



## County Planning Committee

**Date** Tuesday 2 April 2019  
**Time** 1.00 pm  
**Venue** Council Chamber - County Hall, Durham

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### Business

#### Part A

1. Apologies for absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 5 March 2019 (Pages 3 - 30)
5. Applications to be determined
  - a) DM/18/03346/OUT - Land to The South West And East Of Hustledown, Rescue Station, Hustledown Road, South Stanley, DH9 6AA (Pages 31 - 58)  
Outline planning application for the erection of up to 290 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### Part B

#### **Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. 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  
25 March 2019

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)  
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Corrigan, K Hawley, I Jewell, C Kay,  
A Laing, L Maddison, G Richardson, A Shield, A Simpson, H Smith,  
M Wilkes and S Wilson

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 5 March 2019 at 1.00 pm**

**Present:**

**Councillor J Robinson (Chairman)**

**Members of the Committee:**

Councillors A Bell, J Clare, K Hawley, I Jewell, C Kay, A Laing, L Maddison, G Richardson, A Shield, A Simpson, H Smith, F Tinsley (Vice-Chairman), M Wilkes, J Maitland (substitute for S Wilson) and M Davinson (substitute for K Corrigan)

**1 Apologies**

Apologies for absence were received from Councillors K Corrigan and S Wilson.

**2 Substitute Members**

Councillor J Maitland and M Davinson were present as substitute for S Wilson and K Corrigan.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on 5 February 2019 were agreed as a correct record and signed by the Chairman.

Councillor Bell left the meeting during the consideration of application 5a) and did not return.

**5 Applications to be determined**

**a DM/18/02369/FPA - The Sands Carpark And Durham Sixth Form Car Park Site, Freemans Place, Durham**

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of office headquarters with associated car parking (inclusive of a multi-storey car park) with associated landscaping, highway and infrastructure works and demolition of existing structures (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, site photographs, site layout, elevations, and views. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Principal Planning Officer provided the Committee with the following updates since the publication of the report:

- A total of 1,013 letters of representation had now been received, of which 1005 were letters of objection. There were 8 letters in support.
- A petition of 1,150 signatures had been received from St Nicholas Community Forum in objection to the proposals.
- Durham City Freemen had submitted 2 letters of objection and Officers consider that the report at paragraph 143 was reflective of most of the key points raised. However Officers' wanted to make Members aware that a point had been made in their second submission which had not been summarised in the report. This referred to flood risk and a 1 in a 100 year probability of a severe flood event, and noted that there had been at least 3 significant flood events in 25 years. In addition paragraph 143 made reference to the cursory consideration of alternative sites and their second submission elaborated on this.

Councillor Scott, spoke on behalf of the City of Durham Parish Council and in objection to the proposed development.

She referred to the number of objections and public demonstrations as an indicator that as well as being unpopular with the people in the city, it was also unpopular throughout the County, receiving only 8 letters of support in comparison to 956 letters of objection.

The City of Durham Parish Council did not object to the business case to move County Hall to another site, but objected to the site, it was not right for residents, business or the Council.

Councillor Scott presented a number of slides which included photographs of the area. She referred to traffic that would be generated from the new site, which would be detrimental to highway safety and increased air pollution. This would have a significant effect on the amenity of the occupiers of neighbouring properties, including Durham Sixth Form Centre. For those reasons it breached Saved Policy T1. She highlighted the traffic report included in the report and considered it vital to the Committee's decision.

Councillor Scott referred to the requirement of a five-storey car park which was already sited on a dangerous junction. She queried the allocation of staff parking spaces when both the Passport Office and National Savings & Investments were allowed none. She referred to the impact on wildlife and ecology which was contrary to policies E16 and E19 in the Local Plan.

Councillor Scott considered the proposed development would have a detrimental impact on businesses. The loss of the coach park would risk tourist coaches not stopping in Durham anymore and the loss of the open-air car park would prevent traders from parking vans in the City as the multi-storey entrances were too low. Both were contrary

to policy T16.

Councillor Scott considered the proposed development would damage the setting of the World Heritage Site. It would be contrary to Saved Policy E3 which restricted development to safeguard local and long distance views to and from the accordance with policies E1, E5, E6, E10, E23 and E24.

Councillor Scott continued that the Council could have a civic presence in the town and an alternative location for back office staff in an alternative location. The HQ could be built at Aykley Heads or it could be built on the site of Milburngate House which offered advantages over the confined proposed development site, and was the Cabinet's original choice.

Finally Councillor Scott drew Members attention to the Officer's report with regards to Policy U10, Development in Flood Risk Areas.

Proposals for new development should not be permitted in flood risk areas or where an increased risk of flooding elsewhere would result unless; it can be demonstrated that alternative less vulnerable areas were unavailable, that no unacceptable risk would result, that no unacceptable risk would result elsewhere, and that appropriate mitigation measures could be secured.

Councillor Scott summed up that people were now aware that the Sands was the wrong place for the new HQ. The decision for it to be built on The Sands had been made before the seriousness of the flood risk was evident. Policy U10 provided grounds to refuse and Councillor Scott urged Members to refuse the application. She suggested that a better site be found, that would not need evacuating during floods and be out of commission during a costly clean-up exercise.

Councillor Freeman, local Member, spoke in objection to the proposals. In 16 years of being a County Councillor he had never seen a planning application achieve so much criticism. There had been 956 letters of objections from people within Durham City and the wider county and a report which had taken 14 pages to summarise them. He considered this was enough evidence for Members to conclude that this was a poor proposal.

Councillor Freeman advised there were two, more appropriate alternative sites available at Aykley Heads and Milburngate. He referred to the presentation given by Councillor Scott as having listed all of the policies to refuse the application.

Councillor Freeman considered the design of the building to be outdated and quoted a former planning Durham City Council Planning Officer's comments that it was a historical, modernist style from the 1970's with no obvious relationship to its surroundings. Councillor Freeman considered the building was little different in style and architecture to the present County Hall and now demolished Milburngate House – which had been described by Durham's County Planning Officers as 'tired and dated'. The impact was wholly negative and no mention was made in the report of any positive impact the building would have.

Councillor Freeman did not consider enough attention had been paid to the multi-storey car park, which had been criticised by Historic England and the Council's

own Design and Conservation team. This car park is not an add-on to the new Council HQ and its own right would not receive planning permission.

Councillor Freeman referred to the regular flooding which everyone was aware of, and he considered that even with the proposed flood protection features, would be 'extreme'. The building would flood, however the planning officer focused on the fact that the Environment Agency did not object so long as the flood protection features were in place and would therefore not increase the flood risk for surrounding buildings and roads. Councillor Freeman considered that this may not increase the flood risk however it would also not prevent the site from repeated episodes of expected flooding. He acknowledged additional costs to the Council for clean-up and insurance premiums, and the failure to be able to provide council services. Even if the building didn't flood, the surrounding area would and this would cause problems for staff to gain access to the building. Councillor Freeman referred to the Radisson, which had not yet flooded, but was often inaccessible due to surrounding flood water.

Councillor Freeman referred to the effects on local roads and also the wider city centre highways. He considered the information which had been submitted in support of the planning application was flawed in relation to traffic flows around the Sands location and the wider city and how it related to the reduced air quality for city centre residents. The report discounted existing County Hall trips and suggested that there would be an overall reduction of 1800 vehicle trips at a number of junctions around the City, but this was highly questionable as the present County Hall site would retain a B1 office land use into the foreseeable future. It could not be guaranteed that the forecasted reductions in traffic from the proposed relocation would occur. Even in the absence of the present County Hall, the Council planned to develop the site in order to attract 6000 jobs and this would significantly increase vehicle trips within the city centre. It was unacceptable to rule out the impact of the future business park on the basis that no plans had been approved yet for the site.

Councillor Freeman referred to the local impact on the roads nearest to the site - there would certainly be an increase in traffic and highway safety issues. The Council considered that only staff with a parking permit for the proposed multi-storey car park would drive to access the site, which was an unsubstantiated claim and merited further consideration. There were two car parks within a five-minute walk of the site providing a total of 607 car parking spaces at Walkergate and Sidegate.

No assessment had been made with regards to the occupancy of the car parks and there was nothing to suggest that staff would be deterred from driving to the area in the expectation of parking in one of the spaces. The proximity and convenience of suggested that it was inevitable that some staff would park in public car parks and queried where tourists and visitors would then park. Without anywhere to park there would be inevitable economic consequences to the viability of the city centre as they would go elsewhere.

Councillor Freeman continued that the Transport Assessment was flawed and it could not be concluded that the development would not have a severe impact upon

the operation of the highway, highway safety and it would have a detrimental impact on the city centre economy rather than the positive one outlined in the report.

Councillor Freeman considered the application to be rejected on highways grounds alone, should Members not accept the policies outlined by Councillor Scott, as the development was not in accordance with Paragraph 109 of NPPF.

Finally, Councillor Freeman welcomed the referral to the Secretary of State to consider calling in the application as it was a poor proposal, not fit for Durham City and not fit for the Council's new HQ. He urged Members to refuse the application and advised that it would be highly damaging to the reputation of the Council, should the Secretary of State refuse it.

Councillor Ormerod, local Member addressed the Committee. The Member considered that there were more than sufficient reasons presented to justify refusal of the application but that he wished to discuss The Sands. This was a special location and the last area of the City to be lived in by residents, as opposed to being occupied by students. The site was desirable for families located with a beautiful City on one side and beautiful countryside on the other. If the new HQ was imposed upon these residents The Sands would cease to be desirable and would become another student dominated area. Approving the application would prove an irreversible step to the area becoming a giant university campus and Members would be voting for the death of Durham as a residential City. There was a strong perception that the Council was not serious about promoting a balanced community and this was reflected in the time allowed for public speakers. 1000+ objectors were afforded the same time to address the Committee as 8 supporters. To regain the trust of local residents he urged Members to reject the application.

The Principal Planning Officer responded to the comments raised as follows:

**Air quality:** Environmental Health and Consumer Protection had concluded that there were no grounds to object following assessment of the implications of the proposals on air quality, which found that the change in levels of pollutants was beneficial at some locations and negligible or neutral at the remainder.

**Impact on the World Heritage Site (WHS) views:** It was acknowledged that there would be some harm, however this was considered to be less than substantial. This impact centred upon the loss of a view of the WHS found on the opposite banks of the river on Frankland Lane and in the vicinity of Sidegate Car Park. Whilst this harm resulted in a degree of conflict with Local Plan Policy E3, in accordance with the NPPF this harm was outweighed by the public benefits of the proposals.

**Flood Risk:** Councillor Freeman had placed great emphasis on the fact that Officers had focused on the lack of objections by the Environment Agency. The Environment Agency were specialists in this field and would have objected if they considered there were grounds. They had offered no objections subject to mitigation measures being implemented by condition. Councillor Freeman had stated that it was not acceptable to just consider whether flood risk was increased elsewhere on the site, however this was a key part of the NPPF test in respects to development and flood risk.

**Appearance of the building:** Historic England had raised no objections overall. In respect of the design of the HQ building itself, Historic England raised no concerns and considered that the HQ building would represent a positive piece of civic architecture. Where Historic England had expressed concerns with regards to the impact of the HQ building on the Conservation Area was as a result of its urbanising impact of the development at an important transition point between the edge of the City and the more countryside feel of the Sands.

The Strategic Traffic Manager responded to the comments raised as follows:

**Validity of the Transport Assessment:** It was acknowledged that the Assessment looked at current trips on the network, with the removal of trips to and from the existing County Hall. With the exception of Providence Row/Claypath junction all other junctions would experience either a reduction or a limited degree of change. Details of the Assessment were included in the report. Whilst he appreciated the concerns expressed, the Strategic Traffic Manager drew attention to condition 3 which sought to ensure that the predictions in the Transport Assessment were delivered. This condition ensured that the closure of the existing County Hall. The highway impacts for future development of that site would be subject to further planning applications.

**Car Parking Spaces:** The suggestion had been made that County Hall staff would use existing car parks. The Strategic Traffic Manager advised that there was no availability at the Sidegate car park, and Walkergate charged £9 per day, which he considered would be above what staff would be prepared to pay. This was borne out by the fact that passport office staff did not use the existing car parks. There would be a net increase of 81 spaces provided and increased vehicular trips would occur as a result, particularly at the Providence Row/Claypath junction, amounting to 44 car trips per day, with 2 extra car trips in peak times. This was within maximum capacity and the Officer was satisfied that the Transport Assessment was valid.

The Chairman invited objectors to address the Committee.

N Solari, representing the views of the market traders advised that if the application was approved, the decision would not only affect her business as an outdoor market trader but the economy of the City as a whole. Two of the 8 letters of support were from traders, which was outweighed by 69 individual traders who had objected to the plans. Workers in Durham did not browse the shops in their lunchtimes; they would usually just buy a sandwich for lunch. The Sands Car Park encouraged shoppers to walk through the market hall. It was one of the most affordable car parks for those business owners who needed to park all day. Many traders had high top vans and trailers, and would not be able to use the proposed multi-storey car park.

Even if Council staff used the park and ride there would still be some disparity between workers and visitors using the car parks. Ms Solari also questioned why the coach park was to be re-located to Belmont. The development would affect visitors to the City, businesses and residents.

P Conway addressed the Committee on behalf of Durham City Freeman, and stated that their views reflected public opinion through support with apprenticeships and local charity bodies. The proposals contravened saved local plan policies as detailed in their first submission and as suggested in their second submission the Council could pause the process and consider public consultation on the Aykley Heads site. In an impact assessment of 4 alternative sites Aykley Heads had won, out-scoring The Sands on all criteria with the exception of transport and air quality issues associated with the demolition of County Hall where both sites were deemed equal. County Hall must be demolished to create prestigious high quality jobs which was wholly supported by the Freeman. A civic headquarters at Aykley Heads would attract businesses. Financial savings would be realised but there would be an ongoing capital expense at The Sands for flood risk mitigation and sludge removal.

Public consultation had been cursory; 3 days in late July did not satisfy the Nolan Principles. The application bore the name of Kier but the site was chosen and owned by DCC with specification and design shaped by the County Council. It was ironic that the Council did not organise public consultation prior to the Cabinet making its decision. The reason for a new HQ was sound but the location was wrong. It was not too late to rectify this unfortunate position.

D Pocock addressed the Committee on behalf of the City of Durham Trust. In 4 decades of examining planning applications in the City of Durham this was the most incredulous he had seen, and Kier would score poorly if this was an academic planning exercise. He asked why, of all the sites available, a site most susceptible to flooding and the most inaccessible in the City Centre was chosen. There must be a wealth of benefits which the NPPF called very special circumstances which should overcome the disadvantages and make this location superior to all others. None of these special circumstances, of which there were 9, could be applied to this site. One advantage cited was that 1000 employees would be nearer to the City Centre and would increase lunchtime footfall. The Sands car park yielded a profit of £400k; the proposed multi-storey would run at a loss.

K Banks addressed the Committee on behalf of St Nicholas Community Forum. She stated that many experts had sounded alarm bells about this proposal, including Mr Chaytor a retired highways expert who did not consider that the proposals for the Providence Row/Claypath junction could be made to work. A former Chief Executive of DCC considered that the road access would cause a significant increase in accidents and seriously disrupt access to people's homes. If this was the case air quality would be affected.

Highways had predicted that employees would use the park and ride so therefore the junction would be fine, however Ms Banks suggested that there was no guarantee this would be the case. The Confederation for Passenger Transport had said that fewer coaches would come to the City and the WHS co-ordinator had said there would be an impact. Although Visit County Durham had said this would not be the case, they could be wrong.

Ms Banks suggested that flood hazard remained extreme and the HQ would differ from other residential properties as residents of County Durham would be meeting

costs of managing flood prevention. The risk of flooding would increase as incidents of extreme weather became more frequent.

Ms Banks referred to the Ministry of Housing and Communities and Local Government Circular issued on 1 January 2019 which stated that buildings erected by public authorities must now have a nearly sub-zero energy rating. Members must entertain that some of these experts could be right. She urged Members not to take this risk which could result in worsening congestion, a fall in tourist visitors, and the possibility of traders blaming the Council for their businesses failing. This was surely not a legacy the Council would want.

C Stanton, objector, stated that the adverse comments had led him to question why a site in the City Centre which had so much opposition had been chosen, when Aykley Heads had been identified as suitable. He considered that the application should be deferred until an independent feasibility study was undertaken to establish whether County Hall could be built on Aykley Heads or other sites such as an industrial estate.

B Pickering of Durham City Access for All Group highlighted the difficulties for disabled people as a consequence of the HQ moving to The Sands. Those with wheelchairs and walking problems would suffer as they were dependent on lifts being available and all of the lifts in the City Centre were privately owned and subject to breakdowns. The bus service at Freeman's Reach was only available between 10am and 4pm Monday to Saturday. There was a step-free access from the market place to the side of St Nicholas' Church but this was a very steep gradient and unsuitable for wheelchair users. The Group believed that the proposals were in breach of the Equalities Act 2010.

The Principal Planning Officer responded to the comments raised. He stated that a number of points related to the principle of development and why alternative sites had not been chosen. Members were informed that the application presented for The Sands had to be considered on its own individual merits. There was a strong presumption in the NPPF for the construction of office accommodation in town centre locations, and a sequential test would have to be applied if the HQ was not located in the City Centre and was sought in a more peripheral location.

The Principal Planning Officer advised that in terms of alternative sites, Environmental Impact Regulations imposed a duty to undertake an assessment of reasonable alternative sites but this did not mean that those options should be pursued even if there was a lesser environmental impact. These were factors for consideration in the planning balance. The alternative sites identified at Milburngate House and Elvet Waterside were not sequentially preferable in flood risk terms.

Planning Officers had considered the socio-economic impact of the proposals and economic benefits had been evidenced in the report. Having a centre of employment within such easy reach of the City Centre would contribute to spend. It was considered that the potential spend could amount to more than just a sandwich at lunchtime, which had been suggested. Durham had quite distinctive daytime and night-time economies and an office development such as this would have the potential to help in blurring this through workers going out for meals, drinks and the

like after work. The Council was adopting a hub and spoke model with a redistribution of staff to other sites, which would also bring increased spend in other locations and he highlighted Crook, given its town centre location

The Principal Planning officer advised that matters raised concerning the loss of convenient parking and surface level parking were addressed in the report. There would be no loss of spaces; 136 short stay parking spaces were being replaced. In respect to the comments on high sided vehicles, some vans could be accommodated in the multi-storey car park. For larger vehicles the Sands carpark was not the only surface level parking option in the City, other locations were available such as Providence Row and Framwelgate Waterside. Further general parking spaces would also become available again following the completion of works at River Walk.

With regard to coach parking, the Principal Planning Officer confirmed that comments of the Confederation of Passenger Transport and Durham Pointers had been noted but Visit County Durham had a research arm and discussed proposed arrangements with operators and not objected. The advice they had received was that it was key to retain a drop off and pick up location in the City Centre and the retention of such a location was intended. Day visitors by coach would be conveniently dropped off and collected in the City and not have to use the park and ride buses. The Belmont park and ride coach park expansion had planning permission and was proposed irrespective of the HQ development. This would deliver improved facilities for drives and increased provision for coach parking during significant events, such as Lumiere.

With regards to the concern expressed about the impact on the building and the public purse in extreme flooding events, the Principal Planning Officer focused on some of the important details of the proposals. The finished floor level of the HQ was 33.2m AOD – a level above a 1 in 100 annual probability of a flood risk event and taking into account the effects of climate change. The building had therefore been designed so that the working areas of the building would not be flooded even in more extreme events. Those areas of the building which could flood were void areas which would be used for flood storage. The flood barrier referenced was not a particularly technological advanced piece of equipment – it was a 1.5m high demountable barrier which if needed, would be erected between the southern elevation of the building and the Freemans Reach development. The barrier would not be for the purpose of preventing water getting from one side to the other but actually to convey water more quickly away from the site during a very bad flood event so that flood waters subsided.

The concerns expressed by Durham City Access for All were addressed in a dedicated section on equality related matters in the report. The indoor market lift was referenced but firstly this was not the most convenient to use. There was a lift in Walkergate which was much closer to the development, which grounded on Freemans Place. In respect of the indoor market lift there was reference to it only operating within market hours, however, these hours were equivalent to the normal office hours of County Hall. The plans included the re-location of the bus stop for the Cathedral bus service. The Principal Planning Officer acknowledged that this

service was somewhat limited but advised that again, its operating hours were commensurate with the hours that visits would be made to the HQ.

The Strategic Traffic Manager advised that the short stay public parking would be provided for and controlled via condition 25.

L O'Donnell, Director of Transformation and Partnerships, spoke in support of the application and as representative of Durham County Council. The development addressed the Council's number one priority of economic regeneration and job creation whilst returning the council to the civic heart of the city and facilitating a sustainable future for the authority's service provision. It would enable the Council to build a smaller, flexible, open plan HQ that was cheaper to run and bring council jobs to the city centre and four strategic sites across the county.

The Director of Transformation and Partnerships confirmed that historically the Council had been based at the centre of Durham before relocating to the site at Aykley Heads. She confirmed that in 2021 they would have reduced its headcount by 3000 and made almost £250m savings due to government austerity. County Hall was oversized and outdated, and the maintenance backlog amounted to more than £37 million.

The Director of Transformation and Partnerships confirmed that the Council needed to move to modern ways of working and confirmed that benefits of a modern office environment could be demonstrated by staff based in Crook. The number of council staff based in the town centre had doubled due to the provision of refurbished open plan offices and after 6 months of operation, there had been improved productivity, better staff morale and increased spend in local businesses. This proposal would bring around 1000 staff to Durham City and was supported from outside bodies such as Durham BID and Business Durham. It had been proposed that the development would increase private sector confidence in the city and encourage additional spending in the city centre. In addition 800 staff would be relocated across the other four strategic sites at Crook, Spennymoor, Seaham and Meadowfield.

Whilst the proposed development represented a standalone development project, the Council also had a clear objective to regenerate the existing Aykley Heads site with the intention to deliver more than 6,000 jobs and over £400m of inward investment. This would be subject to a separate planning application and its own technical assessments, however it did involve the HQ being moved from Aykley Heads.

The Director of Transformation and Partnerships advised that objectors had misrepresented the future arrangements for coach parking and public car parking and confirmed that the extension of the park and ride at Belmont would facilitate increased coach travel to the city and all public car parking spaces currently at The Sands car park would be re-provided within the multi-storey car park. In addition, there would be additional public car parking as the Council sought to make all of the proposed parking available to the public outside of normal office hours.

The Director of Transformation and Partnerships advised Members that much of the

opposition to the application was based on proposals that were not included in the application. The proposal was not for County Hall and its car park to move to The Sands – the new HQ would be a third of the size of County Hall with vastly reduced car parking, demonstrating environmental as well as economic leadership.

The proposal included significant economic benefits for the county to come forward as future developments, provided an important economic boost to the city and complemented developments such as Riverwalk and Milburngate. It enabled the Council to continue to deliver quality services despite continued austerity.

On behalf of the Applicant, Kier Property, Mr Robinson addressed Members in support of the application. He supported the Officers conclusion as outlined in the report and did not wish to repeat all of the details, however he drew the Committee's attention to the what he considered as key points.

The proposed headquarters presented an opportunity to address the rationale for the new facility set out by the Director of Transformation and Partnerships. The proposed scheme offered a state-of-the-art piece of civic architecture which responded sensitively to the unique and world class setting of Durham. It included improvements to the riverside walkway, a new civic square, minimised car parking due to the central nature of the site, a more energy efficient building that provided a high quality and sustainable environment, and continued community use of meeting spaces with a more flexible design of chamber to ensure greater community use than present.

The proposal would deliver a town centre development in a sustainable, city centre location on previously developed land. There were no technical objections from statutory or local authority consultees on any specialist matters inclusive of heritage, flood risk, highways and air quality.

Mr Robinson referred to the Environmental Impact Assessment which had been undertaken alongside the planning application and necessary mitigation had been designed into the proposals or secured via a planning condition to ensure that the proposals were sustainable.

With regards to the design of the building, the proposal had been met with support from Historic England. The design cascaded in height towards the river and the Sands, and only 15% of the footprint of the building would occupy five levels, the remainder being three or four levels in height. Car parking would be reduced from 1,000 vehicles at the current building to around 200 and limited the number of permit-only parking spaces for council members and officers. Alternative modes of transport would lead to a reduction in traffic generated by the HQ into the city centre and public parking lost at the Sands would be replaced in the new multi-story car park, resulting in a combined total of just under 340 spaces. As set out in the transport assessment, there had been no reported concerns regarding highway safety and the proposed negligible increase in vehicle movements to two nearby junctions was within their design capacity.

The design Environment Agency had considered the flood storage mitigation and offered no objections, subject to the inclusion of conditions to secure and maintain the agreed mitigation and flood management measures.

Although the site did not sit within the Air Quality Monitoring Area, reports had been undertaken in respect of the nearby junctions which did, and it had been concluded that the effects would be negligible. A detailed construction management plan would incorporate measures to manage traffic and dust during the initial construction phase.

Mr Robinson referred to the economic benefits identified by Lorraine and commented that at a time when retail and leisure was under notable strain, the proposed development presented a positive opportunity for change in the city centre. The presence of 1,000 employees, 52 weeks a year within minutes of the high street could only provide a timely boost.

Finally, Mr Robinson summarised that the proposal provided the council with a fantastic opportunity to return to the civic heart of the city and facilitate a sustainable future for the authority's service provision. It was evident that the proposals were in accordance with national and local planning policy and comprised sustainable development.

D Southwell, supporter, spoke as a resident of Durham, having served as a Cabinet Member for Planning and Housing at the former Durham City Council and having served as a Committee Member for this County Planning Committee. Having analysed the responses, he confirmed that 10032 people resided in the City of Durham Parish Council area and 67125 resided in the former Durham City Council Area. In County Durham there were a total of 386,365 residents, yet only 1005 responses had been received, which equated to 0.26% overall which indicated there was not a lot of support for the objectors. The majority of residents acknowledged the democratic system at the Council and had faith in the Planning Officers.

Mr Southwell suggested improvements to the highway would be enough to mitigate the increased traffic and referred to the Councils new ways of working which reduced the number of staff working at County Hall, and advised that those who would, could use the Park and Ride and potentially reduce overall traffic and pollution levels. The scheme would increase footfall and expenditure in the city centre and the design addressed the issue of increased flood risk. Parking for visitors would be increased and the coach parking facility relocated to Belmont Park and Ride and there was already provision set aside to increase the number of Park and Ride parking spaces by 1900. In addition, 850 staff would be relocated to the other strategic sites and would boost business in Meadowfield, Spennymoor, Seaham and Crook.

Mr Southwell referred to the site at Aykley Heads which would provide best value as a business park. The Councils proposal would create the opportunity for more than 6000 high quality jobs and was a project to better the future of young people and generations to come. The creation of a 56 hectare business quarter in Durham City was, in his opinion, a historical moment for the North East.

Finally Mr Southwell noted that the development could be delayed for two years should it be called in by the Secretary of State and advised that most residents did not support the views of the objectors and did not wish to burden the Council with the additional expense that this would incur.

A Deathe, Durham BID spoke on behalf of a majority of the business of the City, in support this planning application. He cited the need for the diversification of offer and use of town and city centres due to the changing habits of the consumer. For the sake of a vibrant and sustainable local economy, the offer needed to broaden and offer more than what had served it for the past 30 to 40 years. Retail alone could not sustain a vibrant local economy and it was essential for the vitality of the City and the County that the administrative centre for the County was in the County town.

Mr Deathe referred to the considerable benefits and the opportunity for business to gain from the spend of the additional people frequenting the city. He referred to existing office working in the city and over 500 members of staff within HM Passport Office who were proven to shop and dine regularly in the City because of its location. Those statistics were known to the BID because they delivered the same number of InDurham Loyalty Cards to the Passport Office at the request of the staff themselves.

Finally Mr Deathe noted that this proposal was a once in a generation decision but the benefits would be for many generations. It would provide confidence and security to the city and an additional 1,000 or more individuals who would access the City on a daily basis because of their work location. Support would inject considerable confidence into the private sector, allowing businesses to flourish.

Councillor A Laing confirmed that she had listened carefully and noted that there were no objections from key statutory consultees. The Council needed to move forward and utilise modern ways of working and in a fit for purpose building. The proposal would allow for the relocation of 1000 staff, which would in turn support local businesses, taking into account the difficulty in the retail market nationally – a view shared by Business Durham, Durham BID and Durham Markets Company. The fears of objectors with regards to the additional traffic and air quality were not justified given the limited additional parking provided. Councillor Laing referred to the significant opposition in the area and the difficult position that the Council were in but found the application to be positive for County Durham as a whole and therefore moved the recommendation to approve, as per the Officers' report.

Councillor M Wilkes stated that he was the only Councillor present who was a Member of the former Durham City Council. He would like to think that the role of the Planning Committee was to build in the right locations and that developments were positive and sustainable. He had never seen an application with so many objections to it or such a cross-section of individuals/groups. Durham BID, Business Durham, Durham Market (although most traders seem to object) and a handful of residents were in support. They had said that the proposals would bring jobs to the City. These were not new jobs. There was a café in the building but staff were more

likely to bring their lunches with them and with flexi-time staff would want to leave early to avoid traffic.

The argument had been made that the development would be closer to the public. The Aykley Heads site was more accessible with a short, flatter and safer walk to and from the station, and the new HQ was less accessible for disabled people.

The argument that there would be increased footfall was offset by coaches not coming to the City, congestion and the inability of visitors to find parking spaces.

He disagreed that the design was appropriate. He agreed that County Hall needed replacing but this was not an argument for this application. A new County Hall could be built anywhere in County Durham. Positive elements included provision for cycles and showers but negatives included the design and location. The Committee had unanimously voted to defer an application for a hotel on Milburngate; one of the grounds for deferment was the design. The Committee had felt the building was not appropriate and this application had similar traits. The HQ was not in keeping with other landmarks in the City.

He was perplexed that the report said that Historic England had no objections but had considered that the proposals would have a strong impact on the Conservation Area and that the impact of the car park to the significance of the Conservation Area was harmful. In his view these were objections.

The Member continued that there were no redeeming qualities of the application in highway terms. An independent report had been commissioned, and over 1000 objections had been received from all parts of the County - he did not believe they could all be wrong.

Referring to one of the photographs in the presentation by the City of Durham Parish Council which showed the access in flood and asked how staff would be able to leave, and who would erect the barrier.

In terms of environment and sustainability he noted that 50 trees were to be removed and there was no reference in the report to re-planting. No renewable energy was proposed and only 3% of parking spaces would have electric charging points. The Council had at its meeting on 20 February 2019 declared a 'climate emergency'. In view of this he asked if it would be right to support this application.

The multi-storey car park was adjacent to the 6<sup>th</sup> Form Centre with cars belching out pollution.

In conclusion the Member stated that he would listen to the views of the other Committee Members.

Councillor C Kay stated that the existing County Hall was a 50+ year old building with a huge carbon footprint and DCC was now looking for a building for the next 50 years.

Addressing the representations Councillor Kay observed that the City of Durham Parish Council had no argument against the business case for moving but the location. This was against the views of Durham BID, Visit County Durham and Business Durham who considered it to be an excellent location, and he read out the comments of Durham BID at paragraph 157 in the report.

The representative of Durham Market traders spoke very well but this was contrary to the comments of Durham Markets Company at paragraph 158 in the report in support of the proposals.

With regard to highways and pollution, Councillor Kay stated that people would use transport differently in future, including the use of electric vehicles and buses less use of carbon fuels. Locations for new buildings should be chosen with thought for alternative means of transport.

The proposed location would be closer to the people and this was in accordance with the NPPF.

The Environment Agency had not raised any objections as the experts in flood risk, and their probability a less than 1 in 100 years flood risk was quite a small probability.

Reading from the report the comments of the supporters Councillor Kay stated that this application was about the City of Durham, was the correct application presented at the correct time for the correct location, and seconded the motion by Councillor Laing for approval.

Councillor F Tinsley referred to the application as potentially the biggest and most significant the Committee had ever dealt. Despite the perception that the Council were overseeing the determination of their own application, it was important to highlight that this application would be referred to the Secretary of State and he would make the final decision on whether or not to call it in.

Councillor Tinsley confirmed that he did have reservations about the proposals at first, but many of the issues had been addressed during the Committee's debate. There were five key issues that he wanted to address, relating to the following impacts; visual, heritage, highways, air quality and flooding. He referred to the principle of the development and of it being a civic building. The report confirmed that the site was an unequivocally appropriate location for a civic building and in comparison to the current building which had approximately 1900 employees, the new building would have only 700 desks.

Councillor Tinsley believed that the Local Authority should take its place next to the other government agencies in the area, HM Passport Office and NS&I as they were representatives of the people and should be visible. Historically Durham City Centre had been the centre of governance in this region and this building secured that for the next 50-100 years. The site location next to the River Wear was symbolic, as it was the defining geographical feature of the County.

With regards to the design of the building, Councillor Tinsley referred to the positive comments from Historic England and the Design and Conservation Section and he considered it to be a good design, of high enough quality for the location. He did not consider there to be any objection on heritage grounds as alluded by Councillor Wilkes and importantly it did not present substantial harm for a designated heritage asset which was the NPPF test.

Moving on to highways, he referred to the additional 81 spaces, which was not significant and he admitted there may be some localised negative impact, but there would be some benefits in that County Hall with close when the new building opens. The existing public car park would be replaced which is significant for tourism and the amount of visitors to the city centre. It would mitigate much of the concerns of market traders, which had been put forward by Ms Solari.

With regards to air quality, Environmental Health and Consumer Protection had analysed the results and modelling had showed some sort of improvement. Furthermore by 2028 the National Infrastructure Commission had identified that 30% of vehicles sold in the UK would be electric or ultra-low emission vehicles and by 2040 this would increase to 95%. This confirmed that over the lifespan of the building, air quality impact would not be significant enough to warrant refusal.

Finally with regards to flooding, Councillor Tinsley referred to the picture which had been presented by Councillor Scott during her presentation. He pointed out that the picture had been taken in 2009 prior to the two new buildings which had both included and incorporated flood reduction measures, including the Archimedes' screw.

Councillor Tinsley concluded that with a development of this size, it was understandable that there were concerns, but he also had regard to the professional advice from internal consultees and statutory consultees, were not proposing significant objections to the proposal. As a County Councillor and with experience as a Chartered Town Planner, Councillor Tinsley advised that if the Committee made the wrong decision, the Secretary of State would have 21 days to call it in and he would do so. He supported the Officers recommendation to approve.

Councillor A Shield stated that it gave him grave concern that there was such a plethora of objections yet no objections from internal or statutory consultees. The only other large application of this size related to an opencast site in 2007 which was recommended for approval and overwhelmingly rejected by the Committee, and then subsequently dismissed at appeal by a Planning Inspector. This demonstrated that when there were no objections from consultees it was not a given that approval would be granted if called in.

Councillor Shield confirmed that there was no doubt that a new HQ was required as County Hall was economically outdated. One of the contentious issues with objectors was the cost of the new HQ and whether it was value for money. Perhaps the most contentious issue was whether this was the correct location. The report stated that this location was in a flood risk area. The new HQ would not be a consequence of flooding, would not create flooding but would be in the line of

flooding. References had been made to a 1 in 100 year probability of a severe flood event, and referred to a serious event in June 2012 which occurred again 2 weeks later. Therefore when it was said that this was a flood risk area and there were consequences that must be mitigated against, he considered that everyone should be aware of those severe issues.

Councillor Shield then referred to paragraphs 8 and 9 of the NPPF. Part 8 stated that developments should be safe and accessible and questioned whether there was mitigation to ensure this. Part 9 related to the promotion of sustainable transport and he noted the comments about the increased use of electric vehicles in future but argued that the development should be considered in terms of its impact now. The Member concluded that he was not minded to approve the application but would listen to the debate before making a decision.

Councillor I Jewell noted that alternative sites were not a consideration for the Committee and the application was to be considered on its own merits. He was concerned at the interpretation and questioned the validity of some of the objections.

Councillor G Richardson confirmed that he could not support the application.

Councillor J Clare stated that he strongly believed that if people objected to an application that they not only had the right to do so but also had the right to know why Councillors had reached the decision.

There was a need to strip away the political debate from the planning issues. Reference had been made to a loss of trust and damage to reputation but the Committee was not here to conduct a political debate. The Committee had to look closely at the planning issues only.

It had been said that this was the right move for County Hall but the wrong location and this was a phrase that was often heard at Planning Committee meetings. The basic rule of the NPPF was whether there were valid planning reasons to refuse an application.

Addressing the issues raised Councillor Clare stated that as there was no loss of or increase in the number of car parking spaces, there would be no difference in the volume of traffic, although there may be an increase in drop-offs outside the new HQ. It had also been said that staff would be arriving in Durham at different times which would spread the impact of traffic across the day. It had been stated that the traffic projections were flawed. If this was the case, this would be corrected by the Secretary of State.

In design terms the impact of the building and car park had been assessed as less than substantial and the Environment Agency had estimated a 1 in 100 year probability of extreme flood events occurring. Members had heard that such events may be more frequent, however the impacts would be countered through measures referred to by the Planning Officer.

There had been no objections from statutory consultees and Councillor Clare had heard the concerns expressed by objectors regarding parking availability for coaches, but any city with a flourishing visitor centre operated a drop-off and pick-up service. He understood that people were fearful of an urbanising effect but it had been said that this area had been occupied by buildings for decades. Two offices had recently been built on the site and it was therefore not inappropriate use of the land.

Councillor Clare acknowledged that a WHS view would be lost from Freemans Place.

In terms of accessibility there was no difference getting from the Sands Car Park to the City Centre as there would be from the multi-storey car park to the City Centre. He did consider however that there may be an issue about people getting to the building. He did not feel that the matter raised by Ms Solari regarding the parking of high sided vehicles had been properly addressed.

If the Council was to continue to deliver services, Councillor Clare advised that it had to move into this modern designed building. He did not believe those people who considered that it would not play a significant part in the City. City centres did much better with offices than those without.

Finally, Councillor Clare advised that to refuse the application Members had to be convinced that the issues raised significantly and demonstrably outweighed the advantages. He did not find that those objections and harm identified outweighed the benefits of the proposals.

The Chairman asked the Solicitor to advise Members with regards to the points raised by Councillor Clare and Mr Pickering with regards to the Equality Act 2010.

The Solicitor advised that there was a statutory duty on public authorities in the exercise of their functions, which included the determination of planning applications, and this was to;

- have due regard to the need to eliminate discrimination and harassment or victimisation
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who did not share it
- foster good relations between those who share a relevant protected characteristic and persons who did not share it

The amount of regard to be given, depended on the likely harm. Caselaw set out that the greater the impact upon those with protected characteristics, the more regard must be had and therefore when negative effects were identified, potential mitigation had to be considered.

The Solicitor confirmed that in this case, and as outlined in the report, Officers' had acknowledged that there were potential impacts on persons with protected characteristics, who could be more disadvantaged by the application, however they considered that the mitigation measures in place would reduce those impacts. She advised that granting planning permission would not be a breach of the Equality Act 2010 in this case, considering that there had been due regard and mitigation to the

potential impacts, however it was a decision for Members on how much weight was given to that.

Councillor Wilkes referred to the Council's zero carbon date of 2050 and this building would not assist in addressing climate change issues, it would contribute to them. There were so many overwhelming reasons to reject the application including access, highway safety, design, impact on the natural and historic environment and flooding. He therefore proposed that the application was rejected on the grounds that it breached the following;

- NPPF Parts 2, 8, 9, 14, 15 and 16
- Local Plan Policies T1, E3, E6 and U10.

Councillor Shield confirmed that his concerns remained and therefore supported the amendment to the motion which had been put forward by Councillor Wilkes.

The Chairman confirmed the validity of the amendment and upon a vote being taken the motion was lost and it was;

**Resolved:**

That the Committee was **MINDED TO APPROVE** the application subject to the referral of the application to the Secretary of State; and in the event of the application not being called in, the Head of Planning be authorised to determine the application, and, subject to the conditions as outlined in the report.

**b DM/18/03002/FPA - Former East Durham and Houghall Community College, Burnhope Way, Peterlee**

The Committee considered a report of the Senior Planning Officer regarding an application for redevelopment of the former college site to provide a mixed use scheme with three retail units and a restaurant with drive-through and coffee house with drive-through and associated infrastructure (for copy see file of Minutes).

C Harding, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, site photographs, site layout, elevations, and views. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer provided an update to the Committee, advising that since the publication of the committee report, that a new version of the NPPF had been issued and that paragraph 18 of the report should be updated to reflect this. Members were advised that the latest revisions to the NPPF would not materially affect the consideration of this particular application.

Members were also advised that the subway improvement works referred to at paragraph 205 of the report should be updated to include proposed subway lighting improvements, that paragraph 224 should be updated to refer to the "Habitats and Species Regulations 2017", and that the biodiversity contribution referred to at

paragraph 225, and within the recommendation section of the report should be amended to read £6,683.

With regards to the proposed conditions, Members were advised that Condition 11 should be updated to reflect the updated subway improvement plan, and that following discussions with the applicant, that Condition 3 be updated to read 'Notwithstanding the details submitted with the application, the proposed customer parking shall not be subject to charging regime and will be unrestricted for a period of 3 hours.' The Senior Planning Officer advised members that he considered the proposed introduction of a 3 hour time period would help maintain a turnover of town centre parking spaces, whilst allowing sufficient time for linked trips to take place.

Since the report had been published there had been additional representations received; a letter of support from Graeme Morris MP and an additional representation from LKL Flooring in objection to the proposal

Councillor S McDonnell addressed the Committee as Local Member and as a representative of Peterlee Town Council, in support of the application.

She referred to a consultation exercise which had been undertaken by the Council to establish the viability of opening an additional supermarket for Peterlee. This had taken place a decade ago on the back of a resident's survey and the consultation concluded that due to the catchment area for the town, Peterlee could support an additional two Supermarkets.

Councillor McDonnell confirmed that following on from this, Tesco submitted plans for a large store on the site of the old East Durham College which, after being vacated by the college in 2008, had started to show signs of dereliction and attract vandals and arsonists, and Morrisons submitted plans for the old North Blunts School site. During this process, the owners of the town centre also submitted plans for a supermarket in the town centre.

In June 2011 the plans for both Tesco and the town centre development were approved in addition to an extension to the Dalton park development in Murton, but the Morrisons submission for North Blunts were refused.

The owners of the town centre launched an appeal against the decision on the Tesco and Dalton Park sites and then went on to tie them up in long legal battle which ended up being dismissed by the High Courts in February 2013.

Tesco had already spent £11million pounds in buying the site, which confirmed their commitment to the build, however they backed out in 2015 and perhaps this was due to the delay caused by the legal action.

Peterlee had been left with no supermarket and lost out on the 400 jobs it would have created. The site was left to become an even bigger eyesore and continued to attract anti-social behaviour. A year after Morrisons had their plans for Peterlee rejected, Morrisons built a supermarket at Dalton Park, only to later back out and

the potential of 700 much needed jobs in East Durham had been lost. In addition, the town centre owners did not start the build for their own supermarket.

Councillor McDonnell confirmed that the only significant development in Peterlee Town Centre had been Costa Coffee, and it had been secured by substantial investment by Asda.

Councillor McDonnell was not surprised that a campaign against the application had been started by the town centre, who had stated that should the retail park be approved, it would result in empty shops, less choice, and fewer jobs. In response to these submissions, Councillor McDonnell advised that there were already empty shops, many of the shops which vacated the town centre were charity shops and should the development not be approved, there had been confirmation that two of the larger stores approaching the end of their lease would not be renewing.

Many people were in favour of the development and the location was technically in the town centre and would bring more visitors to Peterlee Town Centre. Councillor McDonnell stated that she believed this council will do the right thing for the people of the town and approve this much needed development.

Finally, Councillor McDonnell addressed the town centre owners and asked that should the application be approved, rather than launch an appeal, invest the time and money into the town centre and make it a more attractive place for visitors and retailers. If improvements were not made, more retailers and customers would be lost.

H Arnell spoke on behalf of Castle Dene Shopping Centre, in objection to the proposed development. Despite some of the expressed views, the owners were committed to the town centre and had worked hard, despite the challenges in retail nationally, to improve facilities. They wanted to work with the Council to improve the town centre's offer, which would not happen should the application be approved. This proposal would lead to the irreversible decline or the Council could commit to working with the town centre to make it a viable destination. She did not intend to outline all of the submissions as they had been put forward by letter, however she wanted to outline that the proposal would have a devastating impact and would result in store closures and job losses which would not be offset by the proposal.

Ms Arnell confirmed that this proposal was not the same as the Tesco proposal as this amounted to poaching or replicating existing provision whereas Tesco would have provided something different. B&M Bargains and Costa would cease trading in the town centre, should the application be approved. She therefore requested that a condition be imposed if the Committee were minded to approve, to place restrictions on the developers to prevent poaching for a five year period.

S Chaney, spoke on behalf of Protect Peterlee Town Centre, which was made up of Tenants of Peterlee town centre and residents, in objection to the proposal. She had been in post as Manager of Castle Dene Shopping Centre for one year and as part of her role she had been working with the group to make improvements to the town centre. As a result, free parking across Castle Dene had been introduced

which in the last week alone had increased footfall by 12%. During the past week over £63k had been spent on tidying up a former bank and turning it into a single floor white box. Plans for the following week included improvements to signage. This was a rolling programme and came directly from listening to the needs of centre users and tenants.

From her own experience in Hartlepool, Ms Chaney advised that a new out of town retail park led to a drop of takings of over £10k per week from one retailer. The damaging effects were very clear and would be almost impossible to recover. In Bishop Auckland it had been plain to see a decline and closure of shops, only through Council investment of taxpayer's money were improvements made. Peterlee town centre had a great mix of services, public transport, shops and cafes and she asked Members not to vote to condemn it and asked that they voted to protect the town centre and its future.

Sharon Boxall was a local resident and in objection to the proposed development. Essington Way was already a congested road and increased traffic would cause more problems. She referred to the issue of noise from vehicles on early mornings, late evenings and weekends. She had concerns about deliveries which would be entering a residential area. There had been 6 accidents in the 2.5 years she had lived in her property and she wondered what safety measures and disability access to the retail park. Anti-social behaviour and litter was a concern, which had already been witnessed from McDonalds.

Alison Clack spoke on behalf of the Applicant and in support of the development and as a Chartered Town Planner. She stated that this was an exciting development, which had been clearly set out in the Officer's report. She highlighted an extensive consultation with a high level of support.

The retail park was to provide high quality, purpose built premises to enhance the shopping experience. Of the demonstrable benefits she wanted to reiterate upgrades to the subways and the provision of a surface crossing across Essington Way. The application would regenerate a derelict site which had been vacant for many years and had been also subject to arson and vandalism and provide shoppers with free parking. It would also lead to the creation of 120 new jobs as well as the retention of those in the town centre.

The proposal would secure the retention of Lidl and Home Bargains, shops which would otherwise be closing. It would encourage shoppers to stay in Peterlee and encourage shoppers to visit the town centre and work could be commenced immediately. A site of this scale was sure to encourage further interest from other retailers. She stated that the Applicant was acutely aware of the concerns raised with regards to the effects of the proposals on the town centre and an independent retail consultant had been instructed by the Council to audit the submission to ensure there would be no significant harm to the viability of the town centre. She referred to the report and confirmed that the studies were appropriate. It had acknowledged that free parking, as well as the layout and location would encourage linked trips.

There had been overwhelming local support for the investment in pre-submission consultation which allowed comments to be submitted online. Only 8 respondents had confirmed that they had disliked the proposals. Conditions had been included to offer protection from noise, highway safety and free parking was included, but would be limited to 3 hours allowing visitors plenty of time whilst also ensuring the turnover of visitors and prevent long stay parking by people who were not shopping.

In response to comments from objectors, she suggested the development would act as a catalyst to increase footfall and referred to the new pedestrian crossing, of which a condition was proposed with regards to noise nuisance to ensure that it was minimised.

In summary it benefitted Peterlee, it met the required tests and was supported by Officers. She therefore asked Members to approve the application.

Councillor Laing confirmed that the town centre was in her ward and she had long campaigned for improvements to the town centre and development of this brownfield site. She echoed comments from Councillor McDonnell and confirmed that she had visited the site the previous day, she had considered the report and listened to the speakers, and she acknowledged the independent audit which had been commissioned by the Council and noted that the impacts would not be significantly adverse.

This development would bring significant benefits to the town centre and redevelop the old college site, increased retail, job creation and the provision of free parking, which would encourage people to visit the town centre. The concerns of residents with regards to highways issues and the impact on amenity had been addressed with conditions and she considered the benefits to outweigh any potential negative impact.

Councillor Laing confirmed that she had listened to concerns and promises of improvement from the owners of Peterlee town centre and had been left disappointed that many of the promises over the years had not delivered. She moved the recommendation to approve as per the Officers' report.

Councillor Jewell confirmed that this application was positive and that the objections had been mitigated. He suggested that in the County as a whole, town centres were suffering due to a lack of investment and this development would attract further investment. He seconded the recommendation to approve.

Councillor H Smith responded to the suggestion that Bishop Auckland Town Centre was in decline and confirmed that this did not share similarity as the retail park had been built over 1.5 miles from the town centre. This site was right next door to the town centre, with only a road in between and there was no reason to reject this application.

Councillor Shield noted there had been no statutory consultee objections and confirmed that town centres could not retain a retail-only concept and had to include a mix of retail, leisure and residential units. Large retail units out of town in places such as Consett and Bishop Auckland had been developed and in Consett there

had been a detrimental effect on footfall in town centres but nevertheless he had no problem in supporting the application. He did share the concern with regards to litter and noted the potential impact on the Council in employing additional litter pickers. He referred to half a tonne of waste picked up off Medomsley Bank within six months and was solely as a consequence of this type of food outlet.

Councillor Tinsley commented on similar issues in town centres throughout the County, however this was not a site located 1.5 miles away, it was right on the edge of the town centre. It was disappointing that Peterlee had suffered blows to economic development over the last decade with regards to the legal battle, but it was not surprising. Councillor Tinsley commented on the alleged poaching which he was not comfortable with, however retailers and shoppers preferred units of the modern format and would go elsewhere to find it. This was possibly the final chance for Peterlee and with the established connectivity it had the potential to move the town forward.

Councillor Wilkes had visited the site and it was not out of town, but on the other side of the road. He noted the empty shops and urged the developer to act. Following presentations from Members and locals, there had not been sufficient improvements to the town centre by the owners and if they were not prepared to invest, they could not expect their assets to improve. Calculations showed an impact on the town centre of about £6m and he considered the possibility of conditioning the applicant to give something towards the regeneration of the town centre, however given that much of the area was owned by a private company, he was not sure it could work.

He concluded that the Council needed to do more to improve the town centre, but also private company investors needed to do more. Councillor Wilkes could not find any reason to reject an application that would bring jobs to the area and link up both parts of the town.

Councillor M Davinson asked for more information on the comments from the Town Council with regards to access and egress, even though the speaker had not attended. The Senior Planning Officer read out the statement submitted by the Town Council. It included comments with regards to the omission of motorcycle parking provision and HGV noise reduction measures in relation to units A&B, and finally reference to whether there would only be one entrance/exit, highlighting issues in relation to ASDA.

Councillor Kay confirmed that as Local Member for Coundon and former Mayor of Bishop Auckland, he was someone who pleaded against the extension of Tindle Crescent retail park in 2012. Bishop Auckland had been mentioned twice and he confirmed that retail voids were down 10% in comparison to what they were five years ago. He reassured the owners of the town centre that modifying their model would result in improvements.

Councillor Clare confirmed that the issue on viability in Newton Aycliffe had been similar, buildings were inappropriate for retail developments, too small and could not be adapted to fit modern developments. Referring to the plans, he suggested

that it was clear these were units which could not be adapted for existing town centre premises.

The town centre manager had addressed the Committee with regards to all of the vitality going on in the town centre, but as Councillor Shield alluded to, it was not retail outlets but associated facilities such as cafes. This application was for a facility for companies and would be an absolute benefit to residents, Councillor Clare found it difficult to find any reason not to support it.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.

**At this point the Chairman left the meeting and took no further part in the debate.**

Councillor Tinsley, Vice-Chairman took the Chair for the remainder of the meeting.

**c DM/18/02937/OUT - Land To The South East of Fieldfare Court, Crookgate Bank**

The Committee considered a report of the Senior Planning Officer regarding an application for up to 105 dwellings with all matters reserved except access (for copy see file of Minutes).

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs, site photographs and an indicative site layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

C Lawson, local resident, addressed the Committee in objection to the proposal and on behalf of a number of residents.

He referred to the Strategic Housing Land Availability Assessment and the negative impacts which had been reported in 2008, advising that residents would propose that nothing had changed since that time.

The junction on to the A692 was already a problem, at peak times especially and turning right due to a blind summit. An increase in traffic would only exacerbate this problem and the reduction in the speed limit to 40mph was inadequate, it should be reduced to 30mph as a minimum. This development would increase the potential risk for accidents, and encourage traffic to divert into the village where there were already traffic and parking problems.

Traffic calming measures such as speed bumps would cause immense problems in inclement weather and were also contradictory to the speed limit proposed – traffic calming measures were designed for 20-30mph zones. They would increase the risk to HGV's in winter weather, given the gradient which is already problematic.

Street lighting proposed amounted to light pollution in an area which currently had no street lighting at all. There was an increased fear of crime and antisocial

behaviour – as a retired police officer, he confirmed that play areas attracted crime and disorder.

In conclusion Mr Lawson asked the Committee to refuse the application on the grounds that it would cause significant harm to the local landscape, have a negative impact on wildlife, the lack of amenity, increase in traffic and air pollution, and the extension of the local hamlet boundary into greenfield land.

The Applicant, N McMillan, addressed the Committee to respond to the points raised. After listening carefully to residents' concerns with regards to the speed and volume of traffic, he advised that the Highways Agency considered the access was suitable to address concerns. With regards to crime and disorder, Durham Constabulary had stated that the design was good and had made a number of comments on the positive aspects of design.

Responding to the Officer's decision to refuse, he confirmed that the site does not lie within a locally or nationally designated landscape but notwithstanding, the Applicant had employed one of the leading Landscape Architects in the region to employ extensive technical analysis and a full review of the local landscape character and then designed a sympathetic, low density scheme and included full mitigation fully in-keeping with the local landscape features found in this part of the County.

With regards to sustainability, the Councils own settlement study identified this location in the top 15% of all settlements in the County. Once developed it would allow people to stay in this part of the County by providing much needed new housing in the area, providing, affordable homes, bungalows and much needed family homes. The development would support and help maintain local services, enhancements to the local footpath network, the local bus stop was less than a five minute walk and it is agreed to pay £100k to strengthen the existing service, the industrial estate was a 17 minute walk and we want to support them by providing the choice of housing.

A Foster, Local Resident, spoke in support of the application. As a family who worked locally, they were looking to buy a four bedroom family home in the area with a garden. They currently rented a small cottage with no garden and there was a lack of suitable houses in Burnopfield. This opportunity would be a benefit to a great community.

Councillor Jewell was Local Member and he considered the application difficult to determine. With an equal number of objectors and supporters it had both negative and positive aspects to consider. There had been comments raised with regards to other housing developments in the area such as The Sycamores and Fairfield Court and he would appreciate Officers to explain why permission had been granted for those developments.

The Senior Planning Officer confirmed that developments were assessed against policy in place at the time of the application and in this particular case, the settlement had a well-defined edge and allowing further development would result in an incursion into the countryside.

With regards to sustainability, there was a limited bus service which didn't stop at Burnopfield and for the nearest primary school and convenience store, residents would need to walk in excess of 1km.

Councillor Wilkes commented that for the amount of investment being put into the site, the developer should have been looking for an alternative, sound location. He could not support the application.

Councillor Clare commented on the topology of the site and the location being at the highest point, which meant it would be visible for miles around. This application for 105 houses was for an area with approximately 200 houses, it would increase the size of the community and place additional pressure on an area which was already unsustainable. Local people were desperate for housing however it was not in the right place and he proposed the application was refused as per the recommendation outlined in the report.

Councillor Shield confirmed that the view from the site was magnificent and the reason people wanted to live in the Countryside, however the application breached policy and it didn't enhance the landscape of the area. The applicant was attempting to make use of the existing contours of the land by creating a linear extension, however it was too conspicuous and therefore he seconded the motion to refuse.

Councillor Richardson also highlighted the loss of agricultural land, however it wouldn't be out of place.

**Resolved:**

That the application be REFUSED subject to the recommendation outlined in the report.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/03346/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning application for the erection of up to 290 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.
<b>NAME OF APPLICANT:</b>	Gladman Developments Ltd
<b>ADDRESS:</b>	Land to The South West And East Of Hustledown, Rescue Station, Hustledown Road, South Stanley, DH9 6AA
<b>ELECTORAL DIVISION:</b>	Craghead and South Moor
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of two irregular shaped parcels of land located to the southern edge of Stanley to the north of the County. The site extends to approximately 22.3 hectares (ha) in area and comprises agricultural fields divided by a Public Byway. There is a level change across the site, with the land rising approximately 15m in a south westerly direction. The site is bound by the highway Hustledown Road and the Middles Road to the north and east and, beyond, lies the residential developments of 'the Middles' and South Stanley. Agricultural fields are located to the west and south while South Moor golf club is located to the south. Existing vehicular access points taken off Middles Road and Hustledown Road serve the site.
2. The Site is located approximately 700m to the north east of Green Croft and Langley Moor SSSI, Chapmans Well Local Nature Reserve and Morrow Edge Heath and Quaking Houses Fell Local Wildlife Site. South Stanley Woods Local Nature Reserve and Local Wildlife Site is located approximately 100m to the north west of the site. Ousterley Wood Local Wildlife Site is located approximately 620m to the South East of the Site. The site is divided north to south by a Public Byway (no.19 Stanley) whilst on the southern boundary of the site lie Public Bridleway no. 25 and Public Footpath no. 28 (Stanley).

3. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 290 dwellings and the provision of open space, landscaping and sustainable drainage system (SuDS). An indicative site layout has been submitted identifying that the development parcels consisting of 8.42ha of the site would be sited centrally and to the east of the site with access and circulation roads crossing the existing PROW (no. 19) centrally through the site. Landscape planting, open space and SuDS Drainage would be provided to the west and south of the site. A pump station is indicatively sited in east of the site close to Middles Road. Vehicular access to the site would be provided off two access points off The Middles Road along with three pedestrian access points. 10% of the dwellings would be offered on an affordable basis.
4. An appeal for non-determination of the application has been submitted to the planning inspector, following the passing of the statutory time period for a decision on the application. A resolution is therefore required from members to establish how they would have determined the planning application to provide a framework to respond to the appeal to be heard by public inquiry. However, it is important to note that Members are not being asked to actually determine the application. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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5. There is no relevant planning history to the site

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. NPPF Part 15 Conserving and Enhancing the Natural Environment - 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.

18. 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; determining a planning application; design; flood risk; land stability; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

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

##### Derwentside District Local Plan (1997) (DDLDP)

20. *Policy GDP1 – General Development Principles.* This policy aims to ensure that all developments incorporate a high standard of design, are energy efficient, protect landscape, natural and historic features, protect and manage ecology, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity and provide adequate drainage.
21. *Policy EN1 – Development in the Countryside.* States that development will only be permitted where it benefits the rural economy or helps maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
22. *Policy EN2 – Preventing Urban Sprawl.* Advises that development outside existing built up areas will not be permitted if it results in; the merging or coalescence of neighbouring settlements; or ribbon development; or an encroachment into the surrounding countryside.
23. *Policy EN11 – Trees and Development.* States that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
24. *Policy EN19 – Protection of Ancient Monuments and Archaeological Features.* Where nationally important archaeological remains, whether scheduled ancient monuments or not, and their settings, would be affected by a proposed development, there will be a presumption in favour of their physical preservation in situ. Other known

archaeological remains of more local importance will be protected from damage to their features of archaeological interest. Appropriate assessments are carried out on sites that could affect a site of archaeological interest.

25. *Policy EN22 – Protection of Sites of Nature Conservation Importance* – Sets out that development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation importance.
26. *Policy EN25 – Development Affected by Pollution*. States that residential or other sensitive development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses.
27. *Policy EN26 – Control of Development Causing Pollution*. States that planning permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
28. *Policy H05 – Development on Small Sites* – Sets out that housing development on small sites will only be permitted in specific settlements where the development is appropriate to the existing pattern of development, does not extend beyond the existing built up area and represents acceptable back land or tandem development and does not exceed 0.4ha in size.
29. *Policy AG1 – Protection of Better Quality Agricultural Land* – Sets out that development of grades 2 or 3A agricultural quality land will only be permitted if it is demonstrated that there is no irreversible loss of agricultural land or no other site on lower grade land exists which the development could be reasonably be located.
30. *Policy HO22 – Recreational Public Open Space within Housing Sites*. Requires new housing developments to include public open space and play areas, in appropriate locations. Approval may be subject to condition or planning obligation to ensure that the area(s) will be set out and then maintained; or the developer agrees to make a financial payment in lieu of provision, where provision cannot be made on site.
31. *Policy TR2 – Development and Highways Safety*. Requires developments to make satisfactory and safe provision for access to the site, road and public transport network and parking provision in compliance with car parking standards.
32. *Policy TR3 – Cycling*. States that when considering proposals for new developments, the Council will ensure that the needs of cyclists are taken into account.
33. *Policy RE4 – Protection of Public Footpaths*. States that development directly affecting a public right of way, or other recreational route, will only be permitted if an acceptable route is provided.

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

##### The County Durham Plan

34. Paragraph 48 of the NPPF states 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' stage CDP was subject to consultation in summer 2018. On the 16<sup>th</sup> January 2019, Cabinet approved the 'Pre Submission Draft'

CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

## Stanley Neighbourhood Plan

35. Stanley Town Council applied for the designation of the Stanley Neighbourhood Plan Area on the 16<sup>th</sup> October 2015 and following consultation was approved as a Neighbourhood Area on the 6<sup>th</sup> April 2016. Since This Date there has been no further progression on the Neighbourhood Plan. No weight can therefore be afforded to the Neighbourhood Plan in the decision-making process at this time.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

36. *Highways Authority* – It is advised that while the failure to utilise the recently constructed roundabout on The Middles Road/ Hustledown Road to access the site is disappointing, from a purely highway safety point of view the proposed vehicular and pedestrian access arrangements into the site are acceptable. This includes the two priority T junctions created on Hustledown road and the formation of a new pedestrian footway on the southern side of The Middle Road.
37. In terms of the developments impact on the wider highway network, it is identified that there are existing capacity issues at the B6532 Wear Road/Tyne Road Crossroads, to the north of the site, with queuing extending back onto the A693. It is considered that additional loading on this junction would make the situation worse leading to a severe impact on the highway network. A Transport Assessment has been submitted which concludes that the junction would operate within capacity, however the baseline modelling is not considered acceptable and therefore the conclusions of the TA are not considered sound. Objections are raised to the application on the grounds of highways safety.
38. *Drainage and Costal Protection* – Advise that the Councils Adopted SuDS Adoption Guide, sets out that development proposals should include a preliminary layout plan identifying surface water drainage runs and locations of swales, basis, filter strips and drains. Whilst a detailed flood risk assessment has been submitted which indicates the adoption of SuDs the level of submitted detail does not comply with the Councils Adopted policy.
39. *Environment Agency* – Raise objections to the application, advising that modelling assumptions of the flood risk assessment need to be provided for review.

### **INTERNAL CONSULTEE RESPONSES:**

40. *Spatial Policy* – Advise that DDLP Policies EN1 and EN2, alongside housing policy HO5, indicate that the scheme should be resisted. While officers consider that a five-year housing land supply can be demonstrated, it is nevertheless considered that the housing policy framework in the LP is out of date, as it was based upon allocations and a housing strategy period which has now expired. A conservative approach informs that Paragraph 11 of the NPPF comes into play. This directs the decision-maker to consider whether there are policies in the Framework which provide a clear

reason for refusal. Footnote 6 identifies specific policies of restriction (in principle) in the Framework.

41. Should this test be passed, the second criteria under 11d requires a planning balance assessment to weigh up any 'adverse impacts' and 'benefits'. Compliance or otherwise with 'Saved' local plan policies may be included within the planning balance assessment. The Local Plan clearly aims to avoid development in locations outside of the built up settlement area in accordance with Policies EN1 and EN2 in particular. While it is for the decision taker to determine the level of weight that should be afforded to these policies, in accordance with their status, they remain relevant to the consideration of this scheme (as highlighted). Consultation with relevant specialist teams will identify whether there are any additional concerns to consider under the second limb of the NPPF Paragraph 11 test in addition to those highlighted in this report.
42. In relation to potential benefits, these may include economic gains linked to the delivery of new dwellings, both during their construction and in terms of new residents supporting local services (albeit this is likely to be limited given the isolated nature of the site). If the scheme provides affordable and specialist dwellings, these could also be added into the benefit column.
43. *Landscape* – Advise that whilst there are no landscape designations on or around the site, the site has considerable scenic value, as part of a broader entirely rural landscape, in particular as seen at distance from South Stanley and to the north. The site is prominently visible from numerous nearby and distant viewpoints. These views are adequately identified and analysed in the LVIA. The site and its immediate surroundings would be of moderate to high sensitivity to the effects of built development on such scale. Sandy Lane, a historic byway that divides the site into east and west parts, would sustain significant damage as a valued landscape feature. The effect of up to 290 dwellings on the landscape character of the immediate locality would be transformative and summarised as being one of significant harm in a local context.
44. *Landscape (Arboriculture)* – Provide advice regarding the planting of trees in proximity to development proposals whilst setting out that protective fencing should be installed to trees to be retained.
45. *Design and Conservation* – With regard to designated heritage assets, the Middles Farmhouse (Grade II) is located 100m to the north. Approximately 360m west of the site lies the Church of St George (Grade II) and War Memorial (Grade II). To the east of the site the Former Miners Hall and Institute (Grade II) is located. It is advised that there will be limited inter-visibility between the site and the assets due to recent developments and existing vegetation. Therefore, there will be limited impact on the setting of the designated heritage assets. However, the proposed vehicular route crossing the historic byway in two places would impact on the strong linear nature of the non-designated heritage asset and impact on its communal value.
46. *School Places and Admissions Manager* – Advise that a development of 290 houses could produce an additional 87 primary pupils and 35 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient secondary school places to accommodate the development however a contribution of £558,714 would be required to provide an additional 38 primary school spaces, to mitigate the impact of the development.

47. *Housing Delivery* – The council's Strategic Housing Market Assessment 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 SHMA 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).
48. The site falls within a low viability area, this means that 10% of properties on the scheme would need to be affordable, this equates to 29 units if the site delivered 290 units. It is indicated that 10% would be delivered on site. There is a requirement to provide 10% of the private and intermediate properties for older people. Where the affordable housing is secured via a Section 106 agreement consideration should be given to the eligibility of people in relation to their local connection, income and ability to secure property on the open market.
49. *Ecology* – Advise that the development would meet the requirements of the NPPF through a combination of onsite ecology enhancements and financial contribution towards off site compensation.
50. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment (as amended) has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality are below the national air quality objectives and therefore no objections to the application are made. It is advised that a dust action management plan would be necessary under condition for the construction phase of the development.
51. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
52. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the submitted noise assessment has been carried out to appropriate methodologies. Mitigation measures will be required to be adopted in relation to adjacent road noise, this would not however prevent development of any specific area of the site. A conditional approach requiring the submission of a construction methodology and restricting working hours on site is recommended.
53. *Archaeology* – Advise that a geophysical survey has been submitted in support of the application which clearly identifies potential archaeological features including a Roman fortlet. This area in particular needs to be further evaluated by trial trenching prior to determination of the application as this may be a candidate for preservation in situ, impacting on the site layout.
54. *Access and Rights of Way* – Advise a byway (no.19 Stanley) passes through the centre of the development site, the development of the site would significantly impact on the byway and fundamentally change its character. The byway is a very popular recreational route for horse riders, cyclists, pedestrians and off-road motor cyclists. The byway is not suitable for other motor vehicles due to the restricted culvert crossing at the golf course, the narrow width and lack of passing places. The outline plan shows 2 new roads crossing the byway, which will conflict with public use of the byway. There is a high likelihood that residents will attempt to drive down the byway to access Middles Road, particularly if they intend to turn left on to the road. In a legal sense the only way to prevent this would be to 'downgrade' the byway or subject it to a TRO,

both of which would almost certainly be strongly challenged by user groups. The byway is one of the few (off road, so to speak) routes in this part of the County which can be legally used by motor cyclists. Support is therefore not offered to the proposed accommodation of the byway on the basis of the submissions made so far.

55. *Sustainable Transport* – Advise that where parts of the site are marginal in terms of access to bus services, the developer should consider the location of housing type. Affordable housing usually equates to lower private car ownership and therefore more reliance on public transport services. These houses should be located closest to public transport routes. The submitted framework travel plan is considered acceptable.
56. *Employability Section* – Request that targeted recruitment and training clauses are secured via a S106 agreement or planning condition.
57. *Outdoor Facilities Coordinator* – Advise that the site is of an appropriate scale to include fixed play equipment, a single fenced play area with equipment for all ages up to 12 supported with a small size MUGA to provide activities for older children.

#### **NON-STATUTORY RESPONSES:**

58. *Police Architectural Liaison Officer* – Advises that the crime risk assessment for this proposed development is high with anti-social behaviour and nuisance from off road vehicles being of particular concern. Although the site is on the outskirts of the town young people tend to congregate together in large groups in the local parks and the cycle route and roam the area. Careful consideration will need to be given to the design of the public open space to mitigate intrusion by off road vehicles otherwise the new development could be blighted.
59. *NHS* – No response received.
60. *The Coal Authority* – Advise that there past Coal Mining Activity which poses a risk to the development site, therefore in order to verify the ground, intrusive ground investigation works, including a gas monitoring programme are required in order to determine the exact situation in respect of coal mining legacy issues within the site. A conditional approach is recommended.
61. *Northumbrian Water* – Advise that the disposal of foul and surface water should be undertaken in accordance with the submitted flood risk assessment and foul drainage analysis and ensured via condition. It is highlighted that there is a strategic water main which crosses the site which may impact on the layout of the development.

#### **PUBLIC RESPONSES:**

62. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. Six letters of objection has been submitted highlighting concerns around the volume of traffic air pollution, impact of surface water, impact on countryside, expanse of built up area, lack of car parking in the town centre, impact of building works, capacity of local schools and the low value of houses in the area.
63. *CPRE* – Consider that although the site has no designation under the Derwentside District Local Plan, it is an intrusion into the open countryside contrary to policy EN1. The development would surround a Byway passing through the site which has some historical interest and detrimentally affect the enjoyment of this trail contrary to paragraphs 98 and 180(b) of the NPPF. Concerns are raised regarding the

conclusions of the Noise Assessment in relation to the noise levels generated from the Golf Club. Consideration should be given to the noise impact of the Holmside Wind Farm. It is highlighted that where a policy to protect the countryside is in place it should be considered up to date, irrespective of the date of the Local Plan. It is represented that the Council can demonstrate a five supply of housing land which would not engage paragraph 11d of the NPPF.

64. *St Mary's Roman Catholic School* – Raises concerns about the impact on increased pressure on school admissions and ability of schools to accommodate the pupils generated. It is questioned whether the proposed recreational land would be accessible by the school, while highlighting that there are drainage issues on the school field and that Tyne Road is extremely busy and traffic calming measures should be implemented.

*The above 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/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: The principle/Location of the development, Housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, heritage impact, residential amenity and pollution, ecology, flooding and drainage, ground conditions, planning obligations and other issues.

### Principle of Development

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 (DDLDP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
67. The DDLDP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 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. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
68. DDLDP Policy EN1 sets out that development within the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character setting out that proposals should be sensitively related to the existing settlement pattern. DDLDP Policy EN2 sets out that except where specific provision has been made in the DDLDP, development outside existing built up areas

will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF. However, it is considered that the definition of the countryside is based on the development needs of the time and is, therefore, time limited. By reason of the out of date evidence base which informs, policies EN1 and EN2 they are considered out of date. The development would conflict with policies EN1 and EN2 of the DDLP representing an encroachment and development into the countryside and beyond existing built up area.

69. In addition to the above policies, Policy GD1 of the DDLP sets overarching principles that all development should comply with, including locational characteristics to ensure that development relates well to existing settlement patterns and is located to reduce the need for additional car journeys. Policy GD1 is considered consistent with the NPPF in this respect and up to date, as it is not based on time-limited information.
70. Saved DDLP Policy H05 specifically relates to development of small housing sites (less than 0.4ha) and is not, therefore, applicable to this application.
71. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) 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 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.
72. As set out above it is considered that there are saved policies within the DDLP which provide a framework to assess the principle of the development, to which the development would conflict with. For the purposes of Paragraph 11(d), Policies EN1 and EN2 are considered policies most important for determining the application. However, these policies are considered to be out of date and, therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF, as above. However, although out of date, these policies are consistent with the NPPF and weight can still be afforded to them, this is discussed in more detail later in this report.

### Housing Land Supply

73. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

74. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 5.9 years supply (8,404 dwellings) of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.
75. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
76. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and, as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply of 5.96 years of deliverable housing can be demonstrated. 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.
77. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and be achievable with a realistic prospect that housing will be delivered within 5 years. In particular, where a site has outline planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the applicant has provided no evidence that the site is deliverable, particularly around developer interest. Significant concerns are raised regarding the costs of the development arising from: site remediation requirements in relation to previous coal mining activity, costs associated with the onsite open space provision, biodiversity mitigation requirements, education contributions, potential off site highway improvement works, archaeological mitigation, extensive SUDS and, complexities around the Byway and delivering highway access and, how this would impact on the viability and attractiveness of the site in a challenging housing market area.

#### Locational Sustainability of the Site

78. DDLP Policy GDP1 amongst its advice states that the form of development should be appropriate to the sites location and located to conserve energy. The justification to the policy states that development should be carefully located to reduce the need for additional car journeys and should be easily accessible and capable of being served by public transport. DDLP Policy TR2 requires that development proposals would have satisfactory access to the public transport network. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments and Policy RE4 seeks the protection of public footpaths. These policies are considered

consistent with the NPPF, which also seeks to promote accessibility by a range of methods, and accordingly, they can be given full weight in considering the application. Specifically, the NPPF at Paragraph 103, sets out that the planning system should actively manage patterns of growth including, to promote walking, cycling and public transport use. Significant development should be focused in locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this, Paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements and facilitate access to high quality public transport. Decisions should address the connections between people and places and the integration of new development into the natural and built environment.

79. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. South Stanley, South Moor and Quaking Houses, to which the development site is located in close proximity, are all located within the Stanley Cluster where, although historically settlements in their own right, they all effectively function as part of Stanley. The Stanley Cluster is ranked 7<sup>th</sup> within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
80. However, although the Stanley Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
81. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
82. In this respect, it is noted that there are some facilities located within South Moor, New Kyo and South Stanley, such as convenience stores and primary schools that would be accessible by foot. However, the majority of services and amenities needed to sustain a development of this size are located within the centre of Stanley, including larger supermarkets, health facilities and employment sites. In general, the site would be within a walking distance of approximately 2000m to the services within the centre of Stanley, however, there is a significant topographical change from the site to the centre of Stanley. The A693 provides a formidable barrier, while existing underpasses would not, it is considered, provide an attractive option. It is considered likely that given the nature of the routes, it would discourage future residents from accessing the town centre by foot.
83. In terms of access by bus, Hustledown Road and The Middles Road are served by a frequent service to Stanley and Durham and beyond, particularly in peak periods. It is, however, recognised that there are elements of the site that would be marginal in terms of access to bus stops due to walking distances of more than 450m. The site is considered reasonably accessible by cycle, however, this relies on utilising the adopted highway with no existing dedicated cycle routes or lanes serving the development.

84. Taken in the round, it is recognised that the site is located on a frequent bus route and would be within the maximum distances to services and amenities. However, the nature of walking routes to the centre of Stanley and distances to bus stops from the extremes of the site are such that it is unlikely that the development would promote accessibility by a range of methods contrary to policies GDP1 and TR2 of the DDLP and Paragraphs 103 and 110 of the NPPF. This is considered to represent an adverse impact of the development to be weighed in the planning balance.

#### Landscape and Visual Appraisal

85. As set out above DDLP Policy EN1 seeks to prevent encroachment of development into the open countryside, except where it benefits the rural economy or helps to maintain or enhance landscape character, setting out that proposals should be sensitively related to the existing settlement pattern. DDLP Policy EN2 sets out that development outside the existing built up area will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF. Whilst Policies EN1 and EN2 are considered out of date for the reasons outlined earlier in this report, they can still both be attributed significant weight in the decision-making process due to their content having significant resonance with the content of the NPPF and therefore consistent on this basis. Policy GDP1 also sets out that general development principles including, that development proposals should be well related to the existing environment and take account of the presence of natural features, requiring the protection of the existing landscape. This policy is considered consistent with the NPPF. Paragraph 170 (b) also recognises the intrinsic character and beauty of the countryside whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting.
86. The application site is identified within the adopted Durham County Council Landscape Strategy as a Conservation Priority Area, where the landscape spatial strategy is to Conserve and Enhance. The Landscape Officer advises that the land is in moderate condition, with hedges and field boundaries are intermittent. Peripheral site boundaries contain mature trees, while most of the internal field boundaries do not. However, the Kate's Gill woodland boundary (identified in the Ancient Woodland Inventory) to the north is abundant whilst West Ousterley Road Byway, which crosses the site, is a significant and rewarding landscape and recreational feature.
87. The site is principally and most significantly visible from the highways Middles and Hustledown Road and the Byway West Ousterley Road which divides two sites. Ready views and appreciation of the site is achievable from these visual receptors and also on higher up land within South Stanley, where the site forms part of a broader, entirely rural landscape. It is advised that the site considered to have considerable scenic value in the locality and in the wider landscape and that the site and its immediate surroundings would be of moderate to high sensitivity to the effects of built development on such scale.
88. It is also advised that the effect of the erection up to 290 dwellings on the landscape character of the immediate locality would be transformative being of significant harm in the local context. The proposed mitigation would not fully mitigate the impact of the development which would be read as an incursion into the countryside beyond a well-defined boundary to the edge of the existing built environment. West Ousterley Road a well-used Byway would sustain significant damage as a valued landscape feature.

89. Overall, having regard to the advice of the Council's Landscape Officer, the development would represent a significant encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features in conflict with Policies EN1, EN2 and GDP1 of the DDLP in this respect, and Paragraphs 170 and 127 of the NPPF, representing a significant adverse impact that needs to be taken into account in the planning balance.

#### Layout and Design

90. DDLP Policy GDP1 (A) sets out that development proposals should achieve a high standard of design which is in keeping with the character and appearance for the area and take into account of the sites natural and built features. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to its consistency with the NPPF, significant weight should be afforded to DDLP Policy GDP1 (A) in this respect.
91. The illustrative masterplan includes the concept of perimeter blocks of outward facing development, which would address streets and the wider landscaping around the north, west and southern boundaries of the site. This would, in general, allow for natural surveillance of public open space and children's play facilities. However, concerns are a raised regarding the relationship between the use of the byway by motor bikes and the conflict with the development. The Police Architectural Liaison Officer advises that the crime risk assessment for this proposed development is high with anti-social behavior and nuisance from off road vehicles being of particular concern. It is advised that although the site is on the outskirts of the town, young people tend to congregate together in large groups in the local parks and the cycle route and roam the area. Careful consideration will need to be given to the design of the public open space to mitigate against intrusion by off road vehicles, otherwise the development could be blighted.
92. The submitted Design and Access Statement includes information on the detail of any future reserved matters application. The applicant considers that 2 storey dwellings would reflect the built form of the existing settlement. The Design and Conservation Officer advises that character areas would be proposed, however, the detail of those relate more to street type than built form. Whilst street type would be important, a site of this size should introduce defined areas of built character to give visual interest and aid legibility.
93. Overall, subject to the consideration of any future reserved matters application, the development could achieve a standard of design that would meet the aims of Policy GD1 (A) and paragraphs 127 and 170 of the NPPF in this regard. It is noted, however, that the crossing of the Byway would adversely affect an important natural feature of the site, whilst concerns are raised in relation to anti-social behaviour associated with the use of the Byway.

#### Highway Safety and Access

94. DDLP Policy TR2 sets out that planning permission for development will only be granted where the scheme incorporates a clearly defined and safe vehicle access and exit, satisfactory access onto the public transport network and satisfactory access onto the adopted highway. The supporting text of policy TR2 also sets out that a proposal will not be granted unless adequate traffic flows can be maintained. Policy TR2 is

considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, it can be given full weight in considering the application. The NPPF, at Paragraphs 108 and 109, also sets out that when considering development proposals, it should be ensured any significant impacts from the development on the transport network (in terms of capacity and congestion), can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

95. Paragraph 111 sets out that all developments that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In this respect, the application is accompanied by a Transport Assessment, which assesses the impacts of the development, concluding that there would be no impact on the capacity of the wider highway network.
96. It is proposed that the main vehicular access to the site would be taken off the Middles Road in the form of two priority T-junctions to the east of the existing roundabout. It is indicated that the internal road layout would cross over the public byway in two places, to provide access to the most westerly portion of land, whilst it is also indicated that there would be additional pedestrian crossing points. Pedestrian access points are indicated to be provided along Hustledown Road and the Middles Road.
97. In reviewing the proposals, following amendments, the Highway Authority advise that it is regrettable that the existing roundabout is not utilised to serve the development. However, the proposed access into the site would be acceptable from a highway safety perspective, subject to the implementation of mitigation, including the installation of speed cushions along the Middles Road. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application, however concerns are a raised regarding how access would be achieved over the byway given that this area lies outside of the red line application boundary. This area of land is unregistered which the applicant appears to have no control over. This brings into question the deliverability of the development.
98. In relation to the impact on the wider highway network, the Highway Authority advise that the assumptions and subsequent conclusions of the submitted Transport Assessment are not sound. This is because the junction of the B6532 Wear Road / Tyne Road Crossroads currently experiences queuing, which is not reflected in the submitted Transport Assessment modelling. It is advised that the current queues would increase at this junction as a result of the development and queue back onto the adjacent roundabout junction restricting the movement on the A693 leading to an adverse impact upon highway safety. It is advised that this impact would be at a severe level. No amended Transport Assessment has been submitted to reflect the current observed traffic movements, model the anticipated development impacts or consider mitigation where appropriate.
99. Overall, it is considered that the proposed development could be served by an appropriate means of vehicular access in accordance with Policy TR2 of the DDLP subject to resolving land ownership issues. However, the development would have a severe impact on the traffic flows and operation of the A693 Roundabout leading to an adverse impact on highway safety. This adverse impact would be severe in NPPF terms and contrary to Paragraphs 108 and 109 of the NPPF and policy TR2 of the DDLP. This adverse impact needs to be weighed in the planning balance.

## Heritage Impact

100. DDLP Policy GDP1 (C) sets out that development proposals should protect existing historic features. This policy is considered broadly consistent with the NPPF in this respect, which seeks to protect heritage assets in proportion to their significance allowing in certain instances harm to be outweighed in the planning balance and against public benefits. Policy GDP1 (C) is, therefore, to be afforded significant weight in this respect.
101. To the northern boundary of the site lies a Miners Rescue Station, constructed in approximately 1912. This building, along with the Byway on the site, shown on the first edition OS circa 1860, are located on the South Moor Heritage Trail and are considered non-designated heritage assets. Paragraph 197 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determining of the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
102. In this respect, it is considered that any impact of the development on the significance of the Miners Rescue Station would likely be minimal due to the proposed standoff suggested in the submitted Masterplan. In relation to the Byway, the Design and Conservation Officer advises that the proposed vehicular route crossing the historic byway in two places would impact on the strong linear nature of the route and impact on its community value. This adverse impact is required to be weighed in the planning balance.
103. With regards to designated heritage assets, including the Grade II listed Church of St George and Former Miner's Hall and Institute located approximately 350m to the west, there would be limited inter-visibility due to recent developments and existing vegetation. The impact on designated heritage assets is therefore considered neutral and the development would not have any adverse impact on relevant buildings setting or special historic interest and having regards to the statutory duty imposed upon the LPA under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
104. In terms of Archaeology, DDLP Policy EN19 sets out that where nationally important archaeological remains, whether scheduled monuments or not, and their settings, would be affected by a proposed development, there will be a presumption in favour of their physical preservation in situ. Other known archaeological remains of more local importance will be protected from damage to their features of archaeological interest. Where a proposed development is likely to affect a site of archaeological interest or its setting, the Council may request an archaeological assessment and evaluation, prior to determining an application. Adequate provision may need to be made for the excavation and recording of the remains before development commences. This work would normally be a condition of planning permission, if required. This policy is considered consistent with Paragraph 189 of the NPPF which sets out that, where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Policy EN19 should be afforded full weight in this respect.
105. The applicant has submitted a geophysical survey which, as advised by the Archaeology Officer clearly identifies potential archaeological features including a potential Roman Fortlet. It is advised that further evaluation by trial trenching is required, as this may be a candidate for preservation in situ or require significant excavation. To date, such trial trench evaluation has not been undertaken.

106. Footnote 63 of the NPPF sets out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. In general terms, this would equate to archaeological findings of national significance and could include a requirement to retain in situ or protect the setting of such assets. This could affect the quantum of development that could be accommodated on site in this respect. On balance, it is considered that there is relatively small risk that the potential Roman Fortlet would be of national / high regional significance, however, a precautionary approach must be taken at this stage and it is, therefore, assumed that the potential archaeological interests of the site are significant.
107. Overall, it is considered that the development would have an adverse impact on the character and form of the historic Sandy Lane Byway, in conflict with Policy GDP1 (C) of the DDLP. This adverse impact is required to be weighed in the planning balance. Based on the submitted investigations to date, and adopting a precautionary approach, it is assumed that the potential archaeological interests of the site are significant. Archaeology have advised that further evaluation by trial trenching is required. To date trial trench evaluation has not been undertaken and as a result the application submissions have failed to fully describe the significance of the archaeological interest of the site thereby in conflict with DDLP Policy EN19 and NPPF paragraph 189. Having regard to Paragraph 194 the NPPF and its associated footnote, should the archaeological interest on the site be of the highest significance then this engages specific tests applicable to designated heritage assets within the NPPF against which the application would need to be assessed. These policies also constitute policies that protect assets of particular importance as listed in footnote 6 of the NPPF paragraph 11(d) planning balance test. However, on the basis of the information submitted by the Applicant, it is unclear whether paragraph 11(d)(i) of the NPPF would be engaged.

#### Residential Amenity / Pollution

108. DDLP Policy GDP1 requires development to protect the amenities of neighbouring occupiers and land users. DDLP pPolicy EN25 require that residential development will not be permitted on sites affected by unacceptable levels of pollution of adjoining land uses. DDLP Policy EN26 requires that developments protect the environment in terms of likely levels of air, noise, soil or water pollution. These policies are considered consistent with parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
109. The submitted masterplan sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved, which would prevent any loss of amenity/overlooking in this respect. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
110. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It is concluded that consideration should be to positioning dwellings away from The Middles and Hustledown Road, in circumstances adopt acoustic ventilation in order to achieve appropriate internal and external noise levels. Although objections have been raised regarding the impact of existing wind turbines further to the south of the site, the submitted report has not identified this as a significant noise source during surveys.

111. Environmental Health and Consumer Protection (Pollution) Officers with the conclusions of the Noise Impact Assessment and, subject to the imposition of a condition, offers no objections to the scheme in this respect. It is recognised that the development would increase traffic and movement along The Middles and Hustledown Road and adjacent streets. However, it is considered that the development would not give rise to significantly increased noise levels from increased use of these roads given their relatively heavy use.
112. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection Officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
113. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site. However, further site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.
114. The Environmental Health and Consumer Protection (Air Quality) Officers advise the site is not in close proximity of any Air Quality Management Areas. However, an Air Quality Assessment has been submitted, assessing the impact of the development. It concludes that the modelled levels of air quality are below the national air quality objectives and, therefore, no objections to the application are made. The Environmental Health and Consumer Protection (Air Quality) Officer agrees with the conclusions of the report and raises no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition.
115. Overall, the scheme would comply with DDLP Policies GDP1, EN25 and EN26 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions.

## Ecology

116. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. DDLP Policy GDP1 requires the protection of designated sites, those species protected by the Wildlife and Countryside Act and that there is no harmful impact on the ecology of the District. This advice is considered consistent with the NPPF. Policy EN22 applies to a number of Sites of Nature Conservation Importance across the former Derwentside District and advises that development should only be permitted where it would not lead to the loss of, or significant harm to, said sites. The advice contained within Policy EN22 is considered consistent with that within the NPPF. However, it is noted that the justification to the policy considers potential further ecological site designations which have now occurred, and in that sense, the policy is not fully up to date and therefore weight afforded to the policy should be reduced. The Site is located approximately 700m to the north east of Green Croft and Langley Moor SSSI, Chapmans Well Local Nature Reserve and Morrow Edge Heath and Quaking Houses Fell Local Wildlife Site. South Stanley Woods Local Nature Reserve and Local Wildlife Site is located to the

approximately 100m to the north west of the site. Ousterley Wood Local Wildlife Site is located approximately 620m to the South East of the Site

117. An ecological impact assessment has been submitted in support of the planning application. The submitted report concludes that subject to mitigation measures including the provision of onsite green space, including tree planting, wildflower meadow creation, formation of new water bodies and appropriate future management and maintenance the impacts of the development in large would be mitigated and compensated for. It is identified that residual adverse effects significant at the local level are anticipated to a single ecological feature, the local population of farmland specialist birds. However, an off-site contribution of £17,768 is proposed to deliver compensatory habitats would result in a net biodiversity gain. No harm is identified to local or statutory designated ecological sites.
118. Subject to delivering this mitigation and subject to further review at reserved matters stage, the Ecology Officer raises no objections to the application. No objections or concerns are raised in regard to the above listed statutory and locally designated sites. The development is, therefore, considered to comply with DDLP Policies GDP1 (D) and EN22, and Part 15 of the NPPF in this respect.

### Flooding and Drainage

119. Policy GDP1 (I) of the DDLP sets out that developments should make adequate provision for surface water and protect areas liable to flood from development. This element of the policy is considered broadly consistent with national advice within the NPPF and NPPG with regard to flood risk and management of surface water and can be afforded significant weight in the decision-making process. It is, however, recognised that national guidance promotes a sequential criteria-based approach to site selection which is not specifically referenced within Policy GDP1.
120. The application is accompanied by a flood risk assessment (FRA), which highlights that the majority of the application site is within flood zone 1 with a low flood risk probability. However, a portion of the development site lies within flood zones 2, 3a and 3b and experiences flooding along the line of a culverted stream in extreme events and in the event of a blockage of the culvert. The submitted FRA modelled the site and takes into account specific site topography and other mitigating factors, which refines the boundaries of Flood Zone 2. The submitted site masterplan set out that residential development would not encroach into Flood Zone 2, and the remaining land would be set aside for public open space, including formal play space and landscape planting. The submitted FRA sets out that SuDS would be utilised with surface water attenuated on site before being discharged at a greenfield run off rate.
121. The Environment Agency raise objections to the application, advising that modelling assumptions set out in the flood risk assessment need to be provided for review.
122. In reviewing the submitted FRA and Drainage Strategy, Drainage and Coastal Protection Officers advise that the Council's adopted SuDS Adoption Guide, sets out that development proposals should include a preliminary layout plan identifying surface water drainage runs and locations of swales, basins, filter strips and drains. Whilst a detailed flood risk assessment has been submitted, which indicates the adoption of SuDs, the level of submitted detail does not comply with the Council's adopted policy for outline planning applications. Northumbrian Water advise that any final details for the disposal of foul and surface water based on the submitted flood risk assessment should be developed and agreed by condition. It is highlighted that there is a strategic water main which crosses the site which may affect the layout of the development.

123. In considering these matters, and recognising the outline nature of the application, it is considered that a final site layout could potentially be developed to ensure that all development is located out of Flood Zone 2 and therefore potentially remove the objection from the Environment Agency and comply with the NPPF requirement at Paragraph 163 to steer development to areas of the lowest flood risk, including locating development within those areas of the site of the lowest flood risk. However, at this stage the applicant has neither submitted a sequential test, demonstrated that the development would not be located on land within Flood Zone 2 or provided the information to the Environment Agency in respects to their modelling assumptions. The objection from the Environment Agency to the development, therefore, currently stands.
124. A final site layout could include SuDS features recognising that a final detailed design may impact on the quantum of development achievable. The submitted masterplan reflects the position of a Northumbrian Water strategic water main.
125. In relation to foul water, it is proposed to connect to the existing sewerage network, to via a pumping station Northumbrian Water raise no objection to this approach or in relation to the capacity of existing sewerage infrastructure.
126. Given the Environment Agency object to the development in its current form and given that it has not been demonstrated that the proposal would not result in development on land at a higher risk of flooding, it is considered that the application is contrary to DDLP Policy GDP1 (I) and relevant paragraphs within Part 14 of the NPPF in this respect.

#### Ground conditions

127. Paragraph 170 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance, the application site lies with the Coal Authority's Coalfield Area of high risk. A coal mining risk assessment, considering unstable land, has been submitted in support of the application setting out that intrusive ground investigation works, including a gas monitoring programme are required in order to determine the exact situation in respect of coal mining legacy issues (shallow mine workings and exact location / condition of mine entry). The report sets out that if workings and or mine entries are found, stabilisation works would need to be considered. The Coal Authority raise no objections to this strategy further to reviewing and securing the detailed site investigations and proposed mitigation by condition prior to the commencement of development.

#### Planning Obligations

128. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The council's Strategic Housing Market Assessment 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 SHMA 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).
129. The site falls within a low viability area, this means that 10% of properties on the scheme would need to be affordable, this equates to 29 units if the site delivered 290

units. It is indicated that 10% would be delivered on site. There is a requirement to provide 10% of the private and intermediate properties for older people. The applicant has indicated that this level of provision would be delivered, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

130. DDLP Policy HO22 sets out that planning permission for new housing developments will be granted if the proposals include sufficient public open space and play areas in appropriate locations in accordance with specific targets or the developer agrees to make a financial payment in lieu of direct provision, where sufficient provision cannot be made on site. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policy H022 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.
131. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 290 houses this equates to 0.57 ha of allotment space, 0.89ha parks and recreation typologies, 0.057ha of child and youth play space and 0.96ha of amenity/natural green space. The OSNA sets out that these typologies should normally be provided on site and provides a bench-marked cost of £1,056,528 with the addition of maintenance.
132. The masterplan sets out that provision would be made for areas of public open space, including informal multi-use play space, equipped play areas with proposed recreation routes through SUDS areas. Although the total provision would exceed the minimum targets sets out in the OSNA the masterplan would not make provision for all typologies. It is considered, however, that this matter could be dealt with by condition or through a S106 legal agreement to make adequate provision in the undeveloped areas of the site.
133. The School Places and Admissions Manager advises that a development of 290 houses could produce an additional 87 primary pupils and 35 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient secondary school places to accommodate the development. However, a contribution of £558,714 would be required to provide an additional 38 primary school spaces, to mitigate the impact of the development.
134. The Council's Employability Officer requests that targeted recruitment and training clauses are included within a S106 planning obligation or via condition in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement.
135. No response has been received from the NHS in relation to GP capacity within existing facilities in the area.

#### Other Issues

136. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 21.5ha of

agricultural land. A site-specific investigation into the land classification accompanies the application, setting out that the land is classed a subgrade 3b and, therefore, would not be classed as best and most versatile. The loss of this agricultural land is not, therefore, considered significant. DDLP Policy AG1, though relating to the protection of agricultural land, only relates to Grades 2 and 3a and is not, therefore, strictly applicable to the application.

137. Policy RE4 of the DDLP sets out that development which would directly affect a Public Right of Way or other recognised recreational path will only be permitted if an acceptable and equivalent alternative route is provided. Policy 98 of the NPPF sets out that decisions should protect and enhance public rights of way and access, policy RE4 is therefore considered consistent with the NPPF advice. As advised above, Public Byway no. 19 Stanley passes between the two development sites, harm to the setting and character of this historic byway has been identified. However further to this, the Council's Public Rights of Way Officer advises that that the byway extends for a considerable distance south of the development site to Wagtail Lane and is a very popular recreational route for horse riders, cyclists, pedestrians and off-road motor cyclists. The byway is not suitable for other motor vehicles due to the restricted culvert crossing at the golf course, the narrow width and lack of passing places.
138. It is advised that the two new access roads identified on the masterplan crossing the byway, have the potential to conflict with public use of the byway as there is a high likelihood that residents will attempt to drive down the byway to access Middles Road, particularly if they intend to turn left on to the road. In a legal sense the only way to prevent this would be to 'downgrade' the byway or subject it to a TRO, both of which would almost certainly be strongly challenged by user groups. Given the considerable equestrian use of the byway it is advised that any resurfacing would not likely be supported. The byway is one of the few off road routes in this part of the County which can be legally used by motor cyclists, this established use would likely conflict with a residential use of the site.
139. These matters are partly considered legal issues that the applicant would need to resolve, potentially impacting on the delivery of the scheme. However due to the developments impact on the current unrestricted use of the byway it is considered that there would likely be an adverse impact on the current function of the Byway as a valued recreational resource in the area in conflict with policy RE4 of the DDLP, and paragraph 98 of the NPPF as the development would neither protect or enhance the route. This is adverse impact required to be weighed in the planning balance.
140. South Moor Golf Course is located to the south of the site. The applicant has undertaken a Golf Course Risk Assessment which concludes that there is conflict between play on the 11<sup>th</sup> hole and the south western portion of the development site. However, this conflict is restricted to the proposed landscaping area and not to any area which is proposed for housing itself. The presence of the golf course is therefore not considered to adversely impact on the development site.

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## **CONCLUSION**

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141. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP. Furthermore, the development is considered to have an adverse impact on the setting, character and function of the historic byway West

Ousterley Road contrary to policy GDP1(a and c). The NPPF is a material planning consideration capable of outweighing conflict with the development plan.

142. NPPF paragraph 194 and its associated footnote 63, sets out that if non-designated heritage assets of archaeological interest of demonstrable equivalent significance to scheduled monuments would be affected by development then this must be considered against the NPPF policies for designated heritage assets at paragraphs 195 and 196. Should substantial harm or loss of significance of archaeological interest of such significance occur then this should be wholly exceptional. The advice contained within paragraphs 195 and 196 of the NPPF constitute policies that protect assets of particular importance as listed in footnote 6 of the paragraph 11d planning balance test and accordingly, there is potential for paragraph 11(d)(i) to be engaged. At this stage the applicant has failed to fully describe and assess the significance of the archaeological interest of the site. However, the applicant intends to carry out further evaluation of the potential archaeological feature in advance of the public inquiry. At this stage it cannot be determined whether paragraphs 195 or 196 of the NPPF apply to the development.
143. Paragraph 163 of the NPPF sets out that development shall only be allowed in areas at risk of flooding where it can be demonstrated that within a site the most vulnerable development is in the areas of lowest flood risk. Policy 163, relating to areas at risk of flooding, is listed in footnote 6 as an area that paragraph 11d (i) seeks to protect, disengaging the presumption of sustainable development. At this stage as the appellant has not undertaken a sequential test, has not demonstrated that the residential element of the development would not be located on land within Flood Zone 2, or submitted information to the Environment Agency to validate modelling assumptions, then there is conflict with NPPF paragraph 163.
144. Notwithstanding this, in the event that the appellant addressed the above issues around flooding and archaeology consideration would need to be given to the balance set out in paragraph 11(d) of the NPPF. This requires that planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the NPPF taken as a whole.

### *Benefits*

- The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate 5.96 years of deliverable housing land supply (8,404 dwellings) against an objectively assessed need and a further 15,946 committed dwellings beyond the five-year period. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced particularly taking into account the nature of the application and uncertainties over deliverability.
- Typical of any residential housing development, the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and longer-term expenditure benefits to the area.
- The development would provide an increased range of house types including 10% affordable housing units which would meet an identified short fall within the County.

- There would be a residual amount of publicly accessible open space over and above the minimum targets of the 2018 OSNA, to mitigate the impact of the development, subject to delivering the required typologies on site.
- Based upon the ecological works proposed and off-site contribution, it is considered that the development would lead to net gain in terms of biodiversity.
- The provision of SUDS would reduce runoff rates on the developed portion of the site to below current greenfield run off rates.

### *Adverse Impacts*

- The proposed development would represent a substantial encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect the existing natural and landscape features resulting in significant adverse harm to the character of the local landscape.
- The development would have adverse harm on the setting, character and function of the historic byway West Ousterley Road which is considered a non-designated heritage asset, a valued landscape feature and well used recreational route.
- The development would have a severe impact in terms of highway safety on the junction of the B6532 Wear Road/Tyne Road Crossroads without proposing adequate mitigation.
- The nature of walking routes to the centre of Stanley and distances to bus stops from extremes of the site is unlikely to promote accessibility by a range of methods.

137 Overall on balance, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development and would not outweigh the conflict with local plan policies.

138 The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

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## **RECOMMENDATION**

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That members be minded to **Refuse** the application for the following reasons:

1. The Local Planning Authority considers that the development would represent a significant encroachment into the countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features and the landscape setting in conflict with Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the development would have a severe impact on the traffic flows and operation of the A693 Roundabout leading to an unacceptably adverse impact on highway safety contrary to policy TR2 of the Derwentside District Local Plan and failing to comply with Paragraph 108 and 109 of the National Planning Policy Framework.

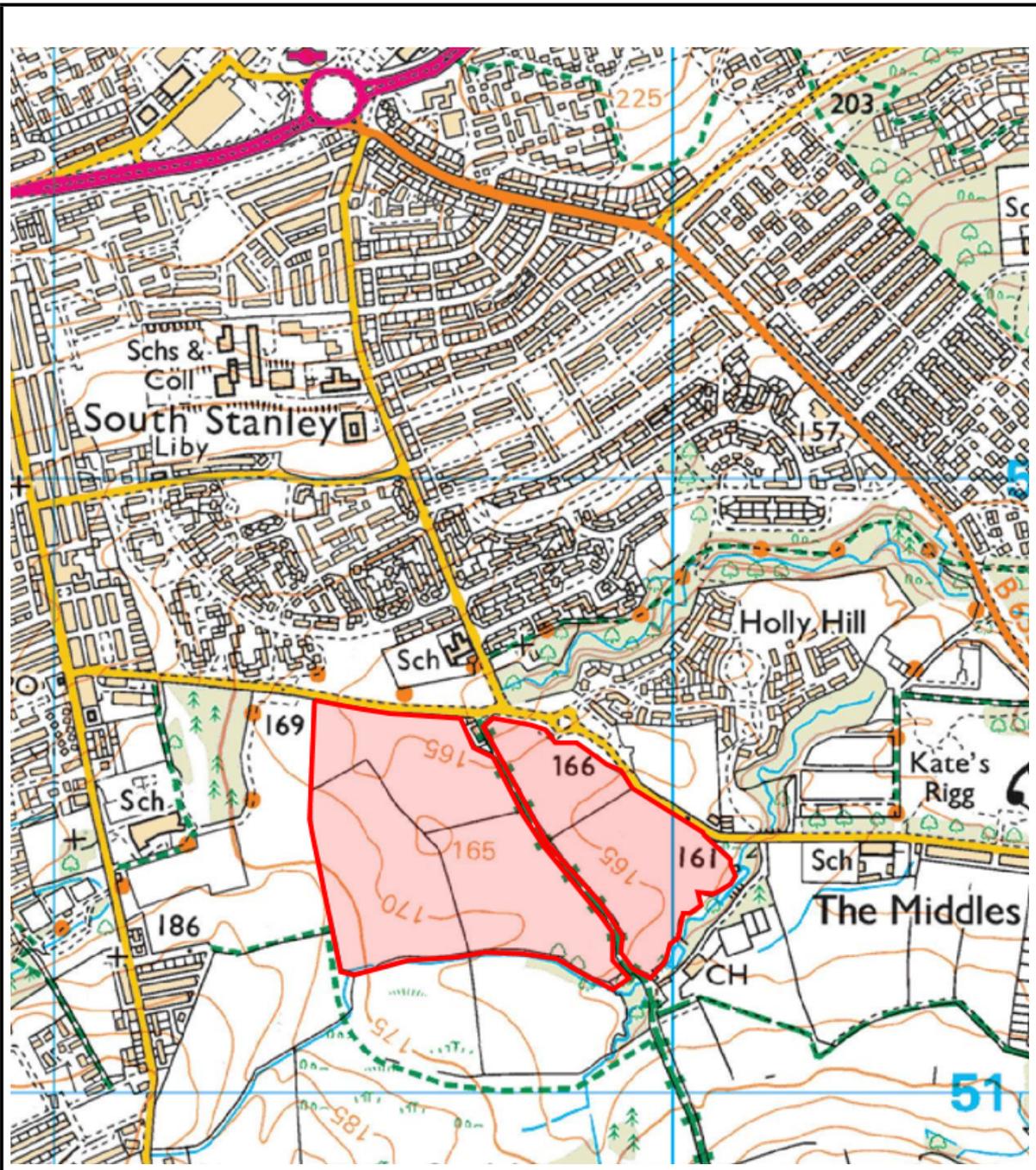
3. The Local Planning Authority considers that the development would result in adverse impacts upon the setting, character and function of the historic byway West Ousterley Road which is considered a non-designated heritage asset, a valued landscape feature and well used recreational route. As a result, the development would be in conflict with Policies GDP1 and RE4 of the Derwentside District Local Plan and NPPF paragraph 98, with paragraph 197 relevant to the identified harm the non-designated heritage asset.
4. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to policies GDP1 and TR2 of the Derwentside District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
5. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate the significance of the archaeological interest of the site in conflict with Derwentside District Local Plan Policy EN19 and paragraph 189 of the National Planning Policy Framework.
6. The Local Planning Authority considers that insufficient evidence has been submitted to demonstrate that the proposal would not result in development on land at a higher risk of flooding, contrary to Policy GDP1 Derwentside District Local Plan and paragraph 163 National Planning Policy Framework.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan
- The County Durham Strategic Housing Market Assessment January 2019
- Local Plan Viability Testing, June 2018
- Statutory, internal and public consultation responses



Services

Planning

DM/18/03346/OUT Outline planning application for the erection of up to 290 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access

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Comments

Date March 2019

Scale Not to scale

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