at recent appeals and found to be consistent with the NPPF and can therefore be afforded weight in the decision-making process.
 - Policy EN1: is largely up to date and not connected with the supply of housing under the "narrow definition" favoured by the Supreme Court in Suffolk Coastal case. As such it can be given weight in the balance.
 - Policy EN2: is clear in its intent and accords with the Framework. As per EN1, recent case law has confirmed that environmental policies can be considered separately from policies specifically connected with housing supply, and our view is that weight can be given to this policy.
 - Policy EN6: paragraph 170 of the NPPF supports the protection and enhancement of 'valued landscapes' in a manner commensurate with the identified quality in the development plan. The Council considers Areas of High Landscape Value fall within the scope of such landscapes, as confirmed in recent appeal decisions. For these reasons EN6 is considered to be consistent with NPPF and can therefore be afforded weight in the determination of this proposal, augmented by more up to date evidence set down in the Durham Landscape Strategy (2008).
 - Policy EN11: is considered to be consistent with NPPF and can be afforded weight in determining the application.

- Policy HO5: 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: broadly accords with paragraph 96 of NPPF, a more up-to-date evidence base is set out in the OSNA, Playing Pitch Strategy and Action Plan. As the general aims are consistent with national policy, H022 can be given some weight in the decision-making process when read in conjunction with more up-to-date evidence.
- Policy TR2: can be given some weight in the decision-making process when read in conjunction with the more up to date county standards and the advice of the Highways Team.

51. 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. Paragraph 60 of the NPPF advises that, 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...'. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
52. 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.
53. The Council's position on 5-year housing land supply was publicly 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 13th 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 publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply.
54. Officers are therefore of the view that weight to be afforded to the boost to housing supply as a benefit of the development is less than in instances where such a healthy land supply position cannot be demonstrated. This will need to be factored into the planning balance.
55. The proposal site has also been assessed through the SHLAA process (latest published version 2018) and deemed to be 'unsuitable' in principle (rated 'red') for housing development, owing largely to its detached location. This evidence base has been ratified by the SHLAA Partnership, which includes external partners.
56. There is a requirement through Policy HO22 to seek open space provision or contributions through development proposals. This broadly aligns with the approach set out in paragraph 96 of NPPF. The formula set out in the OSNA should be used to calculate the requirement and in the event the developer wishes to provide a commuted sum in lieu, the cost.
57. **Landscape** – have assessed the revised Landscape Visual Impact Assessment, submitted by the developer following discussions on their reaction to that first submitted with the application.

58. A detailed assessment of the site, its environs, and the implications of the Area of High Landscape Value (AHLV) designation is given, including characteristics and attributes that elevate it above the ordinary similarly include:

- The strong valley topography that affords extensive views across the landscape;
- The generally good condition of the landscape with its ancient semi-natural woodlands and relatively intact field boundary networks;
- The well-wooded or heavily timbered character of much of the landscape with locally abundant woods and hedgerow, roadside or field trees;
- The time depth of the landscape including the presence of historic landscape features such as ancient woods, old hedges and lanes;
- The general absence of settlements, prominent development and other detractive elements;
- The scenic quality that arises from combinations of the above

59. The proposed development would result in a permanent and adverse change to the character and appearance of the site itself. In that respect, the proposals would run counter to the revised Framework's core planning principle of recognising the intrinsic character and beauty of the countryside, and contributing to, and enhancing the natural and local environment (paragraph 170).

60. The site lies within an Area of High Landscape Value (AHLV) identified in the saved Derwentside DC Local Plan and as an adopted DCC *Landscape Conservation Priority Area* as identified in the *County Durham Landscape Strategy*. These two indicators illustrate that the site forms part of a valued landscape as the term is used in the *National Planning Policy Framework*. In that respect, the proposals would run counter to the Framework's requirement in *Paragraph 170* that '*planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan):

b) Recognising the intrinsic character and beauty of the countryside, and other wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The key considerations are:

- Whether the local landscape has specific characteristics or demonstrable attributes that elevates it above the ordinary.
- Whether the effects of the development would be harmful to the landscape and to what degree.

61. Paragraph 11 deals with the presumption in favour of sustainable development. However, in this case, the presumption does not apply. The 'policies which are most important' in this case are saved Derwentside DC policies EN1, EN2 and EN6.

62. The site lies in the Middle Derwent Valley AHLV. The AHLV was identified in Policy EN6 of the Derwentside District Local Plan in 1997, described in Policy 64(a) of the County Durham Structure Plan 1991-2006.

63. As part of the preparation of the County Durham Plan, existing local landscape designations are being reviewed. A Landscape Value Assessment (LVA) of the County is currently being undertaken which will inform that review. It is proposed to identify a local landscape designation in the County Durham Plan: An Area of High Landscape Value or similar - this will cover areas of existing AHLV where the ALV supports their designation, and new areas of AHLV not previously identified.

64. While the Middle Derwent Valley AHLV has not been reviewed until now, the area has been the subject of a detailed Landscape Character Assessment and Landscape Strategy, both of which were adopted by DCC in 2008. A comparison between the Landscape Conservation Priority Areas (in dark blue below left), identified in the Landscape Strategy, and the AHLV (in green below right) shows a good degree of correlation between the two. This is evidence that the AHLV designation is robust and well-founded.
65. In terms of harm, the proposals would entail the loss of some mature trees within and around the site. Their removal would be required for site access, site clearance, and what would be, a change in circumstances. They are notable features that contribute to the character of the local landscape and might otherwise be expected to contribute to the character of the landscape of an undeveloped site for considerable time.
66. Agreement between the applicant and the adjacent landowner would permit management of the adjacent ancient outgrown boundary hedge to the west. The extent of this management, in particular in terms of maintained height, cannot be controlled and would be likely to facilitate views out from houses across the Derwent Valley. This would have an effect on the degree of visual impact.
67. The effect on the character of the landscape at the level of the site and its immediate locality would clearly be transformative. Built development would have a notable effect on the rural character of the landscape forming the immediate setting of the village. It would entail a relatively small but sprawling incursion into open countryside beyond a very well defined and leafy settlement edge, evident from public vantage points in that area that currently enjoy attractive views.
68. The site is not visually contained but does benefit from the localised screening effects of topography and vegetation in some middle-distance views. The most significant effects would occur within the immediate area. In those views the development would read as an incursion of built form into the attractive open countryside beyond the edge of the village.
69. The effects of the proposals on the character of the landscape would clearly be localised to some extent. Landscape Officers consider those effects to be significant at the level of the site, and the local landscape it forms part of, due to the particular value and sensitivity of that landscape, and the contribution it makes to the immediate setting of the Grove settlement.
70. For the reasons set out above the Landscape Officers would consider both the wider AHLV, the local landscape around the site and the site itself to form part of a 'valued landscape' in the way the terms used in paragraph 170 of the framework. They would see the level of harm to the local landscape as being of an order that would bring it into conflict with the Framework's requirement that the planning system should protect and enhance valued landscapes (paragraph 170) and take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside (paragraph 170).
71. **Affordable Housing** – officers have confirmed that the proposed 15% affordable provision required of the scheme is being proposed in an appropriate manner.
72. **Drainage and Coastal Protection** - With the site extended to encompass the proposed surface water outfall to the pond as the land (including the ponds) is all under Project Genesis Trust's control, and water quality on the development to be addressed by means of providing permeable construction on the private driveways at

detailed design stage, the proposal is to discharge the unattenuated surface water flows (1:100 yr. +cc) into the middle pond of the three and to then potentially introduce a flow control device such as a v-notch weir located such that the overflow from the middle pond to the lower one can be controlled to ensure that the flow rates do not increase above the current arrangement. Drainage Officers offer no objection, subject to the detailed drainage design being conditioned.

73. **Contaminated land** – Agree with the findings of the submitted Phase 1 surveys and require pre-commencement conditions including gas monitoring to deal with contamination for a form of development that changes the use to a more sensitive receptor.
74. **Noise** – The noise from the development would have a negligible effect - a stage 2 noise assessment is not required.
75. **Trees** – Proposed buffer planting will create screening, however will also create problems with views and shading for potential home owners which will increase pressure for removal of the new planting and for tree pruning on retained mature trees along Hall Road. The arboricultural report states that majority of the trees have a life expectancy of 40+ years, three of which will need to be removed to facilitate the access to the site; these have not been highlighted with pathogens, their loss will have a significant impact within a mature tree landscape. All trees situated along Hall road have a collective importance and are also part of a wider protected landscape. Trees surrounding Hall Road area are protected by a TPO because of their high individual and group value within the landscape. Increased development will create compaction of which will not necessarily be noticeable until 5-10 years post development leading to the possible loss of more mature trees.
76. **Design and Conservation** - The land was deemed to be unsuitable (red) for housing development through the Strategic Housing Land Availability (SHLAA) process, and the proposal would appear to represent unjustified incursion into the open countryside, part of the designated Area of High Landscape Value. However, the implications of this are wider planning policy based and landscape which are outside of the heritage teams remit and matters for other officers to determine.
77. In relation to heritage matters there would be no concerns. The site is not included within any conservation area, there are no designated heritage assets within the site boundary, none directly adjacent, or within the wider context, the setting of which may be affected by a proposal of this nature. The site has remained as undeveloped agricultural land from first edition ordnance survey map c.1856-60 to present day.
78. **Ecology** – The loss of biodiversity that will result from the development of the greenfield site must be mitigated through a scheme based around The Grove Ponds and the local wildlife site associated with it. This is within the control of the applicant and essential to achieve the required net biodiversity gain. The County Ecologist accept that there will be no detrimental effect on species protected by law.
79. **Footpaths** – have confirmed that the existing Public Right of Way across the site will need diverting, and that it is their opinion that some of the unregistered routes around the edge of the site may have accrued rights through use. Stopping up and formal diversion of the routes would be required in the event of an approval.
80. **Education** – Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there are sufficient primary school places.

In relation to secondary schools, the development is located within the North Durham local school place planning area. The nearest school to the proposed the development is Consett Academy that has a capacity for 1500 pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £65,376 (4 x £16,344) would be required to facilitate the provision of additional teaching accommodation.

PUBLIC RESPONSES:

81. Two letters of public consultation were sent out to adjacent residents. Site notices were posted at a number of approaches to the site and an advertisement was placed in the local press. 149 responses were received.
82. Within this, around 124* objections have been received from individual public correspondents (*taking into account multiple submissions from some correspondents and representations in different formats), along with submissions from the Governors and pupils of St. Pius X RCVAS School, 17 letters from The Grove Primary School, The Grove Residents Association, The Derwent Valley Protection Society, and The Council for the Protection of Rural England CPRE.
83. A petition of 210 names, signed by many of the individual correspondents objects to: encroachment into the countryside, removal of mature trees, loss of local amenity, nature conservation, traffic generation on unsuitable roads.
84. 13 Writers have reconfirmed their objections in response to the re-consultation following the submission of amended plans.
85. Objectors contend the site is in open countryside, detached from the settlement, and note the Area of High Landscape Value designation. The site has been assessed in the Council's SHLAA process and concluded unsuitable for development.
86. The land is valued by the local community as a leisure and wildlife area, with walkers and a significant number of dogwalkers describing their use of the land. Children, some with special needs, claim extensive use of the land. The site is variously described as Green-belt and an Area of Outstanding Natural Beauty. The trees along The Grove and within the development are described as lost and pollarded by many correspondents, many noting the specimens are the derivation of the name of the settlement. The Residents Association describes them as medieval. The land has a significant biodiversity value with a range of species of flora and fauna. The trees biodiversity, cultural, historical and educational value is set out in detail. Concerns have been raised as to the potential effect of protected species including newts, as the amended proposals have directed the surface water drainage scheme towards The Grove Ponds.
87. Different objectors contend the site has been undeveloped or subject to historic contamination from the Consett Ironworks.
88. Capacity of the existing highways network, the safety of the development and of construction works, particularly for children, and in relation to the two Primary schools is a concern. The Grove Community and Residents Association raise specific concern relating to the Construction Management Plan and traffic implications generally, and in relation to the two schools in The Grove, requesting a more suitable access route to the site would be via Consett Lane (Mutton Clog Bank). They also

ask whether there would be contribution to local play facilities. The traffic implications for Consett Lane is a significant concern to many, it being described as a 'rat-run' to and from the A68.

89. Whilst some correspondents acknowledge a need for housing nationally, and support the regeneration of Consett and surrounding areas, others refer to, 'the stupidity of overbuilding'. A number of unimplemented planning approvals in the surrounding settlements are referenced. The CPRE set out a case that the Council's housing land supply is positive, and that the development should be concluded not. Other writers claim, 'many local people also feel the overabundance of affordable housing in this area will have a negative impact on a struggling local infrastructure'. The proposed development would not help the social housing crisis, nor would it bring affordable homes to the area. A range of lack of local amenities is claimed, including schools, medical, play jobs and parking. The potential for children, displaced from playing on the area to generate anti-social behaviour is raised. The high-density form of development proposed is considered unacceptable for an urban fringe location, as it the appearance of the development.
90. Some residents of existing development raise concerns of surface water flooding and foul water disposal.
91. The occupant of Hall Cottages is concerned that the rerouted footpath will have a detrimental effect on their residential amenity through increased pedestrian traffic.
92. Some residents complain at the potential for the development to devalue their properties and that views and 'outlook' will be lost. The potential for the development to create a precedent for further housing is raised. That the developer has financial motivations is unacceptable to some, and some regret the 'laudable early objectives' of Project Genesis have become, 'apparently easy chance to make financial gains'.
93. One letter of support commends the development for avoiding the well-used wildlife and leisure asset of The Ponds, contended as the focus of the local schools' interest in the countryside surrounding the settlement.

APPLICANT'S STATEMENT:

94. "The Government's objective is to significantly boost the supply of homes. It is clear, from the conclusions of a detailed assessment submitted to the council, Durham County Council do not have a five-year housing land supply and therefore paragraph 11d of the National Planning Policy Framework is engaged with a presumption in favour of development.
95. Building new homes attracts new businesses, and brings new shops and services, creating new jobs for residents. Redevelopment of parts of the former steelworks site contributes to a vibrant, healthy and sustainable community. The application site is brownfield land as confirmed by the Ground Investigation Report which identifies the requirement for a remediation strategy to remove slag/Made ground containing slag from the site to bring it up to today's developable standards.
96. The proposed development is for 29 new homes, reduced from 32, to improve the layout of the scheme and ensure the long-term health of the mature trees to the eastern boundary. Three affordable homes are being provided, which meets the Council's affordable housing requirement. The affordable homes are bungalows which are a very popular type of accommodation in Consett as demonstrated at Regents Park.

97. Many of the objections from residents refer to the loss of local amenity space, as the site is currently used for a range of outdoor activities, including dog walking. The site is accessible, via a stile off Hall Road, to public footway No 52, which runs through the site and connects to adjoining open land. The proposed development incorporates the existing public footpath, so the route will remain open and useable to local residents in the manner that it is currently used. Surrounding the site are extensive areas of open space and mixed woodland that are publicly accessible for outdoor recreation activity. The site adjoins Allensford Woods Nature Reserve and beyond Pemberton Road to the North is the River Derwent and Howden Wood. Notwithstanding this, the site is in private ownership and there are no formal arrangements for use of the Site for recreation use, nor is it allocated in the development plan for recreational purposes.
98. As a requirement of the planning process, an Ecological Assessment was undertaken. The assessment considered European Protected Species: bats, great crested newt, otter, birds, water vole, badger, red squirrel and reptiles; and Priority Species: brown hare, hedgehog and a number of species of butterfly. The assessment concludes that no significant impact on legally protected species is expected, subject to implementing the recommendations of the qualified ecologist. The Council's ecologist has reviewed the assessment and accepted the conclusions and recommendations set out in the Ecological Assessment.
99. As the site is within an Area of High Landscape Value (AHLV), a Landscape and Visual Impact Assessment (LVIA) was undertaken. During the planning application process, the Council considered a new LVIA was necessary to assess additional viewpoints and address the consultation response of the Council's Landscape Officer. A new LVIA of the proposed development, which was undertaken by ONE Associates, concludes: *"Having given careful consideration to the likely landscape and visual impacts/effects throughout the study area, it is considered on balance that the proposed development is acceptable."* The potential impact of the proposed development on the AHLV has been robustly assessed in the new LVIA. Mitigation in the form of landscape screening to the western boundary of the site is proposed, as shown on the revised landscape plan. As a result, it has been demonstrated there would not be any likely significant adverse effect on the AHLV.
100. The increase in traffic in the local area as a result of the 29 new homes will be limited and would not have a significant adverse impact on the highway network. The council's highway development management officer has no objection in principle to the development for residential use and the officer made no comment about the increase in traffic. The road infrastructure in the vicinity is constructed to adoptable standards and is adequate to service the proposed development. In terms of highway safety, there is no substantive evidence that the increase in vehicle movements will have a harmful effect on the safety of highway users, including pedestrians. Traffic calming measures are already in place on Hall Road to slow traffic down and there is a speed bump in the road on the approach to the Hall Road roundabout. Vehicles will therefore be slowing down when heading towards the Hall Road roundabout, to take account of the speed bump which means vehicle speeds will remain low within the vicinity of the site.
101. In conclusion, it has been clearly demonstrated the scheme for 29 new homes benefits from the presumption in favour of sustainable development. There are no identified impacts of the proposed development which would significantly and demonstrably outweigh the benefits. In this respect planning permission should be granted in accordance with paragraph 11d of the NPPF."

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

102. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development in the countryside, the relationship to the existing settlement and Highways issues.

The Development Plan

103. 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. However, 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.

104. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, NPPF Paragraph 211 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.

105. The County Plan is at the beginning of the process to consider and ultimately adopt its policies. In terms of this document's relevance to the current application is dictated by this Plan's early stage, it being considered that only the position on the five-year housing land supply is of relevance and material weight to this application.

The NPPF

106. 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.

107. The site under consideration is in countryside, being 'green-field', i.e. never having been developed, and is not well related to the urban form of the settlement. This means that the 'policies which are most important for determining the application', are the countryside policies. Spatial Policy Officers have confirmed their level of consistency with the Framework. There are no relevant housing policies, and as explained below the five-year housing land position does not bring that issue to the fore.
108. 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. Spatial Policy Officers have confirmed that despite an appeal decision questioning their approach, referred to by the applicant, they are confident that through the methodology described above to assess housing land supply, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure. This affects the 'weighting' of this issue in the determination of the application.

Policy Principle – Development in the Countryside

109. The Policies 'most important' for determining the application are; EN1, 'Protecting the Countryside', EN2, 'Preventing Urban Sprawl' and EN6, 'Development within Areas of High Landscape Value'. These policies are designed to protect the intrinsic value of the countryside, and not to control housing development.
110. Policy EN1 allows for development where it would benefit the rural economy, or where it helps maintain or enhance landscape character. It further requires proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geographical resources in the area. The proposals are considered to fail these requirements. Policy EN2's relevant criteria, (c), that development will not be permitted outside existing built up areas if it results in: an encroachment into the countryside, is likewise failed.
111. The conflict with Policy EN6 and the status of the AHLV designation is examined above in the Landscape comments, the full text of which is available in the application documents: Consultee responses. Landscape Officers attribute particular value to the site and conclude the development would fail this Policy, and the development is therefore unacceptable in principle.
112. Landscape Officers have set out both the value of the site as countryside, and its raised value as designated within an Area of High Landscape Value. The value the local community put on the land is strongly represented through their consultation responses.

Housing Land Supply

113. The national planning imperative of housing supply is such that this issue must be addressed in any application for housing development. The applicant has set out a detailed case contending that it is their view that clear that Durham County Council do not have a five-year supply and therefore paragraph 11d of the NPPF is engaged and the policies which are most important for determining the application should be considered out of date. Consequently, simply applying this paragraph, DCC should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

114. In the context of footnote 7 of paragraph 11 which advises that for applications involving provision of housing where a Council cannot demonstrate a five-year supply of deliverable housing sites (with an appropriate buffer), housing policies should be considered out-of-date.
115. To counter this, Spatial Policy Officers maintain that their interpretation of the Council's housing land supply position is correct, and that they can demonstrate an oversupply of available land, which reduces the weight that would be given to the housing supply benefit the development would bring. This is despite the site being concluded a sustainable location for development on the basis of the access to services, facilities and sustainable transport opportunities described above.

Highway Safety

116. Local residents, and most notably the two schools raise significant concerns relating to the potential traffic and highway safety implications of the development of the site. Principle concerns relate to the interaction of construction traffic and an intensification of the use of the highways network from new residents' vehicles. The volume of existing vehicular use within and through the settlement and the compromised layout of Consett Lane (Mutton Clog Bank) as a rat-run to the A68 are also raised as significant concerns.
117. Whilst some detailed redesign of part of the parking layout would be required for an approval, along with formal confirmation of a visibility chord, the proposals are considered thereafter acceptable in terms of the design of the layout proposed.
118. On what is described by them as a relatively small development, there are no objections from Engineers to the proposal's likely effect on the surrounding highways network, either in the settlement, or the capacity of roads and junctions leading to it.
119. The layout of the development is such that cycle parking, as required by Policy TR3 is easily achievable.
120. The proposals are considered compliant with Policy TR2 and TR3 of the Development Plan and paragraph 109 of the Framework.

Other Issues

Ecology and Trees

121. Local residents are significantly concerned at the effects of development on the biodiversity the site currently offers, along with the tree loss the development proposes. The concerns at the effects on protected species extend to the ponds, where the developer proposes to direct part of the surface water drainage from the site, in a scheme discussed with Council Drainage Engineers.
122. The County Ecologist has considered the survey work undertaken and considered both the effects on species protected by law, and the wider effects on biodiversity. The former is considered properly addressed, and the latter can be secured through an appropriate detailed landscaping scheme, and appropriate habitat creation around the ponds and Local Wildlife Site, and in the associated neighbouring applicant owned land. No objection to the scheme is offered. The implications to ecology interests can be appropriately mitigated as required by the framework through condition and legal agreement. To this end the application is considered compliant with paragraph 170 of the Framework.

123. Whilst some of the public concerns relating to trees appears to result from assumptions on the proposed development rather than examination of the actual proposals, there would be tree loss on the main avenue that borders Hall Lane to facilitate the entrance, and a group of trees within the site that once framed an access track. Recognising the value of the roadside trees, Officers do not consider that the loss of the specimens proposed compromises their group value, and the ecological benefits (taking into account potential nett biodiversity gains can be delivered elsewhere, as above) and historical reference they provide. As development pressure has been directed to the trees lining Hall Road, Tree Officers will be asked to prepare a Tree Preservation Order for them. This would not preclude the required access works in the event of an approval, as the order would then be served on the remaining trees. It is noted that the redesign of the layout during the course of the application reflected concerns as to the relationship to the proposed dwellings physically and in terms of their amenity, and significantly improved this. Whilst apparent in aerial views of the site, the group of trees within it is not considered of a value that would justify its formal protection and retention. The proposals are not considered contrary to Policy EN11 or paragraph 170 of the Framework.

Affordable Housing

124. Affordable Housing Officers have accepted the three affordable bungalows offered to address the Policy requirement.

Scale, Character and Appearance

125. The redesign of the site to reduce the number of units achieved a number of design benefits in response to issues identified by Officers with the original layout. These include the relationship to trees mentioned elsewhere in this report. The relationship of development to Consett Lane (Mutton Clog Bank) has been improved in terms of massing and layout, with further investigation into and reflection of the levels in the south-west corner of the site. There is an opportunity for new planting in the south-west corner of the site, however the rear boundaries of plots on the southern boundary are separated from the roadway only by the rather sparse and sporadic existing roadside flora.

126. A range of house-types are proposed, bungalow, two-storey, two-storey with roof accommodation, and in the north part of the site where it slopes, split level houses. The latter would require confirmation of site sections of how the proposed and existing landforms would merge in the area of the public footpath through a condition in the event of an approval. The house-types are modern and functional. Whilst the greater part of The Grove settlement consists of local-authority built houses, the modern developments of Hallgarth and Manor Close give a lead for further development of a modern vernacular and bring the proposals in line with Policy GDP1 (a).

127. A sight-line for the diverted footpath has been achieved that opens views from Hall road through the site to the countryside beyond.

128. The proposals are concluded to be compliant with the Development Plan, and the new emphasis given to design issues in the revised Framework (July 2018).

Footpaths

129. A designated public footpath runs north / south across the site, proposed diverted to the rear of the new dwellings, alongside the retained tree belt. Other informal footpaths around the site are claimed usage rights by residents, that have been

accepted as having merit by Footpaths Officers. There are formal processes for diverting and stopping up existing footpaths in the Highways Acts, with different processes required depending on whether this happens in, or outside the planning application process. There has been contact with Footpaths Officers, but at present this issue has not been progressed. However, this is a procedure rather than a planning impediment, as a potentially acceptable alternate route has been indicated.

130. The resident of Hall Cottages – one of only two neighbours of the site, both of whom are separated from the site by metalled highways – complains that the rerouted footpath unreasonably affects their residential amenity. However, one of the claimed footpaths already accesses the land directly opposite that property, with such a degree of formality that has resulted in a stile being erected to permit passage over the post and wire fence. Given this existing usage, and the separation from the existing dwelling, this objection is considered without merit.

131. There is however a detrimental effect on the amenity derived from the use of a footpath in open countryside, that is proposed to run through an extended urban area.

Drainage

132. For Foul Drainage, Northumbrian Water raise no concerns but ask for a condition to be attached to any approval requiring compliance with the connections and discharge rates set out in the applicant's 'Flood Risk Assessment and Drainage strategy'. This is considered to meet the requirements of the Framework.

133. For surface water drainage, required justified through the Sustainable Drainage Hierarchy, Drainage Engineers have discussed using a scheme that relies in part on the Grove Ponds, which is within the applicant's wider landholdings, in addition to on-site measures including permeable hardstanding construction, which can be conditioned within the detailed design stage in the event of an approval. This is considered to meet the requirements of Policy GDP1 (i) and the Framework.

Education

134. The County Education Department has indicated that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there are sufficient primary school places to accommodate demand in the four Primary schools within the 2 mile safe walking distance.

135. For Secondary schools, based on the projected rolls of the schools, taking into account the likely implementation time frame of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. A mitigation figure of £65, 376 was requested for the original scheme of 32 dwellings, that would need to be proportionately revisited for the lesser quantum of development now proposed. Such payment would ensure the scheme meets the requirements of paragraph 72 of the NPPF. Securing said monies through a legal agreement is considered to meet the statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests and advice in the National Planning Policy Framework and Planning Policy Guidance.

Heritage Assets

136. The remaining avenue of trees is considered, in conjunction with other trees in the area, to reflect by degree the history of the site in relation to the demolished Consett Hall. The tree removals to allow access to the site, will not undermine this character. The proposals are not considered contrary to the advice of part 16 of the Framework.

Technical Issues

137. Issues of contaminated land, Coal Mining Legacy and amenity nuisance from noise and dust have been assessed by specialist consultees and are considered capable of resolution and mitigation through the appropriate use of conditions to address both construction period and lifetime of the development issues.

Economic Benefits

138. Both the construction process and the economic activity of new residents bring material planning benefits to the consideration of the application, along with other financial implications for the Council such as the New Homes bonus.

CONCLUSION

139. The Policies most important for determining the application i.e. the countryside Policies EN1, EN2 and EN6 are not out-of-date and therefore lead Officers assessment and conclusions of the application. The proposals are in principle and detail considered to fail against these policies' requirements.
140. The Development Plan has no relevant housing policies. Determination of this issue therefore reverts to the advice in part 5 of the Framework. The application brings the benefits of adding to the County's housing supply in a location that could be considered 'sustainable'. It increases opportunities for home ownership. Spatial Policy Officers have set out an argument for a reduced weight to this benefit in the context of their assessment the Council's current positive housing land supply position.
141. The short-term benefits to the local economy brought by the construction phase are identified as of positive material weight. Economic activity by new residents also counts in the application's favour.
142. If planning permission was considered, an appropriate suite of conditions and matters to be secured through legal agreement, as set out above would be required.

RECOMMENDATION

143. That the application be **REFUSED** for the following reason:

The residential development of the site is considered to conflict with the most important relevant Policies, EN1, EN2 and EN6 in the saved Policies of the Derwentside District Local Plan, 1997, and paragraph 170 of the Framework: in detrimentally affecting landscape character, and amenity on the public footpath, insensitively related to existing settlement patterns and to historic and landscape

resources in the area, being an encroachment into an area of countryside identified as having characteristics or demonstrable attributes that make it a 'valued landscape'.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the recommendation to refuse the application has been consistent in advice with regards the application and has considered the possibility of a positive outcome in accordance with the NPPF but it has not been possible in this instance.

BACKGROUND PAPERS

The National Planning Policy Framework (2012)
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

Development of 29 dwellings including means of access, associated car parking and landscaping
Application Number DM/17/03908/FPA

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Comments

Date
25th October 2018

Scale
NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 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.

PLANNING HISTORY

7. No relevant planning history.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The 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 13th 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>.

CONSULTATION AND PUBLICITY RESPONSES

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

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.

CONCLUSION

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.

RECOMMENDATION

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.

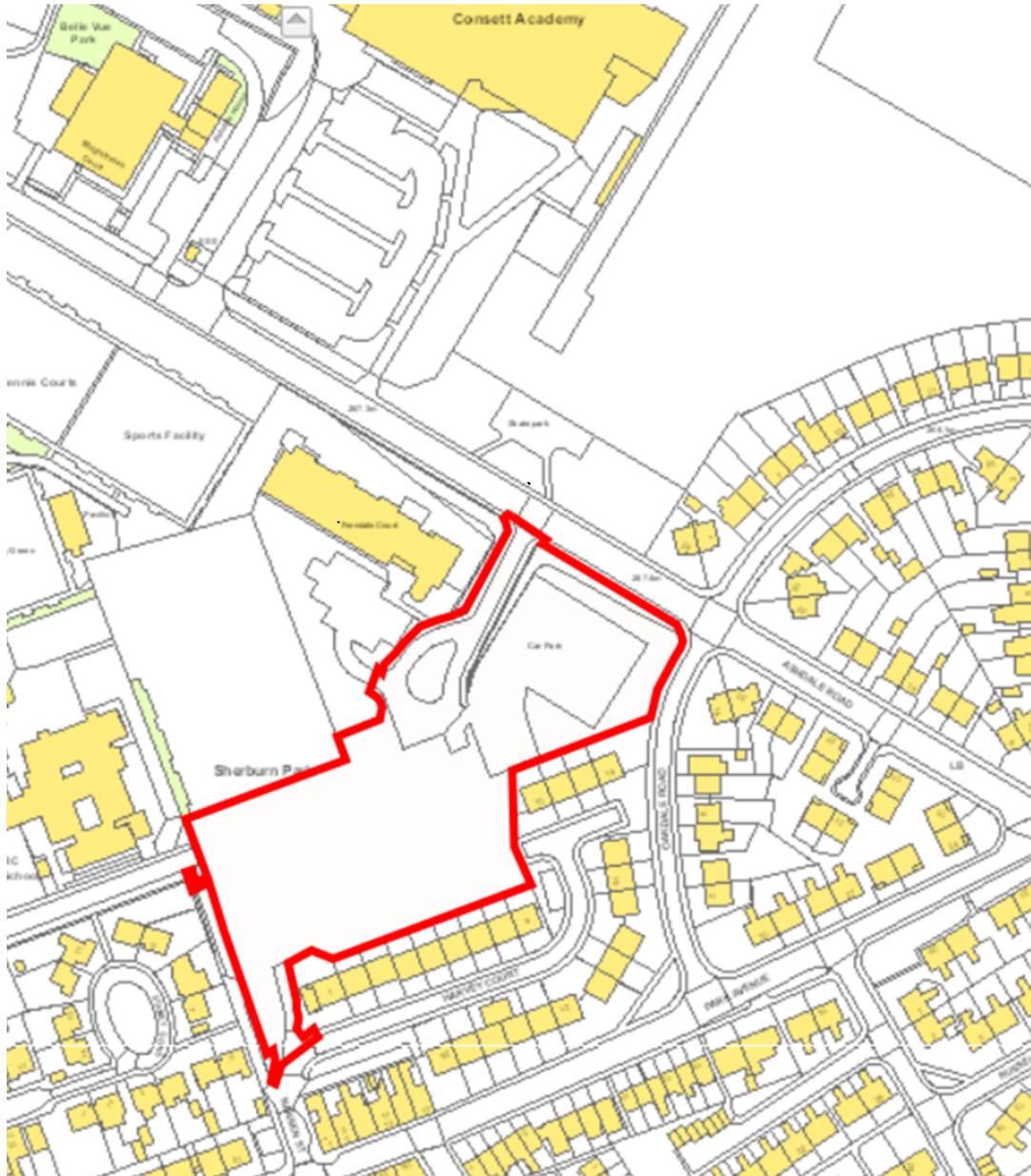
Reason: to ensure the residents of the development are not put at unacceptable risk from, or are adversely affected by, unacceptable levels of soil, air, water or pollution or land instability in accordance with part 15 of the Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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 25th October. 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02098/FPA
FULL APPLICATION DESCRIPTION:	Change of use of first floor from retail use to 14 apartments, installation of external door, additional first floor windows and rooflights
NAME OF APPLICANT:	Mrs Miranda Bell – CDP Ltd.
ADDRESS:	29 Front Street Chester-le-Street DH3 3AW
ELECTORAL DIVISION:	Chester-le-Street West Central Nick Graham Planning Officer
CASE OFFICER:	Telephone: 03000 264960 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

- 1.The application relates to 29 Front Street, located within Chester-le-Street town centre on the main shopping street and 100 metres to the south of the Market Place. The building is the former Co-operative store, and dates from the 1930s. The buildings is Art Deco in style, and is considered to be a non-designated heritage asset within the Chester-le-Street Conservation Area. The site currently comprises of retail units to the ground floor, with the first floor also in the retail use class, although currently unused.
- 2.The site is surrounded by commercial properties to the north, south and east, with a single residential street, Co-operative Street, located to the north and north west of the site. Bus stops are located immediately outside the site to the east on Front Street, and the train station approximately 500m to the south west.

The Proposal

- 3.The application proposes the change of use of the first floor of the building to create 14 apartments. Minor external alterations are also proposed relating to doors, windows and rooflights. A separate bin storage area is proposed to the rear of the building.
- 4.This application is reported to Committee as the scheme is classed as a 'major' development.

PLANNING HISTORY

5.The planning history of the site relates to the ground floor retail uses, with the following applications of most relevance to this application:

6.2/10/00093/ADV - Display of four internally illuminated fascia signs and one internally projecting signs to the front of the building - Approved

7.DM/18/01971/FPA – Replacement shopfront – Approved

PLANNING POLICY

NATIONAL POLICY

8.The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

9.The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.

10.In accordance with paragraph 213 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.

11.The following elements of the NPPF are considered relevant to this proposal;

12. *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.

13.*NPPF Part 4 - Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

14.*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.

15. *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.
16. *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.
17. *NPPF Part 12 - Achieving well-designed places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
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. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life.
20. *NPPF Part 16 - Conserving and enhancing the historic environment*. Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

21. 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.
22. *Design - The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of

buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

23. *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.
24. *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.
25. *Rural Housing* - It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
26. *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.

LOCAL PLAN POLICY:

27. The following saved policies in the Chester-le-Street Local Plan 2003 are relevant to the consideration of this application.
28. *Policy HP6 - Residential within settlement boundaries* – Proposals for residential development will be permitted within the defined settlement boundaries of a number of listed settlements providing it is classed as previously developed land and meets the general criteria of Policy HP9.
29. *Policy HP9 - Residential Design Criteria (General)* - requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
30. *Policy HP12 – Residential Subdivisions to Flats or Bedsits* – Proposals for the subdivision of existing large dwellings or other large buildings of self contained flats will be permitted where the development is well served by public transport, shopping and community facilities, the property is suitable for conversion without significant detriment to the character of the area and amenity of neighbouring properties, there would be no intensification of activity or traffic generation and would have satisfactory access and meet parking standards.

31. *Policy RL5 – Outdoor sport and recreation provision in new residential development* - the requirements for every 1 hectare of land developed or redeveloped for residential purposes, will be that at least 125 square metres of equipped children's play space and 250 square metres for informal open space be provided within the site. On sites of under 1 hectare a proportion of this standard will be expected within the site. Open space for sporting use, of at least 1000 square metres per hectare developed or redeveloped should be provided within or adjacent to the site. As an alternative to on-site provision a developer may make a commuted payment for off-site provision.
32. *Policy BE2 – Public Art* - Where development costs total £500,000 or more, the Council will encourage developers to devote at least 1% of those costs to the provision of works of art in new building and landscaping projects accessible to the general or client public. In determining planning applications, due regard will be given to the contribution made by any such works to the appearance of the scheme and the amenities of the area.
33. *Policy BE4 – Development in Conservation Areas* – new development in or adjacent Conservation Areas must; respect the character of the area, must not generate excessive traffic and must not affect its setting.
34. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
35. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
36. *Policy T15 - Access and Safety provisions in design* - Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, and have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
37. *Policy T17 - General Policy* - All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking

RELEVANT EMERGING POLICY:

38. 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.

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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Highways* – The site would not be eligible for parking zone permits for future residents of the flat units. If the applicant provides no parking for the flat units no objections are raised given the site operated as an A1 retail area and is a town centre location within 400 metres of the Market Place. An informative should be attached to any approval granted indicating parking zone permits would not be authorised by the highways department for future residents.

40. *Northumbrian Water* – No comments to make.

INTERNAL CONSULTEE RESPONSES:

41. *Design and Conservation Officer* - The site relates to an unlisted commercial property located within the central part of Chester-Le-Street Conservation Area. The unit in question forms part of a substantial building that occupies a prominent position standing at the road junction of Front Street and Co-Operative Street. The locality forms part of the active commercial centre which is characterised by a linear street tightly developed with variety in building forms and heights where many 19th and 20th century traditional shop fronts have survived. The main impression of Chester-Le-Street today is of a busy market town with a variety of townscapes deriving mostly from development in the 19th century.

42. The building is considered to be a non-designated heritage asset, its significance deriving from its historic and architectural interest, and its evidential value testifying to the building that precede it. It is a former Co-operative Store dating from the 1930's that is a re-building of the original established in the late 19th century. It consists of 9 staggered bays and 2 storeys with an Ashlar front and is distinctive architecturally because of its Art Deco style that should be considered for listing. Given the above the impact of the proposal upon the significance of the heritage assets concerned, and interrelated design matters, should be a key consideration in the applications determination.

43. The proposed new entrance door would be located within the side elevation where it would be considered a sympathetic introduction. This is due to its appropriate size, central placement within the bay, and its design incorporating elements of detailing that reflect the existing openings. The proposed new windows would relate to either the side elevation or the elevations that face the service street and yard to the rear of the building that are less embellished and more functional compared to the main front elevation that would be unaltered. A number of historic in-filled windows would be utilised which is welcomed, and the new insertions sympathetic in terms of their placement, size, shape, and style, and are therefore in keeping.

44. The proposed windows are specified to be made from uPVC which is ordinarily resisted in conservation area, but given the fact that the service yard elevations are of limited quality at best, and that uPVC is already in existence it would not be opposed given the individual circumstances.

45. In summary, the proposed external alterations would be considered to preserve the buildings special historic and architectural interest and the positive contribution it makes to the surrounding conservation area. There is no objection to the proposed new use, as it offers an opportunity for the building to contribute positively to the vibrancy and vitality of the town centre through the increased footfall the proposal

would bring. As a consequence, there is no objection to this application from a heritage and design perspective. If approval is granted it would be suggested that precise details of the upgrading of the existing decorated windows is conditioned as these are a key architectural component of the main building.

46. *Education Officer* - Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 14 dwellings would produce 5 pupils of primary school age and 2 pupils of Secondary age.

In relation to primary school pupils, the development is located within the Chester le Street Central local school place planning area, of which the following schools could serve the development based on a 2 mile safe walking distance of five primary schools and two secondary schools.

Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance. This reflects the current position based on information known at the time of responding. The council reserves the right however to review this if factors change before a final application is approved.

47. *Environmental Health Officer* – Has confirmed the information submitted indicates that the development is likely to breach the thresholds within the TANS (Noise TANS section 3.7 pg 18). This indicates that the development may, without further controls, lead to a significant impact.

48. The applicant has submitted two noise assessments with this application; ADT Noise assessment ref 2764/SI dated 15/8/18 and ADT Noise assessment ref 2764 dated 17/9/18. The Officer agrees with both of these assessments however in order to ensure that the plant noise will not cause disturbance to the future occupants of the dwellings a scheme of sound insulation works will be required in the form of glazing and ventilation.

49. In addition, having considered the information submitted with the application the Officer is of the opinion that the granting of planning permission for the development may potentially result in a statutory nuisance being created. However a condition ensuring a scheme of noise mitigation measures protecting occupiers from commercial noise would mitigate the potential of a statutory nuisance and no objection would be raised to the development subject to the imposition of such a condition.

50. *Spatial Policy Officer* – Has noted the existing policy situation and considers the contribution to housing land supply can only be afforded limited weight. Contributions may be required relating to public open space, public art and education contributions.

51. *Energy Officer* – No issues raised, generally supportive.

EXTERNAL CONSULTEE RESPONSES:

52. *Durham Constabulary* - The Police are supportive of this proposal to bring a redundant building back into use, the only concern is the nature of the occupancy of the apartments; we would be concerned if the development becomes supported living or hostel accommodation which would require a robust management policy.

53.NHS – No comments from a health perspective.

PUBLIC RESPONSES:

54. Seventy five letters of consultation were sent out to surrounding residents, a site notice was posted, and a press notice published in the Northern Echo. This has resulted in four letters of representation being received from local residents and a local business, with the concerns summarised as follows:

- Shortage of parking within the vicinity of the site. Co-operative Street is permit parking during certain times of the day.
- It would be naïve to think that all 14 apartments would be populated by car-less occupants. New residents would scatter cars wherever they could, such as the surrounding streets.
- Privacy issues from apartments 12 and 13 to the rear of properties at Co-operative Street.
- Access issues to the loading bay / ramp for our shop unit during the works by contractors and following construction the prospective occupiers. Lorries require an adequate turning circle.
- Signage should be imposed on the loading bay stating it should not be blocked, as well as road marking.
- Scaffolding during construction works may block our shop front and inconvenience potential customers.

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=P7ACJGGDKOB00>

APPLICANTS STATEMENT

55. The proposal will bring back into use the first floor of the property which has been vacant for around 10 years and epitomises sustainable development whilst serving a local housing need. The property is highly accessible to shops and other facilities and by all forms of public transport and a residential use will add to the vitality and viability of the town centre. The associated planning contributions will also fund community projects to improve the local area. Overall, the proposal is fully in accordance with the development plan and NPPF and should be supported.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

56. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, whether this is a sustainable location for housing development, the impacts upon residential amenity and the economy, impacts upon the character of the area, ecology and highway safety and whether appropriate land safety, stability and drainage can be achieved.

The Development Plan

57. 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.

58. In accordance with paragraph 213 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.

The Principle Issues

Engagement of paragraph 11 of the NPPF

59. 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 the 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 the 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 the Framework as a whole.

60. Policy HP12 of the Chester-le-Street Local Plan permits the subdivision or conversion of existing large dwellings or other large buildings subject to criteria. This policy is considered to be consistent with Paragraph 118(d) of the NPPF which promotes the development of under-utilised land and buildings, for example converting space above shops. Policy BE4 of the Chester-le-Street Local Plan allows alterations within Conservation Areas subject to certain criteria, and this policy is considered to be consistent with the broad aims of Part 16 of the NPPF insofar that the heritage asset is an irreplaceable resource and should be conserved in a manner appropriate to its significance.

61. In this regard, it is considered the most important policies are consistent with the NPPF and therefore the application should be determined in accordance with the development plan.

Housing Supply considerations

62. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements). Paragraph 60

of the NPPF advises that “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance”. Applying that method for County Durham, the housing need figure is 1368 dwellings per annum.

63. Against this figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land. 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. The boost to housing supply from the development of fourteen dwellings should not therefore be given significant positive weight in the planning balance.

Residential Amenity

64. Chester-Le-Street Local Plan Policy HP9 requires proposals to avoid damage to neighbouring amenity and provide an attractive environment and adequate privacy and daylight. This policy is broadly consistent with the NPPF and NPPG. In this instance it is considered that the site could be developed in a manner that would achieve acceptable amenity for future residents given the proposal is an existing building, with the inclusion of additional windows and rooflights.

65. Additionally, the applicant has sought to resolve privacy issues to the residential properties at Co-operative Street and has included angled windows to ensure there are no facing habitable room windows between the proposal site and neighbouring properties.

66. Two noise reports were submitted as part of the application, detailing the potential impact of nearby plant to future occupiers. The Environmental Health Officer considered the findings of the assessments acceptable, however indicated the proposal would result in a significant impact to future occupiers, as well as potentially causing a statutory nuisance in terms of noise outbreak. In this regard, a condition is recommended which would ensure a scheme of noise mitigation measures as outlined within the second noise report, are installed at the site to protect future occupiers from commercial noise, and achieve noise threshold levels depending on the room type and type of day. Subject to the imposition of such a condition, the proposal is considered acceptable in terms of residential amenity for future occupiers.

Making effective use of land

67. Part 11 of the NPPF advises that decisions should promote an effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuing safe and healthy living conditions. Paragraph 118(d) promotes the development of under-utilised land and buildings, such as converting space above shops. The proposal would therefore comply with the aims of this part of the NPPF.

Impacts upon character of the Chester-le-Street Conservation Area

68. Chester-le-Street Local Plan Policy HP9 requires developments to relate well to the surrounding area, respect its predominant character and street pattern. This policy is broadly consistent with the NPPF. Policy BE4 of the Local Plan also requires alterations within the Conservation Area to respect the design, layout, massing, materials and scale of the Conservation Area, consistent with the broad aims of Part 16 of the NPPF. When examined against Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the

desirability of preserving or enhancing the character and appearance of the Conservation Area.

69. The proposal is an unlisted building within the Conservation Area, and is considered a non-designated heritage asset. The external alterations are considered appropriate and in keeping with the wider building in terms of their style and siting. The principal façade facing the Front Street, in its distinctive Art Deco style, would be retained which is greatly welcomed. It is also noted that if the first floor of the building remains unused the site may fall into a state of disrepair, whereas this proposal is likely to secure its future. A condition relating to detailed plans of the upgrading of the existing decorated windows is recommended given they are a key design feature. Given all of the above, the proposal is considered comply with Policy BE4 of Local Plan, as well as preserving and enhancing the character and appearance of the Conservation Area in accordance with Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access / Parking / Highway Safety

70. A range of transport policies apply to this scheme however only T6 and T15 of the Local Plan achieve some consistency with national guidance. T6 requires development to be consistent with a safe and accessible public transport network and should help to encourage its use by all members of the public. T15 requires developments to have safe access, turning and manoeuvring space, acceptable levels of traffic, adequate links and access to and provision for public transport and consideration for pedestrians and cyclists. Paragraph 108 advises that appropriate opportunities to promote sustainable transport modes can be taken up, a safe and suitable access to the site can be achieved and that any significant impacts can be cost effectively mitigated.

71. No parking is proposed associated with the development, however it is considered that this is a highly sustainable location with opportunities for residents to use sustainable transport modes, including high frequency bus services from the Front Street and Market Place, and Chester-le-Street train station located 500 metres to the south west of the site. The Highways Officer has no concerns and has no objections to the principle of new residential development, however does note the occupants of the development would not be eligible for parking permits, which would ensure the protection of parking provision at Co-operative Street. Bearing the above in mind it is therefore considered that in terms of Highways Safety the proposal is in accordance with the NPPF and Chester-le-Street Local Plan Policy.

Drainage Considerations

72. Section 14 of the NPPF requires Local Planning Authorities to take full account of flood risk. Paragraph 163 advises that development should not increase flood risk elsewhere. Northumbrian Water have raised no objections to the proposal and as the development is the re-use of an existing building, no concerns are raised in this regard.

Provision of Affordable Housing, Recreational Space, Education and community Facilities and Public Art.

73. The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. This proposal falls below these thresholds and affordable housing would not be required based on the number of units proposed.

74.Paragraph 94 of NPPF confirms that the government places importance in ensuring that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to ensure this. The Education Officer has confirmed the capacity within the local school system for potential children living at the development site.

75.Policy RL5 requires small sites such as this to dedicate a proportion of the site for equipped children's play space /informal open space or a commuted sum to be paid in lieu of such provision. This broadly aligns with the approach set out in paragraph 91 of the NPPF. The Open Space Needs Assessment (OSNA) indicates a requirement of £24,506 for an off-site contribution, which would be secured via a Section 106 agreement.

76.Policy BE2 seeks contributions for public art where a development costs total £500,000 or more. This policy is consistent with the Framework insofar as the NPPF is supportive of ensuring that development is well designed and responds to local character. Delivery of public art must be considered in relation to viability, which will be dependent upon local circumstances. A viability appraisal has been submitted and appraised by Officers, and a sum of £7,800 would be secured via a Section 106 agreement in this regard.

77.Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result from, or be exacerbated by, a proposal. Given the size of the development the impacts to local community facilities would be minimal and neither weigh in favour or against this proposal.

Other Issues

78.Reference has been made to allowing the loading bay to the rear of the properties to be unaffected by the proposal, as well as the implications for scaffolding to the building. This is considered a civil matter and would need to be agreed by the relevant parties.

CONCLUSION

There would be no significant impacts in terms of residential amenity and privacy, noise, highway safety and parking, and the proposal represents benefits in terms of a small boost in housing land supply, in a highly sustainable location, conserving and re-using a non-designated heritage asset within a Conservation Area. The proposal is therefore acceptable and in accordance with the NPPF and Chester-le-Street District Local Plan.

RECOMMENDATION

That the application be **APPROVED**, subject to the developer entering into a s.106 legal agreement to provide the following, and the conditions detailed below:

A section 106 Legal agreement to secure, proportionate to the direct impacts of the development:

- monies to make provision for off-site open space shortfall as assessed through the Council's OSNA model (£24,506)
- monies to make provision for public art provision (£7,800)

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 only in accordance with the following approved plans:

Plan Ref:	Date Submitted:
Location Plan PL-01A	8 August 2018
Proposed Ground Floor and Mezzanine Plan PL-08A	8 August 2018
Proposed Mezzanine Plan PL-09A	8 August 2018
First Floor Proposed PL-10C	5 October 2018
Proposed Roof Plan PL-11	12 July 2018
Elevations Proposed PL-12D	5 October 2018
Proposed Elevations – 2 PL-13A	15 August 2018
Proposed Bin Store PI-15	8 August 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP12 and BE4 of the Chester-le-Street District Local Plan.

3. No development shall commence until details of the upgrading of the existing decorated windows to Elevation 1 and Elevation 2 have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details and retained in perpetuity.

Reason: To ensure the conservation of the heritage asset to comply with Policy BE4 of the Chester-le-Street District Local Plan and Part 16 of the NPPF.

4. No development, site clearance or preparatory work shall be undertaken outside the hours of 0730 and 1800 Monday to Friday and 0730 and 1300 on a Saturday, with no works to take place on a Sunday or Bank Holiday.

Reason: To give due regard to the amenity and privacy local residents can reasonably expect to enjoy in line with Part 15 of the Framework.

5. Prior to the commencement of any part of the development, site clearance or preparatory work hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum, but not necessarily be restricted to, the following:

- (a) A Dust Action Plan including measures to control the emission of dust and dirt during construction;
- (b) Details of methods and means of noise reduction;
- (c) Designation, layout and design of construction access and egress points;
- (d) Details for the provision of directional signage (on and off site);
- (e) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

- (f) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
- (g) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- (h) Routing agreements for construction traffic;
- (i) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (j) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- (k) Detail of measures for liaison with the local community and procedures to deal with any complaints received, and;
- (l) Demonstration that regard shall be had to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To give due regard to the amenity and privacy local residents can reasonably expect to enjoy in line with Part 15 of the Framework.

6. No development shall commence until a scheme of noise mitigation measures (as stated within ADT Acoustic report ref. 2764 dated 17/9/18) has been submitted to, and approved in writing by, the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from commercial noise and should ensure the following noise levels are achieved:

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

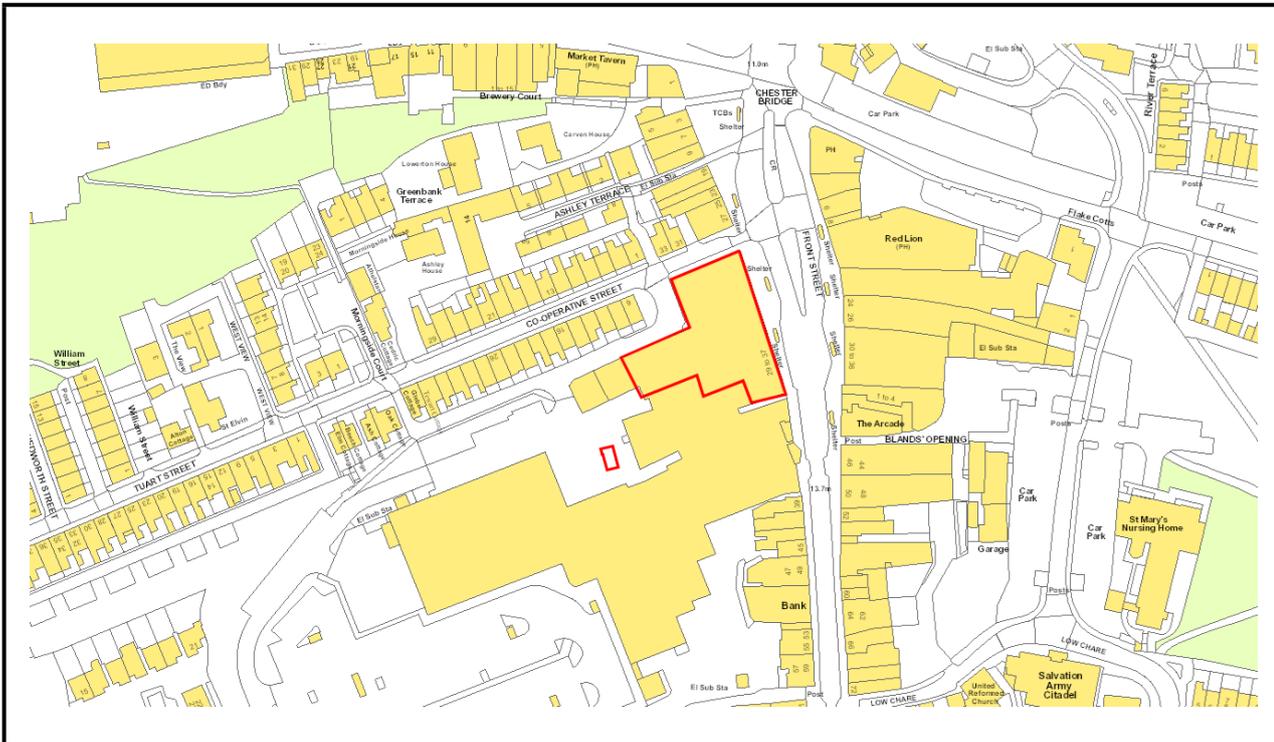
Reason: To give due regard to the amenity future occupiers can reasonably expect to enjoy in line with Part 15 of the Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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. However the delivery has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Chester-le-Street Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Change of use of first floor from retail use to 14 apartments, installation of external door, additional first floor windows and rooflights

Application Number DM/18/02098/FPA

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Comments

Date 25.10.2018

Scale NTS



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of outline planning permission for the erection of two semi-detached houses (DM/17/03494/OUT).

An appeal against the refusal of permission for the above development was received on 1st June 2018. The application was refused under delegated powers for the following reason:

'The proposal does not generally support sustainability objectives of paragraphs 17 and 35 of the NPPF with regard to the potential for reducing greenhouse gas emissions and locating development where sustainable modes of transport for the movement of people can be exploited. Therefore this is not a sustainable location for a dwelling.'

The appeal was dealt with by way of written representations and an unaccompanied site visit.

The Inspector considered the main issue to be whether the proposal would provide a suitable location for housing having regard to the accessibility of services and employment.

He noted that both parties agreed that the site cannot be regarded as isolated given its relationship with existing development but recognised that East Hedleyhope has few facilities and no shops, schools or employment opportunities. The infrequent bus services were also noted and the Inspector felt that the site could not be described as being well served by public transport and that the opportunities for walking and cycling were extremely limited. As such the Inspector found that the development would be poorly connected by sustainable transport modes to services and employment opportunities in other settlements. The development was considered to conflict with policies that require new development to be located where people

have easy access to transport, employment and services in order to reduce the need for additional car journeys and conserve energy.

The Inspector concluded that the proposal would conflict with development plan policies as outlined above and that the importance of planning for climate change and promoting sustainable transport is recognised by the NPPF. He felt that the proposed additional two units would make little difference to the overall supply of housing and that there would be limited social and economic benefits.

The appeal was dismissed.

Report prepared by Fiona Clarke, Principal Planning Officer.