



Area Planning Committee (North)

Date Thursday 28 November 2019
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 31 October 2019 (Pages 3 - 14)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/19/02169/FPA - Former Stanley Community Centre, Tyne Road, Stanley (Pages 15 - 38)

Hybrid planning application seeking outline planning permission for the erection of up to 110 dwellings, including means of access (all other matters reserved) and full planning permission for the formation of car park(s)
 - b) DM/19/02141/FPA - Site of Former Magistrate's Court, Ashdale Road, Consett (Pages 39 - 62)

Proposed 20 new build residential units – 2 and 3 bedroomed with associated infrastructure
 - c) DM/19/01992/FPA - The Crest, Beamishburn Road, Beamish, Stanley, DH9 0LR (Pages 63 - 78)

Demolition of existing garage and the erection of two 3 bed semi-detached dwellings (re-submission of application DM/17/03634/FPA)
 - d) DM/19/01681/FPA - Former South Moor Greenlands Community Infant School, School Terrace, South Moor, Stanley (Pages 79 - 98)

Conversion of existing building and reconstruction of demolished building section for a care home facility for the elderly and ancillary parking and landscaping.

- e) DM/19/03082/FPA - Land to The East of Davison Terrace, Sacriston (Pages 99 - 114)
8 new build bungalows and associated infrastructure (re-submission)
- 6. Appeal Update (Pages 115 - 116)
- 7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
20 November 2019

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

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

Councillors A Bainbridge, A Bell, L Boyd, D Boyes, J Higgins,
A Hopgood, C Kay, O Milburn, C Martin, J Robinson, A Shield,
J Shuttleworth, K Thompson and T Tucker

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 31 October 2019 at 1.00 pm**

Present:

Councillor I Jewell in the Chair

Members of the Committee:

Councillors S Wilson (Vice-Chair), A Bell, L Boyd, J Higgins, O Milburn, C Martin, J Shuttleworth, K Thompson and T Tucker

Apologies:

Apologies for absence were received from Councillors A Bainbridge, D Boyes, A Hopgood, C Kay, J Robinson and A Shield

1 Apologies for Absence

Apologies for absence were received from Councillors A Bainbridge, D Boyes, A Hopgood, C Kay, J Robinson and A Shield

2 Substitute Members

There were no substitute Members.

3 Minutes

The minutes of the meeting held on 26 September 2019 were confirmed as a correct record by the Committee and signed by the Chair with the following amendment:

Councillor A Bell stated Councillor D Bell was no longer a member of the Committee.

4 Declarations of Interest (if any)

There were no Declarations of Interest submitted.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/17/02333/OUT - Land to the North East of Castledene Road, Delves Lane

The Committee considered a report of the Strategic Development Manager regarding an application with all matters reserved (except access) for up to 105 dwellings including associated infrastructure and open space provision on land to the North East of Castledene Road, Delves Lane (for copy see file of Minutes).

The Strategic Development Manager provided a detailed presentation of the application, which included a site location plan, aerial photographs of the area and a Landscape and Visual Impact Assessment that demonstrated how the development would fit into the landscape. The presentation illustrated the need to relocate a bus stop to provide access to the site.

The Chair thanked the Strategic Development Manager for his detailed presentation.

Councillor M Clarke, local member addressed the Committee in objection to the application. He thanked the Planning Officers for their hard work on the proposal and noted that the revised plan was different from the original proposal. He informed the Committee that the land was sold by Durham County Council with no expectation that it would be used for housing as it was not identified as a potential site for development in the latest draft of the County Plan. He thought there was a caveat on the land with a condition added that ensured Durham County Council would be compensated should development ever occur.

Councillor Clarke noted that areas of Delves Lane to the rear of Redmire Drive to Knitsley were earmarked for future development that would lead to many new properties being built. He informed the Committee that the scale of the mitigation charges indicated that the development was not easily slotted into the local area and would leave the infrastructure for Delves Lane over stretched.

Councillor Clarke was apprehensive that the road in and out of Crookhall would not cope with the additional cars that the development would bring. He noted that the nearby B&M and Lidl supermarkets had already increased the traffic making the mini roundabout in the vicinity difficult to navigate. He added that the dip in the road at the mini roundabout affected visibility making it quite hazardous.

Councillor Clarke informed the Committee that the mini roundabout had previously been investigated for improvement, but it was found that traffic lights would have a negative impact on the traffic flow and the installation of a junction would render residents with difficulties to exit it. Councillor Clarke felt that the fundamental safety issues with the highway remained a concern and considered that the improvements set out in the revised proposal would not make the highway any less safe and therefore he could not support the application.

Mr Ridley, a local resident addressed the Committee in objection to the application. Mr Ridley thanked the Committee for the opportunity to speak and informed the Committee that he had concerns about the proposed development. His main issue was regarding the proposal to relocate the existing bus stop on Gloucester Road. He was worried that when buses parked at the bus stop it became a dangerous blind bend that made visibility difficult for pedestrians and motorists. He felt that the road markings for the bus stop overhung the junction rendering the area hazardous. Mr Ridley thought there was nowhere on the road that the bus stop could be relocated to without there being further safety implications.

Mr Ridley informed the Committee that in the previous planning application town houses were going to be made affordable. He told the committee that the developer proposed large discounts for buyers that would not be passed on if the full asking price was requested in the future making properties unaffordable. Mr Ridley was worried that any further changes made to the planning application would not be circulated for public consultation or presented at a future planning committee

Miss Manson, representative for Gleeson thanked the Committee for the opportunity to speak in support of the application. She informed the Committee that Gleeson specialised in building low cost homes across the North of England. Miss Manson told the Committee that Gleeson consulted the Government's statistics on earnings to determine the cost of their houses and offered help to buy schemes. She noted that ten percent of the development would be secured through the Section 106 agreement as affordable housing and stated that Gleeson refused to sell their properties to private land lords.

Miss Manson informed the committee that Gleeson provided sponsorship opportunities and funded kits for local junior sports clubs and teams in areas in which they built new homes through their Sports Foundation. She informed the committee that Gleeson provided local employment and provided training packages for unemployed people including apprenticeship schemes with the local college.

The Strategic Development Manager informed the Committee that a condition in the report set out a scheme that would improve the mini roundabout to optimise safety and deal with traffic. He also stated that under the terms of the Section 106 agreement the discount on the properties would remain in perpetuity safeguarding affordable housing in the future. He noted that any further amendments to the planning application would be subject to public consultation in the local area and would be brought to Committee.

Councillor C Martin was concerned that the development would end the boundaries between the villages of Crook Hall and Delves. He informed the Committee that the development would alter the substantial character of the villages and they would lose their identity. He was opposed to the planning application.

Councillor J Shuttleworth was worried that the development would strangulate the local area and services would not be able to cope with the extra houses. He felt the application should be refused.

Councillor T Tucker requested clarity on why the report deemed the land unsuitable for development, but a planning application had been submitted. She wanted to know if there was more suitable land in the vicinity that could be developed instead.

The Strategic Development Manager informed the Committee that a Strategic Housing Land Availability Assessment (SHLAA) was a high-level assessment carried out to identify sites within County Durham which had potential for housing development. He noted that the land had been identified as unsuitable. However, following detailed analysis of all of the supporting information necessary to accompany a planning application, and with the presumption in favour of development engaged, he noted that the planning balance was now in favour of the planning application. He was unsure whether there were other plots of land that would be a more suitable alternative.

Councillor I Jewell informed the committee that the Council had no control over locations where people submitted planning applications which all had to be considered on their own merit.

Councillor Milburn requested information on who owned the piece of land next to the development site. The Strategic Development Manager informed the Committee that he did not know who owned the land but could only inform the Committee that it was not owned by Durham County Council.

Councillor O Milburn also wished to know how mitigation worked if primary schools in the local area were at saturation point and the schools had no space to expand.

The Strategic Development Manager explained that the School Places Team liaised with schools regarding capacity and feasible work undertaken to see how schools could be extended.

Councillor L Boyd was worried with mine works in the area. She was aware of a house in the area that had subsided. She wanted to know if there were any covenants on the land. She was also concerned about the difficulties with the relocation of the bus stop and the dangers it imposed.

The Planning and Development Solicitor was not aware of any covenants on the land, but this was not relevant for Members of the Planning Committee as this would need to be looked at as a separate legal issue.

The Strategic Development Manager informed the committee that the application site was in a high risk coal mining area but following consultation with the Coal Authority they offered no objections on the basis of the site investigation work undertaken, which had demonstrated that the application site was safe and stable for the proposed development. He noted that highways had been consulted and they expressed no safety concerns with the relocation of the bus stop.

Councillor Tucker requested clarification on whether the changes to the bus stop and mini roundabout would take place before or after work started on the development. She was conscious that residents should not be made to suffer any inconvenience with the development. Councillor Tucker wanted to know if a condition could be put in place to have all road works completed before works commenced on the development.

The Strategic Development Manager noted that the bus stop relocation would need to be completed before works on the development started as this was required to gain access to the site. He stated that within the application, work would be carried out on the roundabout after the 50th occupation of the site.

Miss Manson explained to the Committee that she had no instruction to comment on this but stressed that Gleeson worked very closely with the Local Authority to secure safe delivery of any development.

Councillor A Bell reiterated his concerns over the safety of the relocation of the bus stop. He could not see on the plans where there would be a safe place to relocate the bus stop to. He was disappointed there was no one from highways to provide advice.

The Strategic Development Manager informed the committee that highways had been consulted and they were satisfied there were no safety issues regarding the relocation of the bus stop.

He explained that some of the properties on Gloucester Road had no vehicular access as there was a deep grassed verge that was part of the adopted highway. The relocation of the bus stop in front of these properties would not therefore create any difficulties for residents of those properties.

Councillor A Bell wanted to know if changes to the application would be subject to further consultation and if the changes would also be presented to the Planning Committee. He was apprehensive that the local schools would not accept Durham County Councils financial contributions to help address the capacity issues.

He requested clarification on whether the schools had agreed to accept the financial contribution to take extra students as if not it would not be beneficial to build new houses to then find the schools could not take additional children.

Councillor I Jewell informed the Committee that the rules around applying for a school places had changed in recent years and had become more complex. Local school places were not just for local children like in years gone by but open to all subject to availability and criteria.

Councillor L Boyd requested clarification on what was discussed with a school to help with accommodation.

The Strategic Development Manager informed the Committee that the School Places Team liaised with Head Teachers to determine the capacity of the school and if there was any scope to extend schools beyond their current maximum capacity to accommodate for additional children. He informed the committee that the School Places Team calculated the financial implications using the school places policy on the ratio of children and the cost of a place at the school. He stated that financial contributions could be secured from the Developer through the section 106 agreement.

Councillor C Martin **proposed** to reject the planning application as the development did not outweigh the loss of character to the villages as it removed the boundary at Crook Hall and Delves and was **seconded** by Councillor T Tucker

The Local Planning Authority considered that the proposed development would significantly adversely affect the character of the local area as a result of the coalescence of Delves Lane and Crookhall, and that such harm would significantly and demonstrably outweigh the benefits of the proposed development. Consequently, the development would be contrary to Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.

Upon a vote it was

Resolved

That the application be **REFUSED**

b DM/19/02431/FPA - The Wicket Gate, 193 Front Street, Chester-le-Street

The Committee considered a report of the Planning Officer regarding an application for the removal of ground floor windows to be replaced with sliding folding glassed doors at the Wicket Gate, Chester le Street.

The Planning Officer provided a detailed presentation of the application, which included a site location plan, aerial photographs of the area and a visual of the proposed doors.

The Chair thanked the Planning Officer for her detailed presentation.

Mr Briggs, a local resident addressed the Committee in objection to the application. He thanked the Committee for the opportunity to speak to express his concerns about the proposed development. Mr Briggs informed the Committee that his main issue was regarding the safety of the footpath outside the Wicket Gate. He told the committee that the footpath was not very wide and would be obstructed by people while they smoked outside. He felt that the installation of the folding doors would increase the number of people congregating on the path making it dangerous for pedestrians trying to get past especially those pushing prams who would have to walk in the road to continue their journey.

Mr Briggs notified the committee that the congestion on the path would be dangerous for motorists as it would cause a distraction as they navigated the small mini round outside the pub. He felt there would be more litter and rubbish in the area including broken glass that would also make the path unsafe. He told the committee that the open windows would increase noise pollution for residents along with an escalation in anti-social behaviour.

Mr Hibb, representative of JD Wetherspoon thanked the Committee for the opportunity to speak in support of the application. Mr Hibb informed the Committee that the Wicket Gate was undergoing renovation not only on the outside but also on the inside. He informed the committee that the bar area would be re-located from the centre of the pub to the side and both the DJ box and dance floor would be removed. JD Wetherspoon had been granted planning permission to create a roof garden. Mr Hibb notified the committee that people who smoked would be encouraged to use the roof garden once it was opened to alleviate the obstruction on the pavement outside.

Mr Hibb told the committee that the proposed folding glass doors would only remain open between the hours of 9am and 9pm. He informed the committee that the pub would not play live music which would reduce the amplified noise causing less nuisance to residents. He told the committee there was a management plan in place to alleviate the negative impact of the pub on residents. Mr Hibb notified the committee that members of staff frequently checked the outside area of the pub and CCTV cameras to ensure there was no anti-social behaviour or litter.

He stated that people who ordered taxi's were encouraged to wait on the premises to avoid creating queues on the path outside. Mr Hibb informed to the committee that a contact number for management had been circulated to nearby neighbours to make it easy for them to report any trouble and for management to resolve trouble quickly.

The Planning Officer informed the Committee that she had consulted with highways officers who had raised no concerns with the planning application. Highways stated that there was no academic research to show that pedestrians on pavements caused distractions to drivers.

The Chair thanked the Planning Officer and asked the Committee for their comments and questions.

Councillor S Wilson noted that the planning application for the installation of a roof garden for the Wicket Gate had been approved with similar conditions to this planning application. Councillor Wilson considered that the Wicket Gate was changing its appearance into a different type of pub with no live music. He wanted to know if the noise could be controlled to cause no nuisance to residents. He felt the pub could restrict drinks from being taken out of the pub on to the street to prevent any broken glass being left on the path. He stated he would be happy to move the Officer's recommendations if the issues were addressed.

Councillor T Tucker raised concerns about the barrier that was proposed to be installed. She felt that a glass barrier would be deemed unsafe. There was potential that this could be broken. She wanted to know if the barrier would be a fixed permanent structure and whether other building material could be used instead of glass. The Planning Officer confirmed that the glass barrier would be a permanent structure set just outside the frame of the original windows.

Councillor K Thompson felt that although there appeared to be no academic research that showed the loitering of people on pavements would cause a distraction to motorists, he was concerned that the police had voiced their objections to the application.

He noted that due to budget cuts there were fewer police therefore people on the pavement would not be controlled. He thought the application should be refused.

Councillor A Bell confirmed that the barrier would be permanent fixture but was happy that people could not physically walk through it and the only access to the pavement was through the existing door.

Councillor O Milburn was disappointed the roof garden had not already been installed. She felt the roof garden could have acted as a bench mark to see if it had been successful in reducing the amount of people from the pub using the front street causing an obstruction.

Councillor T Tucker reiterated her grave concern over the glass barrier to the front of the property. She was not in favour to approve the application as it was a busy pavement with young mums, young people and the elderly walking past. She felt if the barrier was broken, glass would go everywhere making the pavement dangerous to those trying to use it.

The Planning Officer stated that the developer could consider alternative materials. Mr Hibbs agreed that JD Wetherspoon would consider alternative materials and noted the concerns if the glass shattered. Mr Hibbs noted that safety glass would be used and potentially a metal railing installed to decrease the impact of damage.

The Planning and Development Solicitor reminded the committee that highway officers had not raised any concerns with the application and therefore the materials used for the barrier did not warrant discussion. However, if a metal railing was added and it protruded onto the adopted highway then different consent would be required from highways. A condition could be put in place in relation to what materials are used for the barrier.

Councillor C Martin shared the concerns over the barrier but was not confident that the Committee could reject the application on these grounds as these were more licensing issues than planning issues. He was concerned that if the application was refused it could be overturned on appeal and costs could be incurred.

Councillor I Jewell stated that the proposed folding doors were no different to those used by other businesses on shop fronts on busy high streets and the original glass windows could be broken. He was a little uneasy at upholding the issue of material used in the barrier as a planning consideration.

Councillor T Tucker declared that she did not object to the folding doors only the width of the barrier that could be classed as a hazard should it be broken as it overlooked a public footpath. She gave an example of bus shelters that shattered when they were broken that caused hazardous areas for pedestrians. Councillor Tucker was also concerned that the glass barrier would be clear that may not be visible to people who were under the influence of alcohol.

Councillor I Jewell stated that similar glass would be used in the roof garden that planning permission was approved for. He suggested that frosted opaque safety glass could be used for the barrier in this instance.

Councillor K Thompson wanted to know whether the objections raised by the police in the report were a material consideration to refuse the application.

The Planning and Development Solicitor noted that the concerns from the police were material regarding the obstruction to the pavement, but they were not reinforced by highways who had no objections to the planning application. He told the committee that highways gave no evidence that the obstruction would create a distraction to motorists. The concerns of the police could not be a sustained reason to refuse the application.

Councillor A Bell thought that the glass used in shops or bank fronts would be laminated for strength so it would not shatter or break. He assumed the proposed glass barrier would be made of a similar strong material. If the applicant was asked to use different material it would change the application requiring them to submit a new one to accommodate the changes.

The Planning and Development Solicitor informed the Committee that a condition could be included in the planning application for the use of suitable safer materials in the manufacture of the barrier subject approval from the Planning Officers.

Councillor S Wilson **proposed** the approval of the application and **seconded** by Councillor C Martin.

Upon a vote it was unanimously

Resolved

That the application be **APPROVED** subject to the conditions contained in the report and an additional condition included with regards to the materials used in the manufacture of the barrier.

6 Planning Development Management Performance Summary Q1/Q2 - 2019/20

The Committee considered a report of the Principal Planning Officer which provided statistical information on the performance of core elements of the Planning Development Service. The information provided was part of the Council's Corporate performance management framework (for copy see file of Minutes).

The report was the second in the bi-annual performance report that was to be presented to the Committee that showed the comparison on how the planning department performed on both a local and national level. All figures for Durham County Council's performance on both a local and national level were good and favourable.

Councillor L Boyd congratulated and thanked all concerned for all the hard work in producing a good report.

Resolved

That the report be noted.

7 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of a recent appeal (for copy see file of Minutes).

An appeal was submitted against the refusal of planning permission by the Northern Area Planning Committee for the change of use of public open space to domestic curtilage at 41 Carrowmore Road, Parkfields, Chester le Street. The Inspector agreed with the Council's decision and dismissed the appeal.

Resolved

That the report be noted.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/02169/FPA
FULL APPLICATION DESCRIPTION:	Hybrid planning application seeking outline planning permission for the erection of up to 110 dwellings, including means of access (all other matters reserved) and full planning permission for the formation of car park(s)
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Former Stanley Community Centre, Tyne Road, Stanley
ELECTORAL DIVISION:	Stanley
CASE OFFICER:	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is situated approximately 500 metres southwest of Stanley town centre. The site covers approximately 3.3Ha and the former community centre and associated buildings have been cleared for development. Open sports fields and parkland are located to the south and west. South Stanley Primary Schools are located to the south east, while the remainder of the site adjoins established residential areas. Highway access is available from Tyne Road East, where regular bus services are available.
2. The site generally slopes to the south. The former community centre and youth centre was located in the northeast site area. Landscaped areas are present in the far northern area of the northeast site area; this is grass covered and slopes to the south. A metal fence bounds the northeast site area from the rest of the site.
3. The central and western site area is accessed via Lindon Road. The most northern part of this area is steeply sloping and is bound with hedges and a number of trees. The site then gently slopes down towards a roadway trending east-west which splits the site in two northern and southern site areas.
4. A steeply sloping area is located in the central site area adjacent to the metal fencing which separates the site from the adjacent school. This area is generally covered in grass and scrub with a number of trees also present. The southern site area is a flat area of land, which is currently used for football pitches. The most southerly site area

beyond the football pitches is again sloping to the south with further trees and scrub land. An access route via a metal gate is present along the southern site boundary.

5. The site is largely disused with the exception of the car park present in the northeast site area and the football pitches in the southern site area.

The Proposal

6. This application is known as a hybrid planning application which seeks outline planning permission for the erection of up to 110 dwellings including means of access and full planning permission for the creation of two replacement car parks.
7. The applicant has submitted an indicative layout for the residential element of the proposals which shows the general arrangement of dwellings along with areas of open space, landscaping, pedestrian walkways and drainage features.
8. The northern and southern parts of the site are proposed to be retained as areas of green open space crossed by a number of pedestrian routes for walking and cycling, linking the existing housing to the north and the south of the site. The areas of open space would also accommodate landscaping, proposed to help soften views of the proposed development. A SUDS basin and open space is also depicted in the south of the site. It is envisaged at this stage that the development could accommodate a mix of house types depending on the needs of the future developer.
9. A single vehicular access point is proposed for the housing development from Tyne Road East which would run through the centre of the development whilst footway links would join with the wider network.
10. The two proposed car parks would be located to the south of the site, one with 28 spaces linked to the sports pitches and one with 24 spaces linked to the school giving a total of 52 spaces. It is intended that these car parks could be used by the public outside of school hours replace the existing car parking areas which had a total of 49 spaces. The route to the car parks would be to the south off Tyne Road East.
11. The application is being reported to the committee as it constitutes a major residential development.

PLANNING HISTORY

12. There is no relevant planning history for this site.

PLANNING POLICY

NATIONAL POLICY

13. 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.
14. 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.

15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.

23. *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.
24. *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.

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

25. 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; design; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; 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)

26. *Policy GDP1 – General Development Principles*. Outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
27. *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.
28. *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.
29. *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.

30. *Policy EN26 - Control of Development Causing Pollution* – 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
31. *Policy HO22 – Recreational Public Open Space within Housing Layouts*. States planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development.
32. *Policy TR2 – Development and Highway Safety*. Relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
33. *Policy TR3 – Cycling*. Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

EMERGING PLAN:

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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings having now commenced in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it 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 16th October 2015 and following consultation was approved as a Neighbourhood Area on the 6th 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* – The submitted Transport Assessment (TA) is accepted. Necessary mitigation would be secured by condition on the wider network in the form of a new mini roundabout junction on Tyne Road. The proposed single site access onto Tyne Road shows adequate visibility splays and therefore no objections have been raised on highway grounds.
37. *Drainage and Coastal Protection* – Further information has been submitted to indicate that SuDs are to be included in the form of detention basins, permeable paving, filter strips and swales. Whilst this is generally acceptable for the purpose of an outline

application the swales identified would not be in compliance with the Council's requirements. Notwithstanding this a conditional approach can be applied to secure a detailed surface water management scheme.

38. *Coal Authority* – Advise that there is a history of past coal mining activity which poses a risk to the development site, therefore in order to verify the ground, intrusive ground investigation works are required in order to determine the exact situation in respect of coal mining legacy issues within the site.
39. *Sport England* – Have assessed the proposals and agreed that the submitted light assessment in relation to the floodlighting on the nearby sports pitches demonstrates that the measured levels of 'light trespass' at the Proposed Development would be acceptable.
40. In addition to the above, they have also assessed information regarding potential noise impact and are satisfied that residential development can take place on the application site without it prejudicing the use of the artificial grass pitches subject to conditions requiring noise mitigation.

INTERNAL CONSULTEE RESPONSES:

41. *Spatial Policy* – Do not object to the proposals. They note that the site is within the built-up form of the settlement. However, the Derwentside Local Plan housing requirement has expired and therefore NPPF Paragraph 11 is engaged.
42. Notwithstanding the above, relevant remaining saved Local Plan policies must still be afforded some weight. Simply because the Paragraph 11 is engaged does not mean that they are irrelevant or are of no weight. The acceptability of the development will therefore rest on the consideration of potential benefits and harm.
43. *Environment, Health and Consumer Protection (Nuisances)* – Officers have undertaken a technical review of information submitted in relation to the likely impact upon amenity. The information submitted indicates that the development is likely to breach the thresholds within Technical Advice Notes which indicates that the development may, without further controls, lead to a significant impact with regard to noise.
44. The assessment demonstrates that noise from the sports ground will lead to a likely significant impact to any residential properties to the south and south east of the proposed development site. Considering both Paragraph 180 and 182 of the NPPF, noise impacts should be avoided on new developments and they must also be able to integrate effectively with existing community facilities such as sports grounds. As such the applicant has identified noise mitigation options which would relate to the erection of an acoustic fence or a buffer zone/separation area. Officers consider that the mitigation is acceptable and would not object to the proposals subject to a condition which secures the necessary mitigation measures.
45. Officers have also assessed the submitted light impact which has been considered acceptable subject to condition.
46. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections subject to a contaminated land condition.
47. *Design and Conservation* – Have no objection to the principle of housing development from a design perspective however any detailed application for the development of the site should reconsider the layout parameters ensuring outward-looking development

which retains existing landscape features and provides strong built frontage to pedestrian and vehicular routes through the site.

48. *Landscape* – Raise no objections as sensitively detailed development should not conflict with the character of the area. However, at the detailed stage officers will require plans that defines and dimensions the extent of areas occupied by the root protection areas of mature trees and hedging worthy of retention. In addition, the future layout should exclude private gardens from trees and hedges scheduled for retention.
49. *Education* - Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
50. *Ecology* – Officers note that there are no ecological constraints on the site, or any protected species or designated sites impacts. The development would however, result in a net loss of biodiversity without compensation. As there are no guarantees that features such as SUDs would deliver for biodiversity, a financial contribution of £13,326 would be required as mitigation.

EXTERNAL CONSULTEE RESPONSES:

51. *Northumbrian Water Limited* – Note that the application contains a submitted drainage strategy, however, the connection points and discharge rates have not yet been assessed in relation to their capacity to treat the flows from the development. Therefore, a condition is requested which requires details of foul and surface water treatment.
52. *National Health Service* – State that the local practices will need to maintain/improve their access as a result of the development and a contribution of £53,130 toward this would be required.
53. *Durham Constabulary Architectural Liaison* – Informal advice has been given regarding street lighting, parking, play areas and footpaths and request that the development is carried out in according with the building regulations in order to ensure security.

PUBLIC RESPONSES:

54. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. Two letters of representation have been received.
55. One letter from a nearby resident has been submitted which relates to residential amenity and privacy distances to the existing properties and queries whether this would be taken into account with a further query raised in regards to site levels.
56. Stanley Learning Partnership also comment that the emergency access should be located to the north of the site in order to avoid conflict with school traffic.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

57. This is an opportunity to unlock a 3ha brownfield site at Tyne Road, Stanley for housing development that could deliver up to 110 homes. The edge of town centre site is in a residential area and presents a sustainable location with neighbouring schools and walking routes to services, retail and employment within the town. The site is well connected by road and bus to neighbouring settlements and employment centres in Durham, Gateshead and Team Valley.
58. The former School of Technology was demolished in 2014 and since then the site has remained derelict and undeveloped. The site has been previously marketed however had little interest. By securing outline planning for the housing and full permission for car parking re-provision, alongside addressing off site transport improvements works and onsite drainage improvements the opportunity to unlock this site will be maximised. By enabling development the visual amenity of the area will be greatly uplifted and will inevitably enhance regeneration and economic development within the town, helping to diversify the housing mix and boost investment within this area of Stanley.
59. The site lies adjacent to South Stanley Infant and Nursery School, South Stanley Junior School and Stanley Community Events. These organisations will maintain access to their respective buildings through the existing private access road to the south of the site via Tyne Road and car parking currently within the 3ha housing site will be re-provided to ensure provision is maintained.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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, as the residential development part of the application is outline with all matters reserved apart from access, it is considered that the main planning issues relate to the principle of the development, highway safety and access, landscape and visual impact, residential amenity, ecology, drainage and flood risk, planning obligations and other issues. The main planning issues for the full application for the replacement car parks are highway safety and sustainability.

The Principle of the Development

61. 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.
62. 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).

63. 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.
64. Saved DDLP Policy H05 specifically relates to development of small housing sites (less than 0.4ha) and is not, therefore, applicable to this application.
65. Given the age of the Derwentside Local Plan its housing policies cannot be considered as up to date due to the out of date evidence base, and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision-making process at the present time. Therefore, although the site is within the built up form of the settlement, given that the DDLP's housing requirement has expired NPPF Paragraph 11 is engaged.
66. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
 - i) approving development proposals that accord with an up to date development plan without delay; or
 - ii) 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:
 - iii) 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,
 - iv) 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.
67. For the purposes of Paragraph 11(d), Policy GD1 is considered the most relevant for determining the application. However, given the lack of up to date housing policies the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF, as above.
68. As there are no policies in the NPPF which protect areas or assets of particular importance and which provide a clear reason for refusing the development, then the acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Housing Land Supply

69. 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.

70. 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' County Durham Plan (CDP) was subject to consultation in January 2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is, therefore, 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
71. In a written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the NPPF. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied Paragraph 74, as it was impossible for the Council to have 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.
72. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
73. To summarise, the Council's position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 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.

Locational Sustainability of the Site

74. DDLP Policy GD1 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. 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.

75. 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. The site lies in South Stanley which forms part of the Stanley Cluster comprising of eight named areas. Although historically settlements in their own right, they all effectively function as part of Stanley. The Stanley Cluster is ranked 7th within the County based on the services and facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth.
76. 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 assesses 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.
77. 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.
78. In this respect, it is noted that there are numerous facilities located within this area of Stanley such as convenience stores, schools, public houses and open space typologies that would be accessible. In terms of access by bus, there are existing stops on Tyne Road directly outside of the site with frequent services to destinations including Stanley Centre with links to Consett, Sunderland and Chester-le-Street. Taken in the round, it is recognised that the site is located on a frequent bus route and would be within an appropriate walking distance to local services and amenities. It is also noted that offsite highway measures/improvements are proposed as part of the application and are discussed in more detail in the Highway section of the report.
79. Given the above, the proposal is considered to be in a highly sustainable location within the built-up area of South Stanley and is on a vacant brownfield site which was previously occupied by Stanley Community Centre. It is also considered that the development would promote accessibility by a range of methods in accordance with policies GDP1 and TR2 of the DDLP and Paragraphs 103 and 110 of the NPPF. These are considered to represent significant positive impacts to be weighed in the planning balance.

Highway safety and access

80. 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.

81. 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.
82. The proposed site access is taken from the existing access on onto Tyne Road which provides adequate visibility splays and is considered acceptable by highways officers, footway links the wider network have also been shown on the indicative plan.
83. In terms of the impact on the wider network, highways officers have considered the Transport Assessment. The application includes a proposal to introduce a mini roundabout at Tyne Road/ Wear Road junction to address potential issue of queuing traffic impacting on flows into the A693 roundabout from the east.
84. The proposal is predicted to generate 66 trips at the am peak and 73 at the pm peak. This prediction is based on rates provided to the consultant by highways officers and replicate those used for other applications in the area, they are therefore considered acceptable. The greatest impact would be the pm trip generation adding to existing west bound queuing on the A693. It is estimated this could be in the region of an additional 34 peak hour trips which is also acceptable.
85. Modelling of the junction at which the development trips could have a material impact has been undertaken. In particular the proposed roundabout at the Tyne Road/ Wear Road and the existing A693 roundabout included trips through the junctions from consented development at The Middles, Aldi and McDonalds as well as the proposed development trips.
86. A trip distribution exercise indicates that approximately 34 trips will be added to the A693 west bound leading into the A693 roundabout junction. This link already experiences congestion and delay during the pm peak hour. However, as a result of mitigation with the mini roundabout the impact from the right turn queue to Tyne Road backing to the A693 roundabout will be removed. As such whilst the addition of more traffic to the saturated west bound leg of the A693 has the potential to add an average of two extra vehicles to the queue at peak, this is not considered enough to have a significant or material impact. Weighed against the additional traffic on the A693 is the ability for traffic to flow better at the Wear Road / Tyne Road roundabout, potentially reducing impact on the A693.
87. Officers therefore do not object from a highway capacity perspective subject to conditions being imposed relating to offsite highway improvements.
88. Overall, it is considered that the proposed development can be served by an appropriate means of vehicular access in accordance with Policy TR2 of the DDLP. The development would not have any severe impact on the traffic flows and operation of the A693 Roundabout or thereby lead to an unacceptable adverse impact on highway safety in accordance with Paragraphs 108 and 109 of the NPPF and policy TR2 of the DDLP.

Landscape and visual impact

89. DDLP Policy GDP1 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, particularly the advice at paragraph 127.
90. Landscape officers have noted that the site's visual prominence, overall 1:10 gradient and terraced profile present both problems and opportunities for a housing layout. Sensitively detailed development at the density proposed would be locally transformative but not necessarily in conflict with the character of South Stanley in the context of the surrounding development pattern.
91. The Design and Access Statement describes proposed public open space, green boundaries, tree and hedge retentions and new planting to enhance and mitigate in pursuit of visual amenity value, townscape character and ecological potential, appropriate details will be required at the reserved matters stage. Also for consideration at the reserved matters stage would be the precise detail of the layout and the appearance of the dwellings proposed.
92. Overall, having regard to the advice of the Council's Landscape Officer and the outline nature of the housing development element of the proposal, it is considered that the development would not create any significant landscape harm and is sensitively related to the existing settlement pattern. With further consideration at the reserved matters stage, the proposals would accord with Policy GDP1 of the DDLP in this respect, and paragraph 127 of the NPPF.

Residential amenity

93. DDLP Policy GDP1 requires development to protect the amenities of neighbouring occupiers and land users. DDLP Policy 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.
94. 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.
95. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development, particularly in relation to the existing sports pitches to the west of the site. The submitted noise assessment concludes that the sports pitches would not result in a nuisance to future occupiers subject to mitigation being put in place, such as an acoustic barrier. Environmental Health and Consumer Protection (Pollution) Officers have agreed with the conclusions of the Noise Impact Assessment and, subject to the imposition of conditions, offer no objections to the scheme in this respect. Sport England have also been consulted due to the proximity of the sports pitches and have also agreed the suggested conditions in relation to noise and confirm that light from the floodlit pitches would not result in harm to residents that would compromise the facilities.

96. 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.
97. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report, officers agree with the recommendations and therefore further site investigation work is recommended. A conditional approach to further land contamination investigations is required including site sampling in accordance with Part 15 of the NPPF.
98. Finally, an air quality assessment has been submitted as part of the development proposals. It is noted that during the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site, therefore a construction management plan is required to mitigate such impact.
99. A review of the dispersion modelling results indicate that impacts on annual mean NO₂ and PM₁₀ concentrations as a result of traffic generated by the development were predicted to be negligible at all sensitive receptor locations. Following consideration of the relevant issues, air quality impacts as a result of the operation of the development were considered to be not significant, in accordance with the IAQM guidance. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the development.
100. 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

101. 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.
102. The Councils ecologists have noted that there are no ecological constraints on the site, nor any protected species designated sites impacts. No concerns have been expressed in regards to impacts upon the any designated ecological sites in the vicinity of the site.
103. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.
104. The development however would result in a net loss of biodiversity without compensation. Given that there are no guarantees that features such as SUDs that

would deliver for biodiversity a financial contribution of £13,326 toward ecology mitigation will be required. Subject to this contribution the proposals would be in accordance with Policy EN22 of the DDLP and part 15 of the NPPF.

Drainage and Flood Risk

105. 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.
106. The application is accompanied by a flood risk assessment (FRA), which highlights that the the application site is within flood zone 1, land least prone to fluvial flooding. 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, basis, filter strips and drains. Further details have been agreed with drainage officers in relation to drainage. However, it is necessary under condition and the reserved matters stage to resolve the final details of the drainage scheme, including the incorporation of SuDS features. Subject to such condition and control at the reserved matters stage it is considered that the proposals are in accordance with DDLP Policy GDP1 (I) and relevant paragraphs within Part 14 of the NPPF.

Planning Obligations

107. 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.
108. 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 11 units if the site delivered 110 units. Paragraph 64 of the NPPF directs that 10% of the scheme is provided in the form of affordable home ownership. In this instance there would be no requirement to provide any affordable rented housing. However, as the council are both the applicant and the local planning authority, a S106 legal agreement cannot be used as the mechanism to secure the affordable housing. Therefore, legal officers have advised that as the Council as landowner can control delivery, an appropriate mechanism to secure the affordable housing would be the land sale documentation when the Council sells the land to a developer. Accordingly, the financial contribution equivalent of 10% affordable housing can be extracted and secured in this way, although slightly less weight can be given to this than would be the case if secured by S106 obligation. These monies can then potentially be utilised to provide the 10% affordable housing either on site or potentially offsite. This approach to the provision of affordable housing is considered justified in this instance having regards to NPPF paragraph 62 as the affordable housing cannot be secured on-site via the S106 obligation route.
109. 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.

110. The OSNA sets out the requirements for public open space on a population pro rata basis. For schemes of this size the OSNA recommends provision of functional amenity/natural green and a children's play space (not necessarily equipped) within the site envelope. This would equate to around 3630sqm (amenity/green space) and around 121sqm (play space) respectively which would be secured at reserved matters stage.
111. The remaining typologies (allotments, parks and recreation, youth/ play space) would be provided for by way of financial contributions towards existing open space areas, this would amount to a contribution of £162,866.
112. The NHS have been consulted as part of the planning process and have advised that a development of this size would put additional pressure on local services. On this basis a contribution of £53,130 would be required for an additional population of 254 people generated by the development. This would go toward improvement of GP access and upgrading of existing surgeries.
113. The Schools Places Officer has also been consulted on the application. The officer has confirmed that based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
114. Again, a S106 legal agreement cannot be entered into in this instance. As a result it has been agreed that in the event of approval the above financial contributions would be paid prior to the issue of the planning permission. The financial contributions would then be ring fenced and utilised for their specific purposes.

Other issues

115. As noted previously, one letter from a nearby resident has been submitted which relates to residential amenity and privacy distances to the existing properties and queries whether this would be taken into account with a further query raised in regards to site levels. Although the indicative drawings show that distancing standards can be adequately achieved, this will be ensured when the layout is assessed at reserved matters stage.
116. Stanley Learning Partnership have also commented that the emergency access should be located to the north of the site in order to avoid conflict with school traffic. The indicative drawings have been amended which now shows the emergency access to the north, although again, this would be assessed at reserved matters stage.
117. As noted earlier in the report, there are sports pitches near to the proposed development which could potentially be compromised by residential development. Sport England have been consulted in this regard and have assessed both the submitted lighting and noise impact assessments. They conclude that subject to a condition requiring noise mitigation, the proposals are unlikely to compromise the ongoing use of the sports pitches and therefore raise no objection.

Replacement car parks

118. Two proposed replacement car parks would be located to the south of the site, one with 28 spaces linked to the sports pitches and one with 24 spaces linked to the school giving a total of 52 spaces. It is intended that these car parks could be used by the public outside of school hours replace the existing car parking areas which had a total of 49 spaces. The route to the car parks would be to the south off Tyne Road East. Highways officers raise no objections to the location of the car parks and the number of spaces being provided. Therefore the car parks would be in accordance with Paragraphs 108 and 109 of the NPPF and policy TR2 of the DDLP. Conditions would be required which secured further detail of the car park construction and means of surface water treatment prior to leaving the site.

Planning Balance

119. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on housing. Furthermore, there are no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

120. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, although the weight to be afforded to that boost is limited given the council's most recent position on 5 year housing land supply, the provision of affordable housing, the sustainable location of the development, the development of a brownfield site and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers.

121. To a degree 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 expenditure benefits to the area.

Adverse impacts

122. No adverse impacts arising from the proposed scheme have been identified. Applying the titled balance test in paragraph 11, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

CONCLUSION

123. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

124. The NPPF forms a material consideration and states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, and that for decision making 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:

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,

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.

125. As the result of the local plan context the NPPF indicates that the development should be approved unless there are specific policies within the NPPF that provide a clear reason for refusal, or where any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so. There are no specific policies to which limb d(i) above relates which are applicable to the determination of this application.

126. The proposals involve the redevelopment of a former community centre site which is adjacent to established residential areas and there are a good range of facilities and services in the town to serve the development. The indicative scheme is considered to be good quality and in a sustainable location with a suitable access. It is compliant with all relevant saved local plan policy and in the context of paragraph 11, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of an internal transfer of funds within the Council to secure the following:

- i. £162,866 contribution towards enhancement or provision of play facilities in the Stanley Electoral Division.
- ii. £53,130 contribution toward healthcare provision in the Stanley Electoral Division.
- iii. £13,326 toward ecology mitigation.

and subject to a financial contribution the equivalent of 10% affordable housing provision so as to ensure the provision of discounted sale units to be secured through the sale documentation for the site/at the point of sale of the land

and subject to the following conditions:

1. Application for approval of reserved matters in relation to the housing development hereby approved shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development of the two car park areas depicted to the east of Stanley Community Football Centre on submitted plan A-200-01 Rev B hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Potential Vehicular and Pedestrian Access A-200-03
Engineering Layout 1391472-DCC-HE-PA-01 Rev0

Reason: To define the consent and ensure that a satisfactory form of development is obtained, in accordance with Policies GDP1 and HO5 of the Derwentside District Local Plan.

5. No development shall take place until full engineering details of the site access onto Tyne Road has been submitted to and agreed in writing by the Local Planning Authority. No dwellings shall be occupied until the site access has been constructed and made available for use in accordance with the agreed details.

Reason: In the interests of highway safety and to comply with Saved Policy TR2 of the Derwentside District Local Plan.

6. No development in relation to the housing development hereby granted outline planning permission shall be carried out until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: In the interests of residential amenity having regards to Policy GDP1 of the Derwentside District Local Plan and Part 15 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

7. No more than 20 dwellings hereby approved shall be occupied until the mini roundabout junction on Tyne Road has been constructed in accordance with plan Ref: 1391472 DCC STANLEY HE PA 01.

Reason: In the interests of highway safety and to comply with Saved Policy TR2 of the Derwentside District Local Plan

8. No development in relation to the housing development hereby granted outline planning permission shall be carried out until a scheme of sound attenuation measures/layout to comply with the noise assessment [Apex acoustics 16/10/19, 7487.1 revision B] has been submitted and approved in writing by the local planning authority. The approved scheme shall be completed prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity and to comply with Saved Policy EN25 of the Derwentside District Local Plan.

9. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

10. Remediation works shall be carried out in accordance with the approved Phase 3 remediation strategy (as necessary). The development shall not be occupied until

such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

11. No development shall commence until an intrusive site investigations study has been submitted to and approved in writing by the Local Planning Authority which confirms that no further work is required in order to discount the potential risk posed by probable shallow workings in the southern area of the site. Should the Local Planning Authority confirm, in response to the intrusive site investigations study that further intrusive investigative work be necessary, then no development shall commence until the revised intrusive site investigations study has been submitted to and approved in writing by the Local Planning Authority. Should the Local Planning Authority confirm following assessment of any intrusive site investigations study submission that mitigation measures are necessary in order to ensure that the site is stable and suitable for the development to commence having regards to shallow workings legacy issues then no development shall commence until a scheme of mitigation measures has been submitted to and approved in writing by the Local Planning Authority. Said mitigation measures must include a programme/timescales for the implementation and completion of those mitigation measures. The development must thereafter be completed in accordance with the approved mitigation measures.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework. . Required to be pre-commencement as the stability of the land for the development must be ensured prior to development being undertaken.

12. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Part 15 of the National Planning Policy Framework.

13. No development shall commence in relation to the housing development hereby granted outline planning permission until a scheme for the provision of foul and surface

water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface and foul water are adequately disposed of in accordance with parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.

14. The reserved matters shall include on-site provision of 3630 sq metres of amenity/green space and 121 sq metres of play space respectively. This provision will be completed and available for use prior to the occupation of the first dwelling, and remain available for use thereafter.

Reason: In accordance with the Open Space Needs Assessment and in accordance with Saved Policy GDP1 of the Derwentside District Local Plan and parts 8 and 12 of the NPPF.

15. No development of the car parks depicted to the east of Stanley Community Football Centre on submitted plan A-200-01 REV B and hereby permitted shall commence until full construction details including means of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and made available for use before the operation of the existing car parks ceases.

Reason: In the interests of highway safety and to comply with Saved Policies GDP1 and TR2 of the Derwentside District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

Derwentside District Local Plan



Planning Services

Hybrid planning application seeking outline planning permission for the erection of up to 110 dwellings, including means of access (all other matters reserved) and full planning permission for the formation of car park(s)

Former Stanley Community Centre, Tyne Road, Stanley

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Comments

Date: December 2019

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02141/FPA
FULL APPLICATION DESCRIPTION:	Proposed 20 new build residential units – 2 and 3 bedroomed with associated infrastructure
NAME OF APPLICANT:	Believe Housing
ADDRESS:	Site of Former Magistrate's Court, Ashdale Road, Consett
ELECTORAL DIVISION:	Consett North
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.53 ha. of land, facing Ashdale Road, a short distance north of the centre of Consett. Ashdale Road is framed by the A692 at one end and the B6306 at the other, giving easy access to the wider transport network via private car or public transport. There are two bus stops on the Ashdale Road itself, and a further 19 bus stops and Consett Bus Station within a 500m radius of the site.
2. The land was formerly occupied by the Magistrates Courts buildings, now demolished. Currently onsite are building materials and remnants of the former car parks and service yards. There are specimen trees located around the site which is currently enclosed with temporary herras fencing. North of the site is the functional and significantly lower service areas of the adjacent Academy. To the east is the car park fronting the Academy campus also at a lower level. To the west is an area of green space and a footpath, housing, a car park and a listed war memorial. South of the site is Ashdale Road.
3. Ashdale Road includes the frontage of the Academy and its adjacent playing fields, tennis courts, a large block of older residents' accommodation, a part built housing development site on the former swimming pool site, local-authority built housing, modern market housing, garage blocks, a commercial garage and a disabled persons' club in a varied urban environment.

The Proposal

4. The application proposes the removal of all the trees on and immediately adjacent the site, followed by the erection of 20 new two storey residential dwellings, all of which are

described as 'affordable'. The dwellings are a mixture of 2 bed and 3 bed properties and are in semi-detached or mid-linked form.

5. The site would be accessed from a new access from Ashdale road, with the estate roadway running along the western boundary of the site before heading east and leading to an adoptable standard hammer-head cul-de-sac. All houses have private rear gardens and most dwellings will have private driveways at the front. The dwellings facing onto Ashdale Road will have parking spaces to the rear or side. Three on-street visitor car parking spaces are proposed along the west of the estate road.
6. This application is reported to Committee as a 'major' development given number of residential units involved.

PLANNING HISTORY

7. Prior approval of demolition and restoration details was not required (DM/17/03189/PND).
8. Outline planning permission was granted for up to 20 units in 2017 (DM/17/04130/OUT).

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
11. The following elements of the NPPF are considered relevant to this proposal;
12. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 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.

14. *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.
15. *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.
16. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 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.
18. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution or land instability.
19. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
21. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

22. *Design* – sets out the importance of good design, the planning objectives it can achieve, what constitutes a well designed place and the design issues that relate to different types of development.
23. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered so developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
24. *Land affected by contamination* – sets out the regulatory framework for dealing with contamination and sets out the planning system’s role within this.
25. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 170 of the NPPF provides policy support to this aspect.
26. *Conserving and enhancing the historic environment* – details and advises on the framework of designated and non-designated Heritage Assets, how to assess their significance and the potential for planning decisions to harm them.
27. *Viability* – introduces the topic both in relation to plan-making and decision making, advising how development values, costs, land values and suitable developer returns should be defined for the purposes of viability assessment.

LOCAL PLAN POLICY:

28. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
29. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
30. *Policy EN11 – Trees and Development* – states that development will only be permitted which will not cause harm to or result in the loss of trees protected by preservation orders, or trees which contribute to the character and appearance of conservation areas. Throughout the district existing trees should be retained where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, which contribute significantly to the setting of nearby existing buildings or visual amenity.
31. *Policy EN26 – Control of Development Causing Pollution* – 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.
32. *Policy HO22 – Recreational Public Open Space within Housing Sites*. Indicates a preference for such areas to be designed into housing layouts or allows for a planning obligation for developers to provide monies in lieu for off-site provision.

33. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019 and the EIP is currently progressing. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways* – No objections subject to the estate roads being designed and constructed to meet highways standards and requests a condition in relation to the agreement of engineering details.

36. *Northumbrian Water* – Requested that a condition be imposed to require the submission and approval of a scheme for the disposal of foul and surface water from the development.

37. *The Coal Authority* - Recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development, and, that if the site investigations confirm the need for remedial works that these be undertaken prior to commencement of the development

EXTERNAL CONSULTEE RESPONSES:

38. *National Health Service* – have provided a matrix that shows that in an assessment including the 'list' size of the nearest existing practice, the additional patient impact, and a floor area/population calculation, that a contribution of £9660 is required to mitigate the impact of the development.

39. *Durham Constabulary* – Object to the original plans. They raise concerns over the amount of shared drives on the development and the location of a rear pedestrian access. They point out that in terms of highways safety that parking, congestion and speed issues are issues of concern in this area. It is advised that the scheme should be designed to deter footpath and driveway vehicular obstructions.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – have undertaken the necessary assessment of the viability case offered by the applicant to justify the lack of provision of usually required elements of a major residential housing application. They accept that the maximum estimated high abnormal costs associated with the site would prevent the full contributions in relation to open space, education and NHS facilities, however they are not satisfied that the information submitted demonstrates that there will definitely be such high abnormal costs, and if there were that this would not have implications on other costs such as land value.
41. Separately the Spatial Policy team has confirmed that the Open Space Needs Assessment requirement for a scheme of this type and size if offered as monies in lieu would normally be £31,482. It is advised that educational requirements and the provision of community facilities and local services are not policy requirements but are material planning considerations.
42. Policies GDP1 and EN11 are considered relevant and are given weight, Policies HO22 and TR2 are considered relevant and given some weight when read in conjunction with more up to date evidence or standards.
43. The Officer advises that the SHMA confirms that there is a net shortfall of affordable homes per annum and details that the SHMA provides evidence to inform the tenure split for affordable housing. The SHMA outlines a tenure split of 70% affordable (social) rented and 30% intermediate tenure. Therefore, it is advised that the initial proportion of affordable provision is required for affordable home ownership in accordance with paragraph 64 of the NPPF. The additional 5% would be apportioned in line with the requirements of the SHMA. This would mean that 2 units can be secured for affordable housing as defined by the NPPF and one unit for rent.
44. Taking the relevant policies into account the site of "Former Magistrates Court, Ashdale Road," falls within a MEDIUM value area. This means that 10% of properties on the scheme would be a requirement to be affordable, this equates to 2 units. In addition, the standard tenure split would amount to one unit for affordable rent.
45. Reference is made to Paragraph 61 of the NPPF which states that the size, type and tenure of housing needed for different groups in the community should be assessed. It is advised that The Council's Strategic Housing Market Assessment (SHMA) demonstrates a need for both affordable and specialist housing to meet the needs of older people. The Officer notes that evidence indicates that sites of 10 or more units can include 10% (or more) of the units to be designed with older people in mind, for example as level-access bungalows. Whilst these requirements have been included within Policy 15 (Addressing Housing Need) of the emerging CDP, it is advised that weight cannot be given to the plan at this stage. However, the Officer advises that significant weight can be afforded to the evidence which underpins the policy, which is up to date and has been tested for viability. It is pointed out that Chapter 5 of the NPPF is also clear that developments should help to address housing needs.
46. To summarise the Council's position in relation to the five-year housing land supply, the Officer advises that the NPPF has confirmed the use of the standard method for calculating local housing need and the CDP is aligned with the figure derived from this standardised methodology. Measured against this, as things stand the Officer advises that the Council can demonstrate in excess of 6 years supply of deliverable housing, which means that the tilted balance does not apply.

47. *Affordable Housing Team* – Advise that affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The Housing Development Team are satisfied that these proposals meet the affordable needs of the area.
48. *Education Team* - Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the team advise that proposed development of 20 dwellings would produce 6 pupils of primary school age and 3 pupils of Secondary age. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development it is advised that there would be sufficient space to accommodate the primary school pupils generated by the development, whilst maintaining a 5% surplus. Therefore, no contribution for additional primary school accommodation is required. In term of secondary provision, based on the same methodology there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development it is recommended that a contribution of £49,652 (3 x £16,544) would be required to facilitate the provision of additional teaching accommodation.
49. *Sustainability* – Officers consider the site to be sustainable in terms of the location. With regards to embedded sustainability there are no significant concerns, however the Officer requests a condition to ensure the agreements of and implementation of measures to embed sustainability and minimise carbon from construction and in use emissions.
50. *Drainage and Coastal Protection* – Advise that the scheme demonstrates compliance with National Standards and Council policies in providing sustainable solutions to surface water management, and ensuring the prevention of flood risk to and from the proposed development. The Officer requests a condition that the development be implemented in accordance with the submitted flood risk and drainage assessment.
51. *Landscape officers* – Consider the submitted landscape details to be acceptable.
52. *Design and Conservation* – With regards to the impact on the significance of the heritage asset of the war memorial, the Officer advises that it has already been established at outline application stage that housing development on the site would not adversely affect the setting of the war memorial which has already been compromised and its value diminished, however it is noted that the best feature, the surrounding area of public green would be retained.
53. In terms of design the Officer welcomes the strong built frontage to Ashdale Road, including a corner-turning unit where the site frontage meets the vehicular entrance and the sense of openness to be retained to the pedestrian route to the west. Whilst there are generally no objections to the principles of the proposed layout there are concerns that parking will dominate, particularly to the front of units 10-20. Officers consider that this will impact on the overall sense of place within the development and impact on the potential usability of the street as a place for social interaction. However, it is advised that this is unlikely to be improved without a reduction in the number of units proposed.
54. With regard to scale, massing and detailed design it is consider that the development responds well to the built form in the surrounding area with its variety of materials, ages and style. The traditional architectural approach utilising a mix of brick and render as the dominant base material, stone heads and cills, and pitched porch canopy features is considered appropriate.

55. *Environmental Health (Contaminated Land)* – advise that there is the potential for Made Ground and contamination of the site associated with the former uses and as the site is located in a coalfield high risk development area. Given this, and due to the fact that the development constitutes a change of use to a more sensitive receptor it is advised a condition be imposed to ensure a land contamination scheme is submitted and approved and any required remediation works identified be carried out prior to the commencement of the development.
56. *Environmental Health – Nuisance* – Raise concerns over the potential of noise within the gardens from traffic which does not appear to have been considered in the noise impact assessments. The Officer also notes that there is a lack of detail in relation to the expected noise levels within the rooms and lack of consideration of any glazing and its impacts. To ensure appropriate noise mitigation measures and that there would be no statutory nuisance the Officer requires a condition to ensure the submission and agreement of a scheme of noise mitigation measures to protect future occupiers from road traffic/commercial noise and to ensure specific noise levels are achieved. The Officer also recommends controls in relation to the hours and days of working during construction.
57. *Trees* – As most trees will be removed from the site the Officer considers this will have a negative effect on the overall street view.
58. *Ecology* – Consider there to be no ecological issues. It is recommended that a condition be imposed to agree locations of the built in bat and bird boxes and ensure their installation.
59. *Public Rights of Way Team* – No comments.
60. *Ward Councillor* - Objects to the development on the grounds that the density is far higher than the average for brownfield site developments within County Durham, almost double. The Councillor therefore considers the development is contrary to saved policy GDP1(a) of Derwentside District Council Local Plan which requires any development to be in keeping with the character and appearance, and the density, of the area. The Councillor is also disappointed that the developers did not undertake any pre-application engagement with the community contrary to paragraphs 39-46 of the NPPF and queries whether the planning department has done anything to encourage this. The Councillor also notes that the density in the immediate vicinity is very low.

PUBLIC CONSULTATION EXERCISE:

61. Eighty-three consultation letters were sent to local residents and statutory publicity undertaken. One objection was received relating to the loss of trees, the increase in traffic on local roads which are already used to access three primary schools and a secondary school.

APPLICANT'S STATEMENT:

62. The proposal involves the redevelopment of the Former Consett Magistrates Courts, off Ashdale Road, Consett to provide 20 new homes.
63. The proposed mix of properties provides 100% affordable housing with 2 no. 2 bed roomed houses and 18 no. 3 bed dwellings with associated parking. All dwellings will be two storey with a mix of semi-detached and terraced blocks. The properties will benefit from private gardens and in-curtilage parking, with the new site access to be taken from Ashdale Road.

64. The completed homes will be owned and managed by Believe Housing – one of the North East’s largest housing associations. Believe covers an area of over 860 square miles, from the very rural west, to Durham city centre and the coastline in the East. Research has indicated a high demand for properties like this in the Consett area.
65. We have a track record of delivering new homes in the North East having recently delivered affordable housing at Deckham, Gateshead whilst working on projects in Ryhope, Sunderland and West Auckland, Durham.
66. The scheme has been designed to enhance the existing area through careful consideration of the houses that front onto Ashdale Road and the war memorial adjacent to the North West of the site.
67. We feel that the proposal as it stands will bring many benefits to the local area, from the redevelopment of a disused site, to the provision of a 100% affordable housing scheme.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?keyVal=PU2NBQGDKEN00&activeTab=summary>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this instance relate to the principle of development in this location, housing supply and need, impacts on the economy, impacts on community and infrastructure, sustainability and climate change credentials, design considerations, impacts on residential amenity, impacts to trees, land safety and stability, drainage, ecology, impacts on historic asset and highways safety considerations.

The Development Plan

69. 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 Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
70. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
71. This is an application for housing development. The main Policies within the Development Plan relating housing are considered out of date either because their evidence base is too old, or because they are contrary to the advice in the NPPF – i.e.

where they relate to overly restrictive planning restraints such as settlement boundaries. Whilst they can provide a useful starting point for consideration of a site, consideration of the development should be led by the NPPF if decisions are to be defensible. Accordingly, paragraph 11 is engaged.

The NPPF

72. Paragraph 11 advises in the first instance to grant permission for sustainable development unless there is specific advice in the Framework that protects areas or assets of particular importance that gives a clear reason for refusal. The affected policies are listed (footnote 6). There is a topic area that affects this site (a nearby designated heritage asset) therefore an assessment must firstly be made as to whether the impacts provide a clear reason for refusing this development.
73. The nearby designated Heritage Asset is the Grade II Listed War Memorial to the west of the site. Paragraph 195 of the NPPF advises that local planning authorities should refuse consent where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset unless there are public benefits that outweigh the harm or specific criteria are met. Section 66 of the Listed Building Act also requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or interest which it possesses. Design and Conservation Officers consider that development would not adversely affect the setting of the memorial, which they consider to already have been compromised and its value diminished, with the best feature, the area of public open green space being retained. Bearing the above in mind and applying paragraph 11(d)(i), it is not considered that there is a clear reason to refuse this development.
74. Paragraph 11 then goes on to advise that permission should be granted unless 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. This application therefore benefits from this 'presumption in favour', and a balancing exercise is called for which can only be undertaken after assessing all other material considerations.

Site Sustainability

75. Paragraph 68 of the NPPF supports the development of windfall sites and advises that great weight should be given to the benefits of using suitable sites within existing settlements for homes. Paragraph 108 of the NPPF advises that when assessing site for development that appropriate opportunities to promote sustainable transport options can be taken up. The NPPF advises in paragraph 118 that substantial weight should be given to the value of using brownfield land within settlements for homes.
76. In terms of site sustainability, the proposed development is a brownfield site within a main town centre that includes a wide range of social, economic and environmental opportunities, including schools, shops, and where health, leisure, social and sustainable transport opportunities exist. It has been identified as a green site capable of being developed within the next 5 years within the SHLAA. Accordingly, the site is highly sustainable.

Housing Supply

77. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently

has a 6-year identified supply which reduces the weight to be afforded to the boost to housing supply as a benefit of the development.

Housing Need

78. The development is presented as a scheme of affordable 2 and 3 bed dwellings. Planning Officers must however point out issues in how this basic positive description is considered in the light of planning legislation, policy, advice and caselaw.
79. Paragraph 61 of the NPPF advises that the size, type and tenure of housing needed for different groups in the community should be assessed. The Council's Strategic Housing Market Assessment (SHMA) demonstrates a need for both affordable and specialist housing to meet the needs of older people.
80. The application proposes a scheme of 100% Affordable Housing on mainly a 'rent to buy' basis with an element of units for affordable rent, that meets the affordable housing definition in the NPPF. 'Believe' state their intention of providing affordable houses, specifically for "Generation Rent" i.e those persons who desire to own their own homes but cannot do so as they do not have access to mortgage finance often because they have no deposit or a poor credit history. The rental properties will be made available to potential residents via the Durham Choice Based Lettings System.
81. The detailed nature of the scheme is such that it meets the basic 10% requirements of Policy HP13 and paragraph 64 of the NPPF for affordable housing and would meet the 15% provision required within this part of the County, this amounts to two units for affordable housing to meet the NPPF definition and one for rent to buy. The 90% over-provision is not secured in such a way that it can be attributed additional weight in the decision-making process.
82. The SHMA evidence indicates that sites of 10 or more units can include 10% (or more) of the units to be designed with older people in mind, for example as level-access bungalows. Significant weight can be afforded to this evidence which is up to date and has been tested for viability. Paragraph 122 of the NPPF advises that decisions should support development that makes efficient use of land , taking into account the identified need for different types of housing. The development has not proposed any provision to meet this identified need for older persons' housing which is disappointing but not surprising bearing in mind Believe's target market and therefore there is some conflict with the NPPF in this respect, however this should not be given significant weight given the limited number of units proposed.

Building a strong, competitive economy

83. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. Therefore material weight is given in the planning process to the economic benefits that would accrue from both the development process and the lifetime of the proposals. The Planning Statement submitted with the application sets out potential benefits of the provision and/or maintenance of construction jobs, increase in council tax receipt, New Homes Bonus receipts, and increase from new residents spending in the local economy. These claims are accepted, and positive material weight is accrued.

Community benefits/impacts

84. New Housing developments can reasonably be expected to mitigate their impact on the existing physical and social environment, either on-site, or through payments in lieu where appropriate.
85. Paragraph 91 of the NPPF aims to ensure that developments have high quality public space. Policy HO22 of the Derwentside Local Plan which requires open space provision on site or where possible via a financial payment is consistent with this policy and should be given some weight. Paragraph 92 of the NPPF promotes that decisions should take into account the delivery of local strategies to improve health and ensure an integrated approach to considering the location of new housing. Paragraph 94 of the NPPF advises that it is important that there are sufficient school places to meet the need of new communities.
86. In terms of open space, there are some useable areas of public space within the site adjacent to the western boundary and within the SUDS area, however due to the size and multi-functional purpose of these areas these would not be considered high quality. The Open Space Needs Assessment advises that schemes of this scale should consider 660 sq m open space provision within the site envelope. In lieu of this, Officers advise that contributions towards off-site typologies (allotments, parks and recreation, play space) would amount to £31,482.
87. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This is a material consideration as opposed to a specific policy requirement, however it provides the justification for seeking mitigation, in respect of essential services including GP provision, where a deficit would result or be exacerbated by the proposal. The NHS have advised that a financial contribution of £9660 is justified in terms of the current capacity issues in the area.
88. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires Local Planning Authorities to seek this. This is a material consideration. Whilst there is sufficient primary school provision to serve the new development the Council's Education Team advise that there would not be sufficient space to accommodate pupils generated by the development in the current local secondary schools whilst maintaining a 5% surplus. Therefore a contribution of £49,652 has been requested to facilitate the provision of additional teaching accommodation.
89. The applicant has sent a viability case to prove their case that if the Council insisted on the above full provision through monies in lieu, then the proposed development of the site would be unviable due to high abnormal costs. Spatial Policy Officers have assessed and accepted the case in relation to the full contributions in the event of high abnormalities. However it has not been demonstrated to their satisfaction that the abnormalities would be at the high end of costs. Nonetheless following discussions with Officers, in order to address any perceived negative impacts the applicants have managed to achieve a higher grant rate which now enables them to offer the full contribution in terms of Health (£9,660) and half of the education requirements (£24,825). The applicants have chosen to offer no contributions in terms of open space rather than splitting the monies equally as they consider the development will not result in the loss of any defined public open space and there is an existing abundance of good quality open space within the immediate vicinity of the site to serve future residents directly to the west of the site. They consider that the existing open space is well

connected to the application site and would be easily accessed on foot by future residents. However the applicants have confirmed that that they would accept the redistributing of the contributions of £34,485 (£1,724.25 per plot) in another way if Members preference is to have some contribution in for Open Space.

90. Relevant to these lower than normal contributions being accepted is the short term deliverability of the scheme and the general good provision and access to a number of types of formal and informal open space and recreation opportunities in and around Consett. Nonetheless this conflict with National and Local Plan Policy and these adverse impacts in terms of lack of full education and any open space provision must carry some negative weight in the planning balance.

General Sustainability and climate change credentials

91. With regards to embedded sustainability paragraph 110 of the NPPF requires development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
92. With regards to electric and ultra low emission vehicles, EV charging infrastructure or passive infrastructure such as physical conduits to support future charging points can be ensured on site via condition. Other measures to embed sustainability and minimise carbon from construction and in use emissions will be required under building regulations.

Design Considerations

93. Both Policy GDP1 and the Framework stress the importance of good design. Design Officers are supportive of the strong built frontage onto Ashdale Road, including the corner-turning unit, and of the layout which allows a sense of openness to be retained to the pedestrian route to the west. The applicants have proposed a traditional architectural approach using a mix of brick and render with stone heads and cills and pitched porch canopy features which is an appropriate response to the mixed materials and styles of buildings in the general area.
94. With regards to density, the proposed scheme has a net density of 38 dwellings per hectare, this is relatively high and is a concern raised by a local Member. Whilst Local Plan Policy GDP1 requires density to be appropriate to the site's location the NPPF is less prescriptive and where there is no shortage of housing land requires account to be taken of need, available land, local market conditions and viability, the availability and capacity of infrastructure and services, promotion of sustainable travel modes, maintaining the character of the area or promoting regeneration and change and securing well designed, attractive and healthy places to conclude whether densities are appropriate.
95. The benefits in terms of the density are that whilst there is no shortage in terms of land supply there is an identified need for affordable housing and the site has good locational sustainability credentials. Furthermore, this site is available for development now. It is accepted that the modest land values and viability requirements dictate the number of dwellings. On the other hand, the density would not be particularly supported in terms of the increase in pressures to local services such as schools.
96. In terms of density within the surrounding area, whilst the density is high, particularly in relation to the nearest dwellings, assessment of the area shows the density to be much

lower than the older terraced streets in the general area and akin to the density of the local authority 1950s/60's semi detached properties along the eastern end of Ashdale Road.

97. Density also has an impact on general design and the attractiveness of a scheme. The high density has resulted in the lack of open space provision within the scheme. The Council's new parking standards that must be accommodated have a negative effect on the communal and private hard surface elements of the scheme, an issue pointed out by Design Officers. However, in response to concerns raised over the amount of parking dominating the front of units the scheme has positively evolved which has allowed for a slight reduction in the amount of parking to the front of the units which has allowed for an improved streetscape and landscaping.
98. Paragraph 127 of the NPPF aims to ensure that developments create places that are safe. Whilst concerns over the use of shared drives raised by the Police Authority are noted these are required to make sure the scheme achieves the Council's new parking standards. Concerns raised by the Police in relation to the alleyway to plot 11 are noted, however this is not an unusual solution in terms of accessing a mid-link property. Officers do not share the concerns over the potential for crime/ASB given that the alleyway would not be openly obvious as an alleyway given its positioning and as the adjacent land is at a lower level and used as a service area for the Consett Academy site.
99. Paragraph 91 of the NPPF seeks to ensure that developments promote social interaction through street layouts with good pedestrian and cycle connections and active street frontages. It also aims to ensure that developments are safe and accessible with clear and legible pedestrian routes and high quality public space. The development performs well in terms of social interaction with active street frontages on Ashfield Road and access possible into the estate from the footpath and grassed area to the west of the site.

Residential Amenity

100. In accordance with Paragraph 127 of the NPPF aims to ensure that developments create places that have a high standard of amenity for existing and future users. Paragraph 170 requires new development not to contribute to or be put at an unacceptable risk from, or be adversely affected by, unacceptable levels of noise pollution.
101. Required amenity distances to surrounding dwellings are significantly exceeded. The required distances between the proposed dwellings are also exceeded. The adjacent sports centre and academy are 29m from the proposed dwellings, at this distance there are no concerns over the relationship between the neighbouring development in terms of privacy, light and outlook. Whilst there is no private amenity space to the front of the dwellings there is an acceptable amount of amenity space to the rear for each of the proposed properties.
102. With regards to noise, the development is considered to be both noise sensitive and has the potential to generate noise during the construction phase. Environmental Health officers are satisfied that conditions can ensure appropriate noise mitigation both during and after construction to prevent a statutory nuisance or unacceptable levels of noise.

Trees and Development

103. The application site includes a number of trees within it – principally on the site boundaries. The site layout would not enable the retention of any of the existing trees.
104. Policy EN11 of the Derwentside Local Plan advises that existing trees should be retained and incorporated in new developments where possible. Consideration in applications must be given to the effect existing trees contribute significantly to the setting of nearby or proposed buildings. Arboricultural Officers consider the removal of the trees would have a negative effect on the character of the area.
105. The value attributed to the trees is acknowledged. The surrounding area has a good coverage of street trees in the highway verges, so that whilst the loss of the trees is regretted, the ultimate recourse to ensure their retention – a Tree Preservation Order – was not considered justified. The loss of the trees removes residential amenity concerns their retention would have caused. The loss of the ecology and biodiversity benefits of the trees counts as a negative in the assessment of the proposals. In the event of an approval, the responsibilities of the developer for nesting birds set out in the Wildlife and Countryside Act 1981 would be highlighted by an informative.
106. Policy EN11 allows for tree removal if tree loss is mitigated by suitable replacement planting. Derwentside Local Plan Policy GDP1 seeks to ensure that developments provide adequate landscaping. The applicant has agreed to provide new tree, hedge and shrub planting both within the estate and on prominent boundaries around the site which Landscape Officers are satisfied with, the implementation and short-term retention can be ensured through an appropriate condition.

Ground Conditions

107. Paragraph 170 of the NPPF advises that new development should not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability amongst other issues.
108. The site has the potential for contamination being a brownfield site and the end users in this instance would be sensitive. The Contaminated Land Officer has requested a condition to ensure that appropriate remediation works are identified and undertaken before the development commences.
109. The site is within an area at high risk of coal mining legacy issues. The Coal Authority confirms they have no objection to the proposals subject to site investigations and remediation being undertaken if identified as necessary before the development commences. This can be ensured via condition.
110. With such conditions the proposal would meet the requirements of Part 15 of the Framework.

Drainage

111. Paragraph 163 of the NPPF requires Local Planning Authorities when determining applications to not increase flood risk elsewhere. Paragraph 165 advises major developments such as this to incorporate SUDS where appropriate and specifies criteria such SUDS should meet. Derwentside Local Plan Policy GDP1 seeks to ensure that appropriate drainage and flood and groundwater protection within developments.

112. Northumbrian Water raise no objection, but request a condition be added to any approval to ensure that both their foul and surface water requirements are fully met. The scheme has been amended in detail in process to ensure it meets the requirements of the Council's Drainage and Coastal Protection Team in respect of controlling surface water drainage. Subject to a condition to ensure the scheme is implemented in accordance with the agreed Drainage Plan, this team have no objection. On this basis it is concluded that the scheme meets the requirements of Policy GDP1(i), (j) and (k) and Part 14 of the Framework.

Ecology

113. With regards to ecology, paragraph 170 of the NPPF advises that decisions should protect and enhance biodiversity. Derwentside Local Plan Policy GDP1 seeks to ensure the safeguarding of protected species. The County Ecologist is satisfied with the surveys works undertaken and the mitigation recommended. The suggested bat box installation can be ensured via condition.

Enhancing the Historic Environment

114. In response to concerns raised by Landscape Officers in relation to the high timber boundary treatments being seen in the context of the Memorial the applicants have submitted details of lower level boundary treatments and hedgerow along part of this boundary to address these concerns. Bearing the above in mind it is not considered that there would be further harm to the designated heritage asset, therefore this does not weigh against the proposal in the planning balance and is considered to meet the relevant test in Section 66 of the Listed Building Act.

Highway Safety

115. The Highways Engineers are satisfied that the proposed layout and parking provision meets the new requirements of the Council's adopted highways standards but request full engineering details to be agreed under condition. Whilst concerns have been raised by residents and the Police in relation to increasing traffic on the busy local roads, no concerns are raised by the Highways Officer as to the effect of the proposals on the wider highways network. Comments made by the Police in relation to conflict between residents and persons parking over accesses are noted however it is considered that this is best dealt with by police and is a common situation in estate's near schools and residents would be aware of this when purchasing their properties. The scheme is therefore concluded to meet the requirements of Policy TR2 of the plan and paragraph 109 of the Framework.

CONCLUSION

116. The housing related policies in the Development plan are those most important for dealing with the application and are out of date, directing determination to the NPPF. The application proposes a residential development on a previously developed site within an established urban area that offers a good range of services, facilities and opportunities. The site is concluded sustainable in principle. Policies which protect areas or assets of particular importance do not provide a clear reason for refusal.

117. There are both positive and negative aspects to consider in the planning balance. The benefits are the provision of housing with good amenity standards and some good quality design aspects in a highly sustainable location on previously developed land. The negative impacts are the pressures upon community facilities, loss of trees and biodiversity and the lack of any open space and substandard education contributions, the high density and car dominance within the design and lack of provision for older persons housing.
118. The impacts upon the trees on site is a negative aspect of this development. As are concerns over the lack of provision of housing for older persons and in terms of open space, therefore the proposal fails to meet policy requirements. Lack of full contribution to educational services is a further disbenefit. However, the weight given to these negative aspects are reduced given the size of the site and bearing in mind the short term deliverability of the scheme and the general good provision and access to a number of types of formal and informal open space and recreation opportunities in and around Consett.
119. Officers consider the proposals finely balanced but applying the titled balance of paragraph 11 of the NPPF, conclude their recommendation in favour of the proposals as the adverse impacts do not significantly and demonstrably outweigh the benefits.
120. There are elements of the proposals that can be mitigated or made acceptable through contributions by the developer in a legal agreement -i.e partial Education contribution of £24,825 and full NHS contribution of £9660. The NHS impacts are therefore neutral, and are required to make the proposal acceptable only, being directly proportionate to their impacts.
121. Conditions can address technical implications and ensure an acceptable form of development and agree the details for issues including highways layout, foul and surface water drainage, bat boxes and EV vehicle infrastructure. Pre-commencement type conditions are only proposed where the nature of the issues requires agreement in advance of site works.

RECOMMENDATION

122. That the application be APPROVED, subject to the applicant entering into a legal agreement consisting:
- securing 15% of the scheme as affordable housing on site.
 - A contribution to secure NHS mitigation of £9660
 - A contribution to secure Education mitigation of £24,825

And the conditions detailed below:

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

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

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

(00)110	03/07/2019
(00)100	03/07/2019
(00)351 Rev A	03/07/2019
(00)355 Rev C	03/07/2019
(00)356 Rev A	03/07/2019
(00)357	03/07/2019
(00)358	03/07/2019
(00)360 Rev B	03/07/2019
(00)361	03/07/2019
(00)365 Rev B	03/07/2019
(00) 366	03/07/2019
(00)600	03/07/2019
ARB/CP/2049/AIP	03/07/2019
JJ Rev A	03/07/2019
(00)650 Rev A	18/07/2019
(00)320 Rev B	21/08/2019
(00)330 Rev C	21/08/2019
(00)300 Rev N	27/08/2019
(00)320 Rev D	29/08/2019
D217-P-001	29/08/2019
D217-P-002	29/08/2019
003-01	12/09/2019
005-03	12/09/2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GPD1, EN11, HO22, and TR2 of the Derwentside District Local Plan 1997 (saved policies).

3. Prior to construction above damp proof course samples panel of the materials to be used in the construction of the main walls and roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy GDP1 of the Derwentside Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. Prior to construction above damp proof course a detailed scheme for the disposal of foul water must be submitted to and approved in writing by the Local Planning Authority. The development must take place in full accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies) and parts 14 and 15 of the NPPF.

5. For surface water drainage, the development must be implemented in full accordance with the updated Drainage Strategy dated September. 2019, Ref: (Flood Risk and Drainage Assessment Revision A 2019009).

Reason: To prevent the increased risk of flooding from any sources in accordance with the Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies) and parts 14 and 15 of the NPPF.

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. Any required remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

9. No development shall commence until the undertaking of an appropriate scheme of intrusive site investigations; the submission to the LPA of a report of findings arising from the intrusive site investigations; The submission of a scheme of remedial works for approval; and implementation of those remedial works.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

10. Prior to their installation details shall be submitted to and approved in writing of the locations of the built-in bat and bird boxes and the boxes shall be installed in accordance with the approved details within one month of the completion of the development.

Reason: In the interests of safeguarding protected species and biodiversity in accordance with Derwentside Local Plan Policy GDP1 and Section 15 of the NPPF.

11. The approved landscaping details shall be undertaken on site within the first available planting season following the completion of the development. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of a similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of ensuring appropriate landscaping and the visual amenity of the area in accordance with Derwentside Local Plan Policy GDP1.ubmitted to and approved in writing by the Local Planning Authority.

12. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

13. EV charging infrastructure or passive infrastructure such as physical conduits to support future charging points shall be installed on site prior to the occupation of the dwellings. Details of the type and positioning of such infrastructure shall be submitted to and approved in writing by the Local planning Authority prior to its installation. The approved infrastructure shall be retained in perpetuity.

Reason: To ensure that the design enables the charging of plug-in or other ultra-low emission vehicles in safe, accessible and convenient location in accordance with Paragraph 110 of the NPPF.

14. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction/suppression.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- Designation, layout and design of construction access and egress points;

- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy GDP1; of the Derwentside Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

15. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason:*To mitigate potential noise pollution for existing residents in accordance with Derwentside Local Plan Policies GDP1 and EN26 and section 15 of the NPPF.

16. Before development of the approved highways layout commences, full engineering details must be submitted to the Local Planning Authority and agreed in writing. The layout must thereafter be implemented to an adoptable standard in full accordance with said agreement and be completed in full before occupation of any dwelling hereby approved.

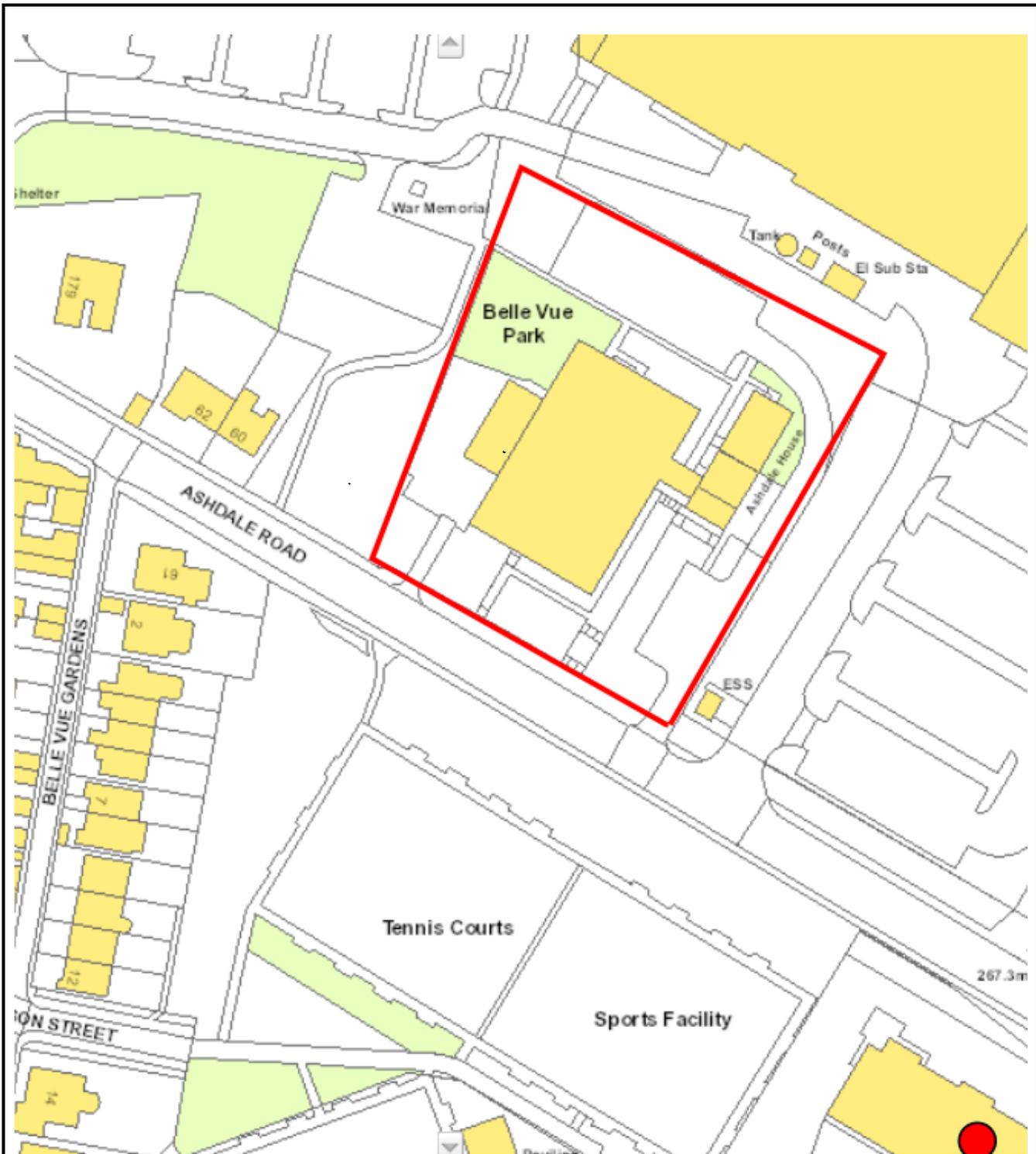
Reason: In the interests of highway safety and Policy TR2 of the Derwentside District Local Plan 1997 (saved policies).

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes
Wildlife and Countryside Act 1981
Derwentside District Local Plan 1997 (saved policies).
Strategic Housing Land Availability Assessment
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>Proposed 20 no. new build residential units - 2 and 3 bedroomed with associated infrastructure</p> <p>Application Number DM/19/02141/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 31st October 2019</p>	<p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01992/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing garage and the erection of two 3 bed semi-detached dwellings (re-submission of application DM/17/03634/FPA)
NAME OF APPLICANT:	Mr David Armstrong The Crest Beamishburn Road
ADDRESS:	Beamish Stanley DH9 0LR
ELECTORAL DIVISION:	Tanfield
CASE OFFICER:	Sarah Seabury Planning Officer Telephone: 03000 261 393 sarah.seabury@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.13 ha. of land, to the north of Kip Hill, part of the Shield Row area of Stanley, approximately 0.75 miles north-east of Stanley town centre. A housing estate, Badgers Wood, completed in the mid 2000s, lies within approximately 100 metres of the site to the south, whilst the South Causey Inn Hotel is located within approximately 150 metres to the north of the site.
2. The land is currently used as a garden and driveway for the host property, The Crest. A double detached garage at the site, would be demolished to facilitate the development. The western boundary is formed of an embankment leading to Causey Road. The northern boundary borders an agricultural field which forms part of an Area of High Landscape Value. The eastern boundary fronts Beamishburn Road and the Blue Bell Public House. The southern boundary bounds the adjoining property to The Crest, Maclymont. The existing access to the site is taken from Beamishburn Road as per the other three dwellings within the vicinity.

The Proposal

3. This is a resubmission of a previously refused application. The previous application was refused as the design was not considered to be of a sufficiently high standard and not in keeping with the character and appearance of the area. The principle of the construction of two dwellings at this location was not challenged.

4. Following discussions with the applicant and the Design and Conservation Officer the following amendments were requested:
 - a. Removal of the second floor of the property;
 - b. Removal of the dormer windows;
 - c. Mirror the roof pitch of the existing properties, and
 - d. Remove the bay windows to the rear of the property.
5. The applicant has included all these amendments in the currently proposed scheme. The proposed garage block for the existing dwelling has also been removed from the current proposal.
6. The current application proposes the erection of two semi-detached dwellings, with a single monopitch side garage to plot 2. The new dwellings would each have three bedrooms. Each property would be served by its own access and driveway off Beamishburn Road. The properties would be similar in scale and materials to the existing two pairs of semi-detached properties located immediately to the south, and would be constructed on the same building line with matching red brickwork and slate hipped roofs. Each property would benefit from a block paved driveway.
7. This application is reported to Committee at the request of Councillor Milburn, who feels that Members should get an opportunity to assess the revised design of the proposal.
8. The application was heard at Committee on 26th September 2019 when Members agreed to defer the decision to allow a speed survey to be carried out and to invite the Landscape Officer to attend the subsequent meeting to provide further advice regarding landscaping issues.

PLANNING HISTORY

9. DM/17/03634/FPA - Erection of two dwellings and attached garages at The Crest Beamishburn Road Beamish Stanley DH9 0LR. The application was refused on 28 September 2018 as it was considered that the development was not of a high standard of design and not in keeping with the character and appearance of the area. Furthermore, it was considered that the proposal would not protect existing landscape features.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. The NPPF requires local planning authorities to approach development management decisions positively, and in accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will

depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

12. The following elements of the NPPF are considered relevant to this proposal;
13. *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.
14. *NPPF Part 5 – Delivering a sufficient supply of homes* - To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 - Building a strong, competitive economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 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.
17. *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.
18. *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.
19. *NPPF Part 12 - Achieving well-designed places* - The Government has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.
20. *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.

21. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

NATIONAL PLANNING PRACTICE GUIDANCE:

22. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
23. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
24. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
25. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
26. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
27. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
28. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of

amenity can be achieved. Paragraph 180 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

29. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
30. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
31. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
32. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

33. 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. Following consultation at ‘Issues & Options’, ‘Preferred Options’ and ‘Pre-Submission Draft’ stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019 and the EIP is current proceeding. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<https://www.durham.gov.uk/article/3266/How-we-currently-make-planning-and-development-decisions>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Highways* – No objection subject to a condition requiring the construction of the access in accordance with the submitted plans prior to the occupation of the dwellings.
35. Additional Highways Comments on Speed Survey results - The data and the daily traffic flows have dropped by a total of 132 daily movements and the 85th percentile speeds have increased by 1 mph to 24.9mph. The Officer considers that the assessment of the application is still the same in that site visibility can be achieved

from the domestic vehicle accesses with introduction of the new lowered access crossing and some hedge pruning. With regard to pedestrian safety, a new 70 metre long adoption standard footway link cannot be created at this location however given there is no recorded accidents and the data confirms the previous Highways advice of the road side environment having slow speed traffic and very light traffic flows even with the absence of a new footway link to the development the proposals would not be deemed to cause significant harm to pedestrian safety.

36. *Northumbrian Water* – No objection to the proposal, however NWL advises the applicant implements sustainable surface water management and this will be added as an informative.

EXTERNAL CONSULTEE RESPONSES:

37. *The Coal Authority* – No objection, subject to a condition requiring site investigation works are carried out prior to the commencement of development.

38. *Health and Safety Executive* – Comments awaited, however the HSE did not advise against the granting of planning permission for the previous application with the same red line boundary.

INTERNAL CONSULTEE RESPONSES:

39. *Landscape Officer* – Advises that the site is adjacent to the Causey and Beamish Area of High Landscape Value. Due to the loss of the trees indicated in the tree report the application cannot be supported.

40. *Trees Officer* – No objection subject to replanting.

41. *Ecology* – No objection.

42. *Environmental Health* – No objection subject to conditions relating to noise, construction activities and the implementation of the best practicable means of minimising noise, vibration, light and dust nuisance or disturbance.

PUBLIC CONSULTATION:

43. Ten letters of public consultation were sent out to nearby residents, and a site notice was posted. A single letter of representation was received from all three neighbouring properties of Kip Hill.

44. The letter raises the following concerns:

- a. the proposed buildings are overbearing in relation to the existing homes.
- b. the design of the properties and the hard and soft landscape is out of keeping with the area.
- c. water drainage issues.
- d. vehicle access and highways impact.
- e. tree loss and landscape impact.
- f. extension of the existing settlement of four houses.
- g. existing and proposed housing development in the area provides alternative housing and the development of existing consents should be encouraged as a substitute.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

APPLICANTS STATEMENT:

45. The proposed design for the both dwellings are in keeping with the host and adjoining property. The proposed dwellings will be built using the same materials and will have hipped style roof and bay window to the front elevation.
46. The landscaping and shrubbery will manicured to provide good visibility to the main road as discussed with the Highways officer.

PLANNING CONSIDERATIONS AND ASSESSMENT

47. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relates to the principle of development, the impact of the development on the character of the surrounding area, neighbouring amenity, highways, scale and character, landscaping, ecology, noise and site works.

The Development Plan

48. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
49. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

Policy Principle

50. In terms of compliance with the Development Plan, Saved Policy HO5 is of most relevance to the application, however it is not fully consistent with the NPPF and therefore only limited weight can be afforded to it. As it is a settlement boundary policy based on evidence which is out of date, then Paragraph 11 of the NPPF is engaged. Determination therefore reverts to Paragraph 11 of the Framework and it's presumption in favour of granting planning permission when considering the planning balance as there are no protective policies in the Framework which provide a clear reason for refusing the application..
51. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently has a 6-year identified supply which reduces the weight to be afforded to the boost to housing supply as a benefit of the development.

52. Shield Row has a small range of services and facilities proportionate to its size, including a petrol station, convenience store, and primary school, relying on the hierarchy of surrounding settlements for others. Bus stops are located within approximately 150 metres of the site, at Causey Road, with twice-hourly services to Newcastle city centre, the Metrocentre, and Stanley town centre. Given the presence of accessible shops and services it is likely that any future residents will use these facilities and services and therefore it is likely that this proposal would enhance the vitality of this community and is considered sustainable in locational terms in accordance with the NPPF.

53. In terms of the economic benefits of the proposal, both the construction of the dwellings, and the increase, albeit small, in the number of residents supporting local services, can be given a small degree of weight in terms of economic sustainability. In terms of the environmental credentials of the scheme, these will be explored further in the Landscaping section of the report, however the site's location means a private vehicle would not always be required to access day-to-day services and facilities given the site's proximity to local amenities

Impact upon the Surrounding Area and Neighbouring Amenity

54. The application is proposed on an area of garden land located to the north of the existing dwelling, and on the edge of the built-up area. Vegetation removal is required to accommodate the required visibility splays for the access and for the development. The trees to be felled are not subject to a Tree Preservation Order and could be removed at any time. The Landscape Officer does not support the application given the proposed tree loss would have some adverse landscape and visual effects, these concerns are shared with the objectors. Whilst the concerns of the Landscape Officer are noted the application site is in an edge of settlement location with built development beyond before the landscape opens up completely. The South Causey Inn is located to the north of the site with the countryside beyond and the Bluebell Inn is located to the east with the countryside beyond. To the south is the settlement therefore the proposed houses would only form the settlement edge with views to and from the north west. The application boundary of the site to the north west is separated from the countryside by the existing A6076 road and existing vegetation along the highway verge. Therefore, the proposed additional houses would not form the last intervening man-made feature before the countryside due to the road. In addition, the existing vegetation is outwith the application boundary and would therefore be retained as these trees are not proposed to be removed. Two houses at this location is not considered to be excessive however the loss of the trees should be compensated for. A condition for the submission of a scheme of landscaping is recommended to ensure the site continues to retain an element of screening and to add complementary screening to the properties in line with Saved Policy GDP1(f) of the Local Plan. The securing of a landscaping plan would allow the Council to retain a degree of control in regard to inward views of the development and site landscaping. Given the proposed layout and appearance of the proposal, it is considered that the development site in principle appears a logical extension of the existing settlement and would not result in a significant adverse impact on the landscape subject to a landscaping condition.

55. Saved Policy GDP1(h) which seeks to protect residential amenity, and the Local Plan includes supplementary planning guidance (SPG) on residential facing distances, 21 metres between facing habitable room windows and 12.5 metres between a facing and non-facing habitable room window. The Objectors have raised concerns with regard to the overbearing impact of the proposed properties. As the properties would be located on the same building line as the existing four properties, and the closest property would sit adjacent to the host property with no habitable room

windows in either, it is not considered any adverse amenity, overbearing or privacy impacts would occur as a result of the proposal. The Environmental Health Officer has considered the proximity of the proposed properties to the neighbouring South Causey Inn and Bluebell Inn. Given the proximity of the pubs to the proposed properties a condition has been recommended to protect the amenity of future residents through a scheme of mitigation. Conditions are also recommended to prevent the burning of waste at the property during the construction phase and in terms of construction noise. The proposal is therefore considered to be in accordance with Saved Policy GDP1 subject to condition.

Highways

56. The objectors have raised concerns regarding the proposed access arrangements for the proposed properties and the host property. The applicants have demonstrated that satisfactory visibility can be achieved when exiting the site.
57. At the request of the Committee Members an updated speed survey has been carried out. The results show that the daily traffic flow has reduced since the previous survey in 2008 with only a 1mph increase in speed recorded. As such the Highways Development Management Officer advice remains the same and no objection is raised subject to a condition requiring the accesses to be constructed in accordance with the submitted plans prior to the occupation of the properties.
58. Furthermore, objectors have raised concerns regarding the increase in traffic along Beamishburn Road, the lack of a footpath and limited street lighting. The Highways Officer has considered the need for a footpath in relation to the speed survey data and the scale of the development and does not consider a footpath necessary to support the application. As such the Highways Development Officer raises no objection to the proposal with regard to pedestrian safety. Accordingly, it is considered that the proposal complies with Saved Policy TR2.

Scale and Character

59. The NPPF sets out at paragraph 127 that planning policies and decisions should *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*. It states that developments should be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, including increased densities. Saved Policy GDP1 of the Plan requires developments to be in keeping with the character and appearance of the area, with form, mass, layout, density and materials appropriate to the site's location. The previous application was refused as the proposal was not considered to be of a high standard of design and not in keeping with the character of the area. Officers and the applicant discussed changes to the proposed dwellings prior to the submission of the application. The applicants were advised to remove the second floor of the property and as a result remove the dormer windows, mirror the roof pitch of the existing properties and remove the bay windows to the rear of the property. The applicant has amended the proposal in line with Officers recommendations made in consultation with the Design Officer.
60. The objectors have raised concerns regarding the amended design of the proposed dwellings. It is considered however that the amended proposal is now in keeping with the design of the existing properties and offers an improved design from the previously refused scheme. The objectors also raise concerns regarding the garden layout and areas of hardstanding proposed. Whilst it is acknowledged that the

proposed hard and soft landscaping for the properties would differ from that of the existing properties, the garden and hardstanding areas of these properties could be changed at any time within the parameters of the permitted development. When considering the proposal itself the proposed soft and hard landscaping is reasonable for the proposed use as domestic dwellings.

61. Whilst it is acknowledged that the existing properties have locally been considered as a 'set of four houses' the addition of two further houses designed sympathetically and specifically to be in keeping with the style of the existing houses is considered to be in accordance with the NPPF which supports appropriate change. Given the above, it is considered that the changes improve the design and appearance of the development and address the concerns previously raised. Accordingly, the proposal complies with the NPPF and Saved Policy GDP1.

Drainage

62. Concerns have been raised by objectors regarding drainage however Northumbrian Water has raised no issues in relation to the proposal and the development is considered acceptable in this regard.

Ecology

63. A bat risk assessment was submitted in support of the application, and the County Ecologist has confirmed the acceptability of the assessment with no further works required. In this regard, a condition requiring the development to be carried out in accordance with the mitigation details as set out within the assessment is considered appropriate, including the insertion of a Schwegler Bat Tube to each of the proposed dwellings. In this regard it is considered the proposal would comply with the biodiversity requirements of Part 15 of the NPPF.

Noise and site works

64. The Environmental Health Officer has considered the findings of the submitted noise report in relation to the Blue Bell Inn, and road noise from Causey Road and Beamishburn Road. Conditions have been suggested by the Officer to mitigate concerns in this regard, both during site works and in the lifetime of the development, including methods of façade construction, and the erection of boundary treatments within the site. Additionally, given the proximity of the site to other residential properties, a condition restricting the working hours and practices on site is also considered appropriate however a construction management plan is not considered to be required given the relatively small scale of development. Subject to the required mitigation being implemented as set out within the noise report, and working hours and practices on site, the proposal is in accordance with saved policy GDP1.

Other matters

65. Objectors have noted other sites would be preferable for housing, particularly raising concern that previously permitted sites have not yet been developed. However, this application can only be considered on its own merits and whether this proposal is acceptable in planning terms. The planning system allows developers 3 years to commence development before permission lapses, however it cannot force a developer to implement the permission.

The Planning Balance

66. In accordance with Paragraph 11 of the NPPF, a balancing exercise must be undertaken to decide whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. The application brings the benefits of adding to the County's housing supply in a location that is considered 'sustainable', increasing the sites environmental credentials and opportunities for home ownership. The short-term benefits to the local economy brought by the construction phase are also identified as of positive material weight along with the associated economic activity by new residents.

67. The addition of two houses would result in a slight adverse impact on the local landscape however this can be reduced through a carefully planned landscape scheme. The proposed properties have been sympathetically designed to be in keeping with the existing properties and the character of the area. They would be sustainably located with access to local services and transport links. It is therefore considered that the identified adverse impacts do not significantly and demonstrably outweigh the benefits.

CONCLUSION

68. The revised scheme brings some benefits, and with some negative adverse impact identified, the titled planning balance' test in Paragraph 11 of the NPPF leads to the recommendation for approval of the proposal, subject to the identified conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

- 1) The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

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

- 2) The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan;

- 3) Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

- 4) No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan-based details of the following:
 - Trees, hedges and shrubs scheduled for retention.
 - Details of hard and soft landscaping including planting species, sizes, layout,

- densities, and numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the character of the area in accordance with Policy GDP1 of the Derwentside Local Plan (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

- 5) All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the character of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

- 6) No development shall take place unless in accordance with the mitigation detailed within Parts 5.6 and 6.0 of the Bat Risk Assessment (dated January 2018) including, but not restricted to, adherence to precautionary working methods; provision of two Schwegler Bat Tubes.

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.

- 7) The dwellings shall not be occupied until the highways works detailed on the proposed site plan (Drawing No. 001 - Existing Plans and Elevations, Site Plan and Location Plan Proposed Plans, Elevations, Site Plan and Location Plan received 24 June 2019) have been fully completed and shall be permanently retained thereafter.

Reason: To provide adequate visibility from and of emerging vehicles in the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan.

- 8) No development shall take place until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The aim

of the scheme shall be to protect future occupiers from road traffic noise and commercial noise and should ensure the following noise levels are achieved.

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

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

Reason: In the interests of the amenity of the occupiers of the proposed dwellings in accordance with Policy GDP1 of the Derwentside Local Plan.

- 9) No construction/demolition activities, including the use of plant, equipment and deliveries, should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

- 10) No burning of waste is to be carried out on the development site during construction.

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

- 11) No development shall commence until a scheme of intrusive site investigations has been undertaken in relation to Coal Mining Risk, and a subsequent report has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented thereafter prior to works commencing. Should the report outline the requirement for remedial works, these shall also be implemented thereafter prior to works commencing.

Reason: In the interests of the safety and stability of the site and to comply with Part 15 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

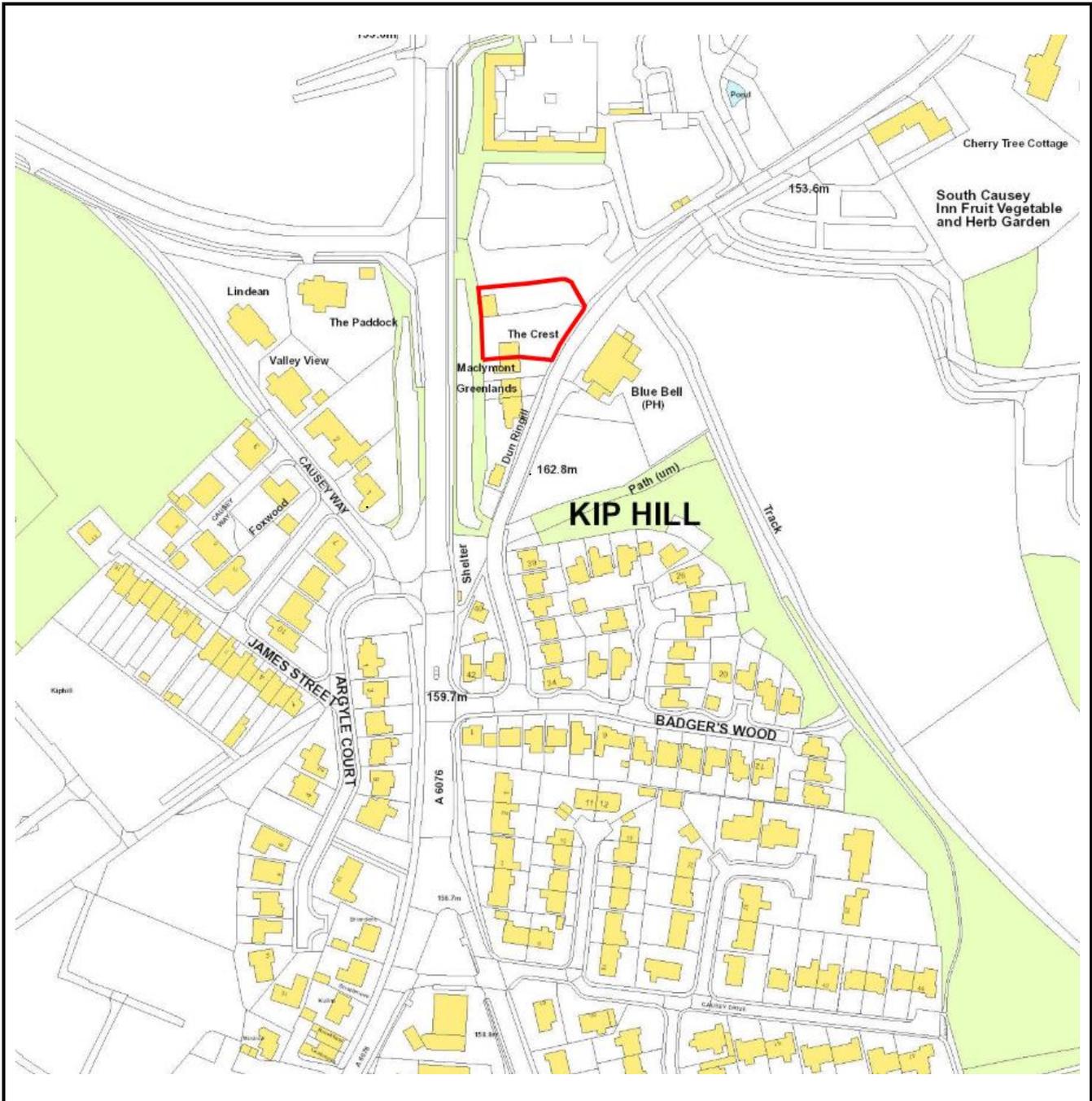
STATEMENT OF PROACTIVE ENGAGEMENT

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

economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>Erection of two 3 bed semi detached dwellings</p> <p>Application Number DM/19/01992/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	<p>Date 28th November 2019</p> <p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01681/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing building and reconstruction of demolished building section for a care home facility for the elderly and ancillary parking and landscaping.
NAME OF APPLICANT:	Mr D al Mutawa
ADDRESS:	WeCare4 Ltd Former South Moor Greenlands Community Infant School
ELECTORAL DIVISION:	Craghead and South Moor
CASE OFFICER:	Louisa Ollivere Area Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to the former South Moor Greenlands Community School which closed in 2013 and which was subsequently sold by the Council in 2016. The site comprises two separate groupings of buildings along the north and south boundaries of the site with a central yard area between. Both wings are characterised by large single storey red brick buildings with high and decorative rooflines interspersed with more modern single storey red brick additions with flat or hipped roofs. The eastern section of the southern wing has recently been demolished following fire damage earlier this year. The site slopes gently from north to the south. There are some areas of grass and trees to the north of the northern building. The site is enclosed with red brick walls with wrought iron railings above alongside safety fencing surrounding the demolished areas. Vehicular access is taken from the roadway to the west of the site. The northern wing faces onto the gable end of terraces and a grassed area. The southern wing faces onto a large area of green space, gardens and the gable end of a bungalow.
2. The site is within a predominantly residential area, although there is a M.O.T centre to the south east of the site. The site is within 50m of Park Road, the main thoroughfare in South Moor. South Moor is considered to be part of the extended settlement of Stanley. The significant facilities and services offered by the main centre of Stanley are around 1km from the site (as the crow flies). This main town offers supermarkets, a bus station, leisure centre and library, Council Offices and a range of social and commercial facilities.

3. In terms of the urban form, surrounding dwellings include Victorian brick-built terracing and 1950's former local authority bungalows.

The Proposal

4. The application proposes a change of use of the buildings currently on site and rebuilding the demolished elements to their former state. This is to facilitate the creation of a care home and care facility offering 109 rooms for the elderly to be run by the newly formed Wecare4 Ltd which is described as a 'not for profit' company based in London. In addition to guest rooms there are other associated facilities proposed such as a library, computer room, dining room, skype rooms, café, restaurant, hairdressers, business centre, laundry room, games room, day room, spa, clinic and offices and meeting rooms for staff. The proposal is estimated to provide 60 full time employees and 50 part time employees operating on a shift pattern over 24 hours with 20 staff on site at any one time. It is proposed to roll out the development over three phases however the use would not be open until the final phase is complete.
5. This application is reported to Committee as a 'major' development given number of residential units involved.

PLANNING HISTORY

6. In 2018 an application was submitted for Change of use from D1 to offices and students' hall or residence. Under hostel or multi occupation of One Planet Society members. The application was returned invalid as insufficient information was supplied (DM/17/03789/FPA).
7. In July 2018 a planning application was received for a 109-bed hostel. This application was highly contentious with many objections received from local residents. Following a meeting with local Councillors and senior Management the applicant withdrew the application in August 2018 with the intention of exploring different ventures
8. In June 2019 a fire occurred at the premises which caused extensive damage.
9. The Council gave formal notice in 11/06/2019 2019 of the intention to partially demolish the buildings under the dangerous structures remit.
10. Partial demolition commenced by the site owner's contractor on 29/07/2019.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of

consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

13. The following elements of the NPPF are considered relevant to this proposal;
14. *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.
15. *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.
16. *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.
17. *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.
18. *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. It should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. Decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
19. *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.
20. *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.

21. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including that they, 'will function well and add to the overall quality of the area' and 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.
22. *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.
23. *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.
24. *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>

NATIONAL PLANNING PRACTICE GUIDANCE:

25. 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; Design, Healthy and safe communities, Historic Environment, Housing needs of different groups, Housing for older and disabled people, Land affected by contamination and the Natural Environment.

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

LOCAL PLAN POLICY:

26. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
27. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, deterring crime and consideration of drainage.
28. *Policy HO17 – Sub division and adaptation of existing buildings to residential use* – conversions and divisions should respect the character of the existing building and the

locality, not affect the amenity of neighbouring occupiers, provide an element of useable amenity space and that the concentration of such uses should would not affect the character of an area.

29. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

EMERGING PLAN:

The County Durham plan

30. 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highways* – The Officer consider the site is well connected to the main street and is only a short walking distance from public transport options. It is noted that this part of South Moor is a well-connected walkable neighbourhood with good footway links which is street lit with wide residential streets. In terms of highways traffic generation, the Officer acknowledges that the site operated as a school and the vehicle trips associated with schools are in the peak hour which can cause a high demand for on street for parking. It is pointed out that parking problems particularly occur when parents are waiting to pick up and drop off. The Officer considers that this change of use to an elderly care home will generate much lower levels of traffic than that of a fully operational school.
32. In terms of car parking which is a key function on most streets, as a worst case scenario if 20 staff owned a vehicle and travelled to the site for a shift change-over of staff with the staff already present at the site the Officer calculates that this could result in five vehicles being parking on street on each side of the development whilst waiting to park at the site. It is noted that the streets of School Terrace, Rydal Avenue, Keswick Road and School Lane have light parking demand and are certainly wide enough at 7.3 metres to cope with the parking demand scenario described without causing any significant hazards or issues to other road users. Visitors to care facilities tend to occur at weekends and are out of traffic peak times again visitor parking would not be seen to cause a significant parking concern.

33. Having considered the impact for mobility impaired users on street and the footway comfort levels to the main street the Officer advises that improvements should be made to the existing footways as part of the offsite highway works. It is advised that the applicant needs to provide a suitable tactile pedestrian crossing scheme from the main access to link to front street, this would involve the installation of two lowered tactile pedestrian crossing points on the north side of Rydal Avenue. It is also advised that the existing triangular school warning sign should be replaced with a frail, blind or disabled pedestrians likely to cross road ahead.

34. In conclusion, the Officer advises that the residual cumulative impacts of development would not be deemed severe enough to warrant a highways refusal.

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

36. *Northern Gas Networks* – No objections.

37. *The Coal Authority* – Recommends a planning condition be imposed requiring site investigation works to be undertaken prior to the commencement of the development and that any identified required remedial works be undertaken prior to the commencement of the development.

38. *NEDL* – No comments received.

EXTERNAL RESPONSES:

39. *Alzheimer's Society* – No comments received

40. *Durham Constabulary PALO*– Views are awaited

41. *National Health Service* – Advise that a contribution of £22,890 is required to mitigate the development.

42. *Kevan Jones MP* – Objects to the application on grounds of lack of need, viability as a care home, impacts upon local roads in terms of traffic and parking, that the design of the school does not lend itself to being used as a care home.

INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – Draw attention to Policy GDP1 as the relevant Development Plan Policy, confirming that it can be afforded weight in the decision-making process. The Officer also advises that Policy HO17 which provides guidance in relation to the sub-division and adaption of existing buildings to residential use can also be afforded weight in the consideration process. As the general aims are consistent with national policy the Officer advises that TR2 can be given some weight in the decision-making process when read in conjunction with the more up to date county standards and the advice of the Highways Team. The Officer notes that the former Greenlands School site is identified in the South Moor Inset Map as a redevelopment site. Policy SMI5 is supportive of community use of existing buildings in the event of the relocation of the school. The supporting text explains that being located at the heart of the residential area the site and/or buildings would be suitable for community use by local residents, if required for that purpose, it makes no reference to alternative uses such as care homes.

44. In terms of housing need, the Officer advises that the SHMA identifies a general need for specialist housing across the County and that this feeds through onto requirements for specialist housing for older person that is wheelchair accessible, to be provided as a

component of major new residential developments. It is pointed out however that the SHMA does not provide a detailed assessment of location for care homes.

45. With regard to amenity, reference is drawn to para 18 of the NPPF which requires new development to be integrated effectively with existing businesses and community facilities and that such businesses /facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
46. The Officer considers that design to be poor in terms of layout and as the scheme lacks adequate and well-designed communal areas and bedrooms appear small and crammed in. It is advised that the design of specialist housing schemes is key to ensuring that they are health-promoting and work well for people with dementia and similar conditions.
47. They note further that the application suggests measures would be in place to ensure round the clock support at the facility, addressing potential amenity concerns for neighbours. In relation to potential benefits, the proposal may provide accommodation for those who require support and assistance in a location that is close to local facilities and services.
48. *Durham County Council Care Homes, Adult and Health Services* - Advise that the current capacity data for care home beds in the Stanley area suggests that there is currently no clear requirement for the suggested bed numbers.
49. *Design and Conservation Officer* – Considers that it is positive that the proposed development will retain the surviving elements of the existing former school building with the addition of infill buildings. It is advised that the applicant should ensure the height of any new elements sits below the height of the existing buildings. The Officer advises that contemporary buildings which take reference from but do not replicate the existing buildings will ensure the remaining elements of the existing building are recognisable within the new development.
50. Whilst it was previously established that the existing building was considered a non-designed heritage asset, at that point, the buildings were relatively intact and made a positive contribution to the streetscape. Since the building has suffered fire damage and has been partly demolished. Officers are of the opinion that this has reduced the overall significance of the buildings.
51. *Environmental Health (Nuisance)* – Raise no concerns in terms of statutory nuisance or residential amenity.
52. *Environmental Health (Contaminated Land)* – Advise that the site is located in a coalfield high risk development area and there is the potential for Made Ground/contamination on site and therefore request a condition to address contaminated land.
53. *Ecology Officer*: Advises that that site was surveyed in 2011 and 2015 with no roosts recorded and therefore requires no further ecology work be undertaken.

PUBLIC CONSULTATION EXERCISE:

54. Consultation letters were sent to 1275 surrounding properties, a site notice was posted at the site and an advertisement was placed in the local press.

55. Thirty-eight letters of objection have been received from residents of neighbouring dwellings and one from Stanley Town Council, their concerns are summarised as follows:

- The business may fail and end up being converted to something else such as a hostel, possible alternative motives.
- The application is very similar to the previous application for a care home.
- A similar application by the same company was refused by a neighbouring Authority.
- The company is advertising its operation without any known permissions being in place for care homes.
- Background of applicant and links to the previous applicant for the hostel application.
- The company has only been in operation a very short amount of time.
- There is a lack of parking to serve the staff, visitors and doctor's etc.
- Congestion on street will prevent access for residents and emergency services and cause highways safety issues.
- There is a lack of need for such a facility, the Council has closed care homes.
- The accommodation and ancillary services detailed are not suitable for a care home.
- The rooms are too small to cope with the requirements of care.
- Noise from traffic and persons 24/7 and impacts to health.
- New build or general housing would be more appropriate.
- Local house prices will be compromised.
- Issues with asbestos in existing building and structural stability.
- Police are already stretched by ASB problems in the area.
- The proposal will bring in strangers to the area- impacts to community cohesion.
- Inaccuracies and lack of detail in application documents.
- Lack of consultation by developer.
- The previous application was refused.
- Lack of facilities in the area to serve the use.
- There are bats in the current buildings.
- This is not an appropriate place for a care home/unsustainable location.

APPLICANT'S STATEMENT:

56. WeCare4 has inspiration to develop properties and software into the healthcare sector. Currently its team of management has had a number of meetings with reputable healthcare operators which are interested in working with our firm into that development plan.

57. Further investment has been made into building an internet base application to provide an effective solution for the growing demands of the healthcare industry.

58. Our intention is to develop a quality facility that we would be proud of and add to the local community a service that is much needed.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?keyVal=PS7CUJGDJOG00&activeTab=summary>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to acceptability the living environment proposed, the model of care offered and general amenity; whether the proposal is an effective use of land; design and historic environment implications; housing supply and need; economic growth; locational and general sustainability; ecology impacts; land safety and stability and highways safety impacts.

The Development Plan

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

61. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Policy GDP1 and Policy HO17 which seek to both to protect the amenities of existing and future neighbouring occupiers and land users and to achieve a high standard of design are the most relevant and important policies for the proposed use of the site and have resonance with part 12 of the Framework in terms of both its general design implications and its protection of amenity. This Policy leads determination of the application. Whilst policy SM15 of the DLP supports the redevelopment of the school site this is only in relation to community uses and it is silent in respect of other uses and therefore this policy is not given much weight.

The NPPF

62. In terms of the Framework, the 'most important policies for determining the application' is, as noted above, GDP1 and HO17 which are considered to have a high degree of consistency with the advice in the NPPF and is not out of date. Consequently, paragraph 11 of the NPPF is not engaged.

Living Environment and the model of care (amenity and functional design)

63. Policies HO17 and GDP1 of the DLP requires proposals to not adversely affect the amenities of future occupants and/or neighbouring occupiers and HO17 requires developments to have an adequate, accessible and useable amount of amenity space. Paragraph 128 of the NPPF requires developments to function well and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

64. Paragraph 170 of the NPPF requires decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 180 of the NPPF requires mitigation of adverse impacts from noise from new development. Paragraph 182 requires decisions to ensure that new development is integrated

effectively with existing businesses and community facilities by ensuring mitigation if adverse impacts are likely.

65. In terms of the amenity of existing neighbouring residents, the development should not impact on neighbouring light, outlook or property. Local residents have raised concerns in regard to noise from the 24/7 operation of the site however no such concerns have been raised by Environmental Health. It is anticipated that the noise from vehicles and persons leaving/entering the site would not be significant given the car park is enclosed by the care home building and as typical care home shift patterns would not involve people finishing or commencing work late in the evening. It is also borne in mind that the property was previously a school premises and local residents would have experienced noise and disturbance from comings and goings at the beginning and end of the day and noise from children playing during break times.
66. It is however the amenity of future residents that is of greater concern in this instance, which is also a concern of the local residents. The ethos of care in the community extends to residential care homes and the independence of residents should be maintained as far as possible within a dignified care package. Achieving this goes beyond operational management and Officers are of the view that design and the consequent living environment should be at the heart of such an ethos and relates directly to the model of care.
67. It is considered that the proposal in its current form would not provide an acceptable living environment or model of care for its residents. It is considered that the development would not function well as a care home for several reasons.
68. This is a substantial care home and the proposed buildings and required parking would occupy a large proportion of the site. Consequently, the grounds around and within it are constrained and limit the opportunities for enjoying the external environment. The proposed courtyard lawn and allotments would not be proportionate in size in terms of the number of residents and would have privacy implications for residents whose rooms face onto these areas. The proximity of the site boundaries to the other parts of the building would not provide comfortable outdoor spaces and residents would feel a sense of containment. Therefore, the proposal would not provide an external environment of acceptable usability thereby having a detrimental effect on its resident's amenity and quality of life.
69. Whilst the development has a good amount of shared indoor amenity space and a good range of facilities it performs poorly in terms of private space. The residents' private rooms are very limited in size as are some communal areas such as corridors and there appears to be limited access between floor levels. The limited room sizes would be difficult to provide care within or for service users to meet visitors in private, and would not appear to easily accommodate wheelchair users, or provide adequate space for furniture and storage of personal belongings.
70. The high level of the windows on the ground floor and low level of the windows on the first floor would provide poor outlook and light for the rooms. The lack of windows would in corridors would provide poor natural light and ventilation.
71. All of these factors would not create a place that is safe, inclusive or accessible and would not assist the health and well-being of the future residents and would result in a poor standard of amenity for future users.
72. In terms of noise the NPPF requires decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 180 of the NPPF requires mitigation of

adverse impacts from noise from new development. Paragraph 182 requires decisions to ensure that new development is integrated effectively with existing businesses and community facilities by ensuring mitigation if adverse impacts are likely.

73. Whilst there is an M.O.T garage in close proximity. the noise from its operation has not been raised as a concern by Environmental Health therefore there is no need for mitigation.

74. To conclude on this issue the proposal would not provide an external or internal environment of acceptable usability or good amenity and would therefore have a detrimental effect on its residents' quality of life. The design of the scheme would not provide an acceptable living environment or model of care thereby running counter to the Framework and PPG Housing for older and disabled people 2019.

Promoting healthy and safe communities

75. Paragraph 91 of the NPPF advises that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime or disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

76. It is noted that local residents do not feel that it would be appropriate to introduce elderly residents into an area with anti-social behaviour issues, or strangers to the area in terms of community cohesion. Officers accept that local residents' fear of crime is real, and that crime prevention is a material planning consideration which is usually achieved through the design and layout of new developments and ensuring a mix of land uses. The views of the Police Authority in relation to these matters whilst not yet available will be reported to the Planning Committee when available. In terms of community cohesion this is not considered to be a significant issue as geographical location is usually one of the main determining factors of choosing a location of a care home therefore a good proportion of residents would be expected to be from the local area.

77. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This is a material consideration as opposed to a specific policy requirement, however it provides the justification for seeking mitigation, in respect of essential services including GP provision, where a deficit would result or be exacerbated by the proposal. Section 11 of the NPPF offers support of effective use of land with paragraph 122 citing the availability and capacity of infrastructure and services as reason to support developments.

78. The NHS have advised that a financial contribution of £22,890 is justified in terms of the current capacity issues in the area. The applicant has confirmed that they are willing to contribute the full amount, therefore the application gains support from the NPPF in this respect.

General Design Impacts on the character and appearance of the area

79. Derwentside Local Plan Policy GDP1 requires development to be of a high standard of design and both GDP1 and HO17 require development to be in keeping with the character and appearance of the area. Section 12 of the NPPF requires developments to add to the overall quality of the area and be visually attractive and sympathetic to local character and history.

80. The new buildings would replicate the architectural style and materials of the existing buildings and would be of a height greater than the current buildings. The overly complicated and high design of these elements prevent the remaining elements of the

original school building being recognised. This proposal is therefore considered to be poor design and would not add to the overall quality of the area or be sympathetic to local character and history. Therefore the application would be contrary to the above local and national policies.

Impacts upon non-designated heritage asset

81. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. Where an application directly or indirectly affects non-designated heritage assets a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset.
82. The specific historic and aesthetic significance of the former school buildings has been reduced following the recent fire and subsequent demolition. It is positive that the proposed development will retain the surviving elements of the existing former school buildings however it is agreed with the Design and Conservation Officer that the proposed additional infill buildings would harm the remaining significance of the original building as their scale and height would restrict views of the original buildings and due to their overly complicated design.
83. In accordance with para 197 of the NPPF this harm to the significance (albeit reduced) of this non-designated heritage asset weighs against this development.

Housing Supply and Need

84. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently has a 6-year identified supply which reduces the weight to be afforded to the boost to general housing supply in terms of the release of general housing stock back to the market as people enter the care home.
85. Local residents have objected to the proposal as they feel that there is not a need for such a facility in their community.
86. In terms of elderly housing need, Paragraph 122 of the NPPF advises that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing. Spatial Policy Officers advise that the SHMA identifies a general need for specialist housing across the County and that this feeds through onto requirements for specialist housing for older person that is wheelchair accessible, to be provided as a component of major new residential developments. Significant weight can be afforded to this evidence which is up to date and has been tested for viability. It is pointed out however that the SHMA does not provide a detailed assessment of location for care homes. The Care Homes, Adult and Health Services Section have advised that the current capacity data for care home beds in the Stanley area suggests that there is currently no clear requirement for the suggested bed numbers therefore despite there being a general County wide need there is not a local need in this location. Whilst people have a choice of which home they go into, such decisions may be based on its geographical location as much as they might have to do with the home's CQC rating therefore very limited positive weight can be given respect of the provision of elderly persons housing in the Stanley area.

Building a strong, competitive economy

87. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. Therefore, material weight is given in the planning process to the economic benefits that would accrue from both the development process and the lifetime of the proposals. The application sets out potential benefits of the provision of 60 Full time and 50 part time permanent jobs temporary provision and/or maintenance of construction jobs and increase from new residents spending in the local economy. These claims are accepted, and positive material weight is accrued.

Site sustainability

88. Paragraph 108 of the NPPF advises that when assessing site for development that appropriate opportunities to promote sustainable transport options can be taken up. Planning Practice Guidance says that inclusive design can help older and disabled people live more independently and reduce health and social care costs. This includes considerations around transport infrastructure and the ease and comfort of movement on foot and with mobility aids between homes, services and town centres. This supports the Framework requirements within paragraph 110 for developments to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
89. The application indicates that residents of the proposed care home would include both residents living independently and those approaching the last two years or so of their lives and/or living with dementia. This does not equate to immobility and the residents are likely to have very different individual needs. Whilst it is accepted that the nature of residents would make it extremely unlikely that many would be able to leave the care home unaccompanied, that does not however mean that those who could should not be able to.
90. There are a limited number of shops and services in the area as highlighted by local residents. The nearest shops and bus stops to the site are located approximately 100m away at Park Road which is within relatively easy walking distance or that which could be covered by someone in a wheel chair. There are also regular bus services to Stanley Town Centre which has supermarkets, a leisure centre and library, Council Offices and a range of social and commercial facilities. Thus, residents of the care home would not be reliant on private motorised transport for shopping trips and the like.
91. Whilst residents of the home could be visited by school and community groups from outside, that does not replace the need for people to feel as though they are a valued part of local society by getting out into the local community. It is accepted that the importance of simple pleasures such as a short walk around the local area are extremely valuable to those in the very latter stages of their lives and/or living with dementia. Residents of the care home might wish to take a short, gentle stroll 'around the block'. The surrounding pavements along School Lane and Rydal Avenue are sufficient width for a resident to walk alongside a carer or to provide for wheelchair access although Highways Officers have advised that additional crossings will need to be incorporated. These off-site works can be required via condition. In this regard, the proposal would meet the needs of its residents in terms of comfort of movement.
92. Turning to travel considerations in relation to care home staff and visitors. There are several bus services that run along Park Road and there are stops within an acceptable walking distance of the site. The services are reasonably frequent and would not put staff and visitors from using the bus services. Furthermore, staff shift times are not yet

set and could be tailored to accord with the availability of public transport. This is a matter that could be addressed by condition.

93. Officers are therefore satisfied that the availability of public transport would be sufficient to provide an alternative to the use of the car to get to and from the site for staff and visitors. Whilst it might not completely replace it, it would be acceptable in meeting the Framework requirement to ensure that appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location.

94. To conclude on this issue, there is no harm in relation to the accessibility of the site for staff and visitors and Officers are satisfied that residents would be able to lead as independent a life as possible. Thus, the proposal accords with the Framework in this respect.

General Sustainability and climate change credentials

95. With regards to embedded sustainability paragraph 110 of the NPPF requires development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

96. With regards to electric and ultra-low emission vehicles, EV charging infrastructure or passive infrastructure such as physical conduits to support future charging points can be ensured on site via condition. Other measures to embed sustainability and minimise carbon from construction and in use emissions will be required under building regulations.

Ecology

97. With regards to ecology, paragraph 170 of the NPPF advises that decisions should protect and enhance biodiversity. Derwentside Local Plan Policy GDP1 seeks to ensure the safeguarding of protected species. Whilst objectors have raised concerns over possible bats within the buildings the County Ecologist is satisfied that there are no protected species or other wildlife on site that require protection.

Ground Conditions

98. Paragraph 170 of the NPPF advises that new development should not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability amongst other issues.

99. The site has the potential for contamination being a brownfield site and the end users in this instance would be sensitive. Local residents have raised particular concerns in relation to asbestos. The site is also within an area at high risk of coal mining legacy issues. The Coal Authority and the Contaminated Land Officer has requested a condition to ensure that appropriate remediation works are identified and undertaken before the development commences. These works can be ensured via condition.

100. With such conditions the proposal would meet the requirements of Part 15 of the Framework.

Highways Safety considerations

101. Derwentside Local Plan Policy TR2 requires development to have safe access and parking. The NPPF advises that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all

users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF advises that 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.

102. The application is to provide 24 car parking spaces in total at the site as part of these change of use proposals with a one-way traffic system which is suitable for emergency vehicles to access and egress the site from School Terrace. The applicant has stated that there must be one member of staff for every 5 residents and they will be on a 3-shift basis so the 60 full and 50 part time staff will be split into three shifts with no more than 20 employees on site at any one time.
103. Local residents have raised concerns in relation to traffic generation and the lack of parking on site and potential highway safety implications from overspill parking onto local streets.
104. In terms of highways traffic generation, the Highways Officer has considered that the site previously operated as a school and the vehicle trips associated with schools are in the peak hour which can cause a high demand for on street parking. Furthermore, the Officer is aware that parking problems particularly occur when parents are waiting to pick up and drop off. Officers advise that this change of use to an elderly care home will generate much lower levels of traffic than that of a fully operational school.
105. In terms of car parking which is a key function on most streets as a worst case scenario if 20 staff owned a vehicle and travelled to the site for a shift change-over of staff with the staff already present at the site it is anticipated that this could result in five vehicles being parking on street on each side of the development whilst waiting to park at the site. The streets of School Terrace, Rydal Avenue, Keswick Road and School Lane have light parking demand and Highways Officers advise that they are certainly wide enough at 7.3 metres to cope with the parking demand scenario described without causing any significant hazards or issues to other road users. It is noted that visitors to care facilities tend to occur at weekends and are out of traffic peak times again visitor parking would not be seen to cause a significant parking concern.
106. With regard to the impact for mobility impaired users on street and the footway comfort levels to the main street. Highways Officers advise that improvements should be made to the existing footways as part of the offsite highway works. These would include a suitable tactile pedestrian crossing scheme from the main access to link to front street, this would involve the installation of two lowered tactical pedestrian crossing points on the north side of Rydal Avenue. It is advised that the existing triangular school warning sign should be replaced with a frail (or blind or disabled) pedestrians likely to cross road ahead.
107. With such improvements, which can be made subject of condition, there would not be an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. Therefore, the proposal would accord with both Local and National Plan Policy in this respect.

Other Issues

108. Several issues have been raised by objectors that are not material planning consideration, including the background and associations of the applicant and business, decisions made by other LPA's and other sites, the motives of the applicant,

loss of property value, misrepresentation of the proposal and the suitability of the site for other developments.

109. Whilst concerns over the possibility of the building later changing to another use are noted this could be prevented by planning condition.
110. It is noted that the area suffers from anti-social behaviour issues however it is not considered that the development would increase these problems.
111. It is noted that residents are disappointed with the lack of community engagement by the developer, however the LPA were unable to encourage the applicant to do so as no pre-application enquiry was submitted in relation to this development.
112. Objectors refer to the previous planning application being refused however the previous planning application for the hostel on the site was withdrawn (DM/18/02117/FPA).

CONCLUSION

113. Policies GDP1 and HO17 accord with part 12 of the Framework therefore these policies lead determination of the application and paragraph 11 of the NPPF is not engaged.
114. Whilst policy SM15 of the DLP supports the redevelopment of the school site this is only in relation to community uses and it is silent in respect of other uses and therefore this policy is not given much weight.
115. Neighbouring amenity would not be affected however the proposal would not provide an acceptable living environment or model of care for its residents nor would it function well as a care home contrary to Policies HO17 and GDP1 of the DLP and paragraph 127 of the NPPF.
116. The proposal would be acceptable in terms of community cohesion, and the applicant is willing to provide the required financial contribution to address capacity issues in the area therefore the proposal would accord with developer paragraphs 91 and 122 of the NPPF.
117. The proposal would result in harm to the significance of a non-designated heritage which weighs against the proposal.
118. The development is considered to be poor design and would not add to the overall quality of the area or be sympathetic to local character and history contrary to Derwentside Local Plan Policy GDP1 and HO17 and Section 12 of the NPPF.
119. Some limited weight can be afforded to the boost to general housing supply in terms of the release of housing stock back to the market as people enter the care home.
120. In terms of elderly housing need, whilst there is a county wide need for elderly homes provision the proposal fails to gain support from para 122 of the NPPF as there is not an identified local need in this location.
121. The proposal would accord with Paragraph 80 of the NPPF as it would support economic growth and productivity.
122. The development is sustainably located in accordance with paragraph 108 of the NPPF.

123. Conditions can ensure that the development embeds sustainability into the design in accordance with paragraph 110 of the NPPF.
124. The proposal would protect and enhance biodiversity in accordance with DLP GDP1 and paragraph 170 of the NPPF.
125. With conditions the development would not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability in accordance with Paragraph 170 of the NPPF.
126. Conditions could ensure that the development would not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability in accordance with Paragraph 170 of the NPPF.
127. The development would have safe access and parking and there would not be significant impacts from the development on the transport network and there would not be an unacceptable impact on highway safety in accordance with DLP policy TR2 and section 9 of the NPPF.
128. The proposal conflicts with the 'most important policies' for determining the application – GDP1 and HO17 therefore paragraph 12 of the NPPF advises that permission should not normally be granted. The advice of other Derwentside Local Plan Policies, the Framework and material considerations, including objections from local residents do not support the application. Therefore, the proposals are recommended for refusal.

RECOMMENDATION

95. That the application be REFUSED for the following reasons:

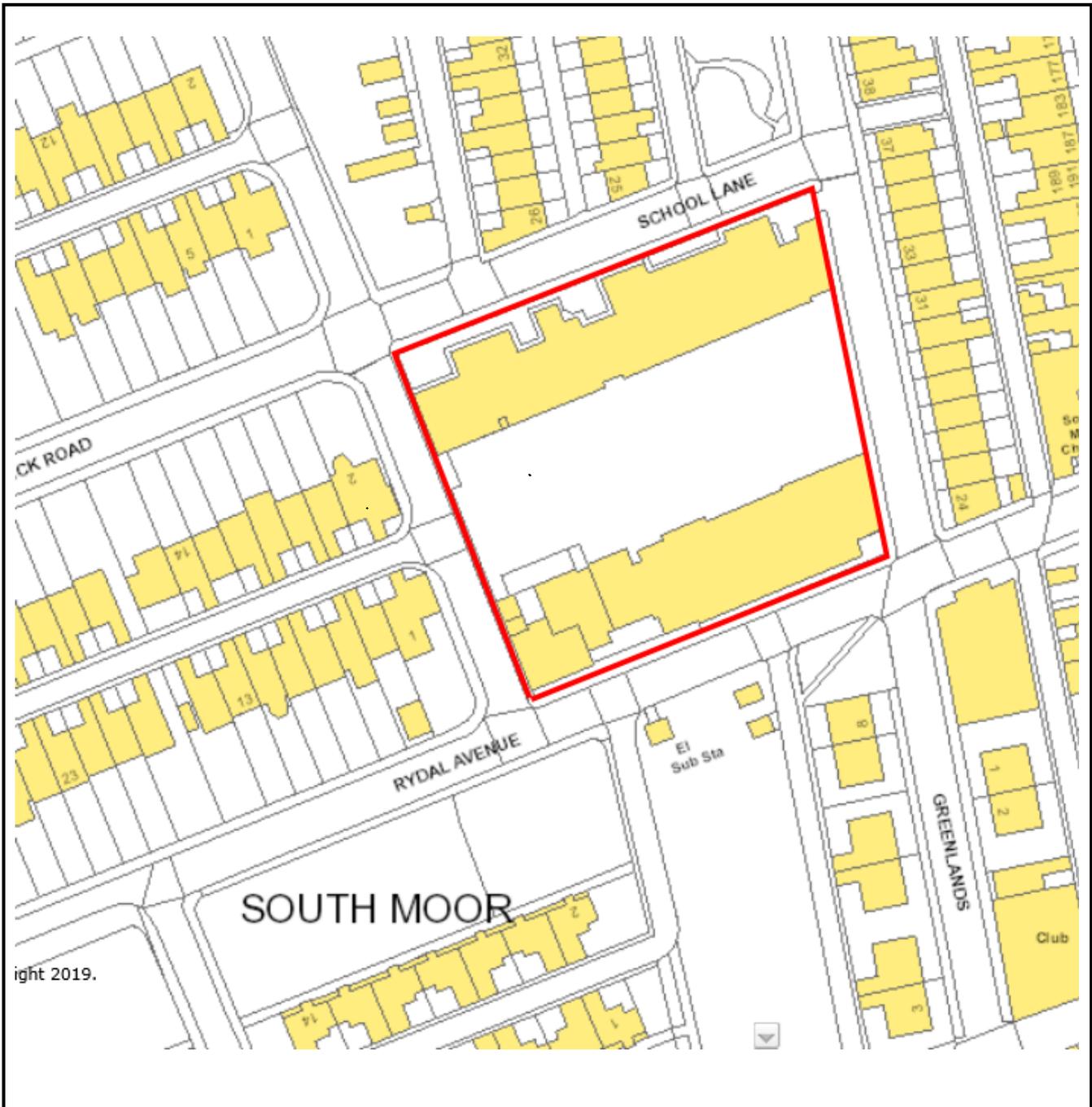
1. The development does not make effective use of the land as there is a lack of local need for this type of housing and as the development would not secure a well-designed and attractive healthy place. The proposal is therefore contrary to paragraph 122 of the Framework and Derwentside Local Plan Policy GDP1.
2. The development would not achieve a well-designed place and would not function well as a care home. It would not create a place that is safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for future users. This is due to the limited outdoor space, the limited room and corridor sizes and limited access between floor levels, levels or light and outlook. The proposal is therefore contrary to paragraph 127 of the NPPF and Policy GDP1 of the Derwentside Local Plan.
3. The development would not add to the overall quality of the area, nor would it be sympathetic to the local character and history. Furthermore, the significance of the existing buildings which are non-designated heritage assets, would be reduced due to the scale, height and visual appearance of the modern additions. The proposal is therefore contrary to Derwentside Local Plan Policies GDP1, HO17 and Section 12 and paragraphs 127 and 197 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. The delivery has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>Conversion of existing building and reconstruction of demolished building section for a Care Home facility for the elderly and ancillary parking and landscaping</p> <p>Application Number DM/19/01681/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	<p>Date 28th November 2019 Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03082/FPA
FULL APPLICATION DESCRIPTION:	8 new build bungalows and associated infrastructure (re-submission)
NAME OF APPLICANT:	Mr Jonny Abbass
ADDRESS:	Land to The East Of Davison Terrace Sacriston
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 <u>steve.france@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.89ha of land between St. Bede's RC Church and St. Peter's Court Veterans' Accommodation, due east of Davison Terrace, Sacriston. The site and an adjacent area owned by the applicant have been cleared of all vegetation during the course of the application, having previously been covered in rough scrub. The land slopes gently from west to east down, away from Davison Terrace. Davison Terrace is two blocks of traditional terracing, first appearing on the 1923 OS map. It is separated from the front Street (B6532) by Church Parade (part-terraced, part detached dwellings), with which it shares and adopted back lane.
2. To the south of the site St. Bede's Church and Presbytery, the grounds of which are shared functionally to some degree with St. Bede's Primary School, a line of trees protected by Preservation Order (TPO) defines the boundary, this Order served in response to previous development proposals on the site. To the north of the site The Old Church, a Victorian Church now run as a community venue sits aside a lane that accesses Hollyacres and St. Peter's Court, a part-implemented scheme of accommodation for the elderly currently used as veteran's accommodation. Again, the trees on this access lane are subject to TPOs. Neither church is listed.
3. Beyond the site and extended land ownership to the east is further scrub, then open public amenity land maintained as mown and semi-improved grassland, with paths and a children's play area apparent. The site and Davison Terrace are visible from this direction.

The Proposal

4. The application proposes a residential development of 8, 4 bed-room, dormer bungalows in the form of two private drive cul-de-sacs, each accessed from the Front Street at either end of Church Parade. Both serving less than 6 dwellings, the drives would not be built to an adoptable standard. The open land owned by the applicant to the east of the site would be used for an ecology mitigation scheme.
5. To off-set the highways implications, the applicant has agreed to expunge the remaining unimplemented part of the consent for the elderly/veteran's accommodation east of St. Peter's Court. That consent approved erection of two accommodation blocks, the second of which has not been built. A formal agreement under S106 would be necessary to remove the consent for the unimplemented block.
6. This application is reported to Committee at the request of local Ward Member, Cllr. Heather Liddle, raising concerns on the access and highway safety.

PLANNING HISTORY

7. DM/19/01759/FPA – A directly comparable application was submitted and withdrawn earlier this year when land ownership issues were identified. These have been resolved in the current submission.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

12. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, 'so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.
14. *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.
15. *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.
16. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including, 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
17. *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.
18. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
21. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.
22. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
23. *Land affected by contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
24. *Flood Risk and Coastal Change* – sets out the required assessments, tests and thresholds developers are expected to undertake, and Local planning authorities must assess when considering new development of different types.
25. *Natural environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
26. *Planning Obligations* – may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

27. The following is a summary of those saved policies in the Chester-le-Street District Local Plan 2003 (saved policies) relevant to the consideration of this application:
28. *Policy NE11 – Tree Preservation and Planting* – Consent will only be granted for the cutting down, lopping, topping or uprooting of any tree protected by a Tree Preservation Order if the proposed work is necessary because the survival or growth prospects of other protected trees is threatened; it can be proven that the tree is causing structural damage and no remedial action to the tree is possible; or the tree is a danger to life or limb.

29. *Policy HP6* – Residential within settlement boundaries – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
30. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy T8 – Car Parking Provision* – The design and layout of new development should seek to minimise the level of parking provision.
32. *Policy T15 – Access and Safety Considerations in Design* – sets a range of criteria including that: a safe access to the site and the classified road system should be provided, the development should not create levels of traffic which would exceed the capacity of the local road network or create a road safety hazard, make adequate provision for service vehicle turning and allow effective access at all times for emergency vehicle access.

RELEVANT EMERGING POLICY:

33. 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre-Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Highways* – The requested detailed amendments in particular directed towards the interactions between the proposed access drives and the adopted highways but have confirmed the visibility splays for both proposed accesses are adequate. Signage and other street equipment would be needed to be relocated to facilitate the development.
35. *Northumbrian Water* – raise no objection to the proposals subject to a condition to agree details.

EXTERNAL CONSULTEE RESPONSES:

36. *The Coal Authority* – Raises no objection to the proposals subject to a standard form of condition. The condition is required pre-commencement.
37. *Durham Constabulary* – note access issues to the site and the potential for site traffic to affect the drive of 1 Church Villas in particular.

INTERNAL CONSULTEE RESPONSES:

38. *Environmental Health, Contamination* - are satisfied with the information contained in the reports and agree with the risk assessments, suggesting standard conditions and an informative.
39. *Archaeology* - The applicant has submitted the results of a trenching survey which has not identified any archaeological interest on the site. A condition to report the results of the site survey is requested by condition unless submitted pre-determination (this has been requested).
40. *Trees* – The submitted arboricultural report complies with current standards. Tree protection during the construction process must be to British Standards, with the driveways constructed in a way that respects the presence of the trees. Further detail on proposed tree planting is suggested.
41. *Ecology* – have considered the applicant's updated proposals to mitigate the bio-diversity implications both on-site and on the adjacent land in the applicant's ownership. Subject to an appropriately worded condition ensuring long-term maintenance, the proposed mitigation is considered acceptable.

PUBLIC CONSULTATION EXERCISE:

42. A public consultation exercise consisting of 52 direct letters was undertaken. This resulted in 7 objections and 1 representation. One of the objections is made by the Manager of the Veteran's accommodation at St. Peter's Court, through Kevan Jones, MP.
43. The overriding concern of residents relates to the traffic implications of the scheme.
44. The 7 objections are from residents of Davison Terrace, the Headteacher of St. Bede's Primary School and the Manager of the specialist flats. Principal concerns relate to highways issues. The proposals are considered to have an unacceptable effect on pedestrian safety – particularly for children accessing the school 70m to the south. A second element of this highway's proximity concern is the relationship of the proposed south access to the immediately adjacent existing vehicular access/egress to the Church/Presbytery/school car park. There is concern at the cumulative effects of accesses to pedestrian and vehicular safety, including the recent addition of that serving the new housing scheme opposite. The narrowness of the access also serving St. Peter's Court is a concern to the residents there.
45. Additional issues raised include the effect of the noise of construction works disrupting the school community, again with a cumulative effect with other recent developments near the school.

46. One resident has concerns at the potential for the same to affect personal health issues.
47. One resident of Davison Terrace notes that given the short gardens of that street facing the site, particular care needs to be taken with fences to maintain the quality of life in existing dwellings. Assurance is sought that vehicular and parking access to residents in Davison Terrace at either end of the back lane will not be physically obstructed by the erection of fences or walls. That correspondent notes a development of 8 dormer bungalows could improve the environment of Sacriston providing appropriate measures are taken to improve the quality of life of existing residents.

APPLICANT'S STATEMENT:

48. Design Positives for the Proposed Scheme:

Density: - The scheme is a low-density development proposing an overall total of 8 dwellings laid out in a loose courtyard arrangement. This creates a central focal point to the site and allows for the existing green boundaries to remain untouched.

Appearance: - The proposed scheme seeks to provide an attractive development which will sit comfortably within the local context and character of the area. The scheme has been designed to integrate with the traditional building forms and facing materials used in the area and yet provide a contemporary feel to the development. The scheme is laid out so that the dwellings form a loose courtyard arrangement with a co-ordinated internal street scene. Thought has been given to the positioning of green open space areas creating safe attractive spaces that will ensure integration with the existing tree lined areas. All the proposed homes have pitched roofs and traditional window profiles which reflect the character of the area.

Scale: - The development consists of two storey dwellings with the second storey being in the roof space. The properties are arranged in a detached format. The height and form of the proposed dwellings has been chosen in order to have minimal visual impact on nearby properties whilst remaining in keeping with the semi-rural character of the setting.

Flexibility of housing design: - The proposal is for four-bedroom properties delivered in detached formats. The dwellings have been specifically designed for this site for the privately-owned housing market. The house layout includes an en-suite bedroom on the ground floor expanding its market audience to families with occupants who are elderly/less mobile.

Retention of existing green boundaries: - The proposed layout has been developed with the existing mature trees in mind, the proposal sees the retention and reinforcement of the existing tree lined boundaries with the new houses positioned away from them helping to maintain the existing landscape character.

Location: - The site location lends itself to sustainable development having good access to local bus services. There are bus stops on Front street to Consett, Stanley, Chester Le Street and Newcastle. The design proposal also utilises the existing two access roads.

49. Benefits of the Development:

The proposed development will provide an attractive area of sustainable infill. Being located between two existing housing areas, development of the currently vacant parcel of land will see the introduction of a low-density desirable housing development, helping to rejuvenate the surroundings for the existing residents and add to the community on the whole.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PYFV2NGD0BK00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principle of development, highway safety, trees and ecology, and residential amenity are the principle issues involved in this instance. Other issues in the application process will also be considered.

The Development Plan

51. 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 Chester-le-Street District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

52. This Local Plan was adopted in 2003 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

53. This is an application for housing development. The most important Policies within the Development Plan relating to this topic are considered out of date either because their evidence base is too old, or because they are contrary to the advice in the NPPF – i.e. where they relate to overly restrictive planning restraints such as settlement boundaries and restricting windfall development to previously developed sites. Consideration of the development must therefore be led by paragraph 11 of the NPPF.

The NPPF

54. Paragraph 11 advises in the first instance to grant permission for sustainable development unless there is specific advice in the Framework that protects areas or assets of particular importance that gives a clear reason for refusal. The affected policies are listed (footnote 6). There are no topic areas that affect this site. Paragraph 11 then goes on to advise that permission should be granted unless 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. This application therefore benefits from this 'presumption in favour'.

Sustainability

55. In terms of locational sustainability, the proposed development is within a short walking distance (350m) of the village centre that has a range of commercial, leisure, social and retail facilities. The village is well served by public transport. There is a range of schools in the area.

Highways

56. There have been a number of approaches for development on this site and a SHLAA assessment all of which floundered on the implications for vehicular access.
57. In discussions with the applicant Highways have agreed that if the unimplemented elements of a historic planning application (2/91/00546/FUL) that are still capable of construction are formally expunged, the displaced highways implications for the use of the lane alongside The Old Church would permit a quantum of new development to a level usually allowed on a shared private drive without the need for construction to an adoptable standard – i.e. up to 5 dwellings. Despite the time that has passed since its approval in 1991, the construction of the first block (St. Peter's Court) constitutes a part-implemented consent where a further two-storey block of 12 warden controlled sheltered bed-sit flats could still be built-out without further consent.
58. Effectively the traffic implications of the 3 proposed dormer bungalows are accepted to offset the likely traffic that could have been generated by the sheltered 12 bed-sit block. Subject to a legal agreement to formally prevent the 1991 consent being completed, this argument is accepted.
59. Highways have confirmed that for the 8 dwellings proposed – i.e. five dwellings from one access, three from the other – the design standard of the private roads proposed, and the available visibility onto the B6532 Front Street are, subject to detailed requirements are adequate as means of access. As the new drive alongside St. Bede's is not required to be built to adoptable standards, a root-friendly construction can be used to respect the protected trees.
60. There are no proposals to impede access from either end of Davison Terrace as part of the proposals, a stated concern of residents. A condition could ensure that the construction works would not physically result in this. Long term however this would be a civil, land ownership issue. The applicant has discussed and agreed the relocation of guyed Northern Power electric pole that affects one of the proposed drives with that undertaker.
61. The proposals are concluded compliant with the requirements of Policies T8 and T15.

Scale, Character and Residential Amenity

62. The application proposes small scheme of dormer bungalows, a form of development acknowledged as in short supply and high demand. This would add to the range of housing available in the village, with resonance to part 8 of the Framework: Promoting healthy and safe communities. Sitting separate from the main arteries through the village, the scheme is in a location where it can have a character of its own. The elevational approach proposed is attractive and the palette of materials shown reflects the traditional elements of the local vernacular. The layout meets required residential separation guidelines, avoids likely direct and indirect pressures from relationships to trees and provides for a high degree of amenity space for the new residents.
63. A correspondent has requested special attention be paid to the potential effect of a new boundary fence on the site boundary shared with Davison Terrace, where short front gardens look across the site. Existing dwellings have a range of fence heights on this boundary. The applicant has responded to this with a plan showing a new supplementary 1.5m high fence on this boundary and have provided a site section showing. Taking into account the difference in levels show on submitted plans, Officers consider this is a reasonable compromise between the privacy the new houses can

reasonably expect to enjoy, and the openness existing gardens should expect. To ensure the development is implemented in the expected manner a 'levels' condition is proposed.

64. The proposals are concluded compliant with the requirements of Policies HP6 and HP9 in so far as they are compliant with the NPPF and with part 12 of that document.

Other Issues

65. The County Ecologist has agreed that subject to a suitably worded condition to ensure the proposed ecology mitigation scheme shown on the revised Landscape Strategy Drawing (721 rev.02), that the scheme meets the requirement for net bio-diversity gain set out in the NPPF.
66. The effect of noise from the construction process in disrupting the nearby primary school and local residents is a temporary effect, and capable of a level of control by the Council.
67. The proposal is not of a size where a Construction Management Plan would usually be expected. However, in terms of the proximity of the site to the school and ensuring construction traffic does not compromise child pedestrian safety at the beginning and end of the school day, identifying in particular the need to avoid impact on private property as highlighted in the Police's response, a condition proposes one in this instance.
68. Requirements for Drainage, Coal, Contamination and Archaeology implications can be met by conditions suggested by the relevant consultees.
69. The application is not a major development and therefore does not meet the thresholds where affordable housing provision, public open space, play equipment, or mitigations for health and education can be requested given the tests for such set out in Government advice and legislation.

The Tilted Balance

70. The policies most important for determining the application in the Development Plan, i.e. the housing policies, are out-of-date and as a consequence, the 'tilted balance' set out in paragraph 11 of the Framework and the resultant presumption in favour of sustainable development is engaged.
71. The application site is considered a sustainable location. The application proposes housing, in a form that adds variety to the local housing supply and market. These are significant benefits of the scheme. Additional, albeit unquantified, benefits include the economic activity that will derive from the development process, and from the economic activity of new residents in the lifetime of the development.
72. The consent can be framed by conditions that protect the TPOed trees on and adjacent the site and provide the required biodiversity gain advised in the NPPF. This achieves what is required for NPPF compliance and is neutral in the planning balance
73. The principle contention and therefore potential negative in the consideration of the planning balance relates to highways. The proposed Construction Management Plan is considered an appropriate way of dealing with this in so far as it relates to potential construction traffic interaction with pedestrian school access. Highways Officers have

examined the likely traffic movements that will be generated by the development and their implications for highway safety and consider the proposals adequate. Therefore, it is advised that the proposal would not have '*an unacceptable impact on highway safety*' (NPPF paragraph 109).

74. Taken with the school and resident's noise concerns, the highways implications of the development – that in large part relate to the temporary construction process, are not such that '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (sic) Framework taken as a whole*' (paragraph 11 of the NPPF).

CONCLUSION

75. Whilst the site is greenfield land, it is within the developed area of Sacriston, well related to a range of facilities, services and sustainable transport opportunities. The positive effects of new dwellings that increase the range of accommodation in the settlement is of positive material weight in addition to other positive elements highlighted above. This has led to the conclusion that in principle the proposals represent sustainable development and therefore benefit from the Framework's 'presumption in favour'.
76. Residents' concerns for highways safety, both from the construction process and in the function of the development as proposed are not shared by the County Highways Engineer. Conditions to help mitigate the former and to ensure the later meets required standards are proposed. Ultimately, in terms of the required process, no objections in this regard have been presented that would have such weight that they would outweigh the benefits of the scheme.
77. Conditions can address technical implications and ensure an acceptable form of development along with detail for issues including foul water disposal, contamination, archaeology and landscaping. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.
78. Further conditions are required to give precision in the development process for establishing levels and ensuring access arrangements for existing residents.

RECOMMENDATION

79. That the application be APPROVED, subject to the applicant entering into a legal agreement to:
- Prevent the unimplemented elements of approval 2/91/00546/FUL from being constructed, this being the erection of the second accommodation block.

And the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Proposed site plan	200/101 (Rev 6)
Landscape strategy plan	RES 721 - Rev 02
Location plan	05/00 (Rev 2)
Proposed boundary treatment plan	14-00 (Rev 1)
Floor plans	300-01 rev.P01
Elevations	300-02 rev.P01
Proposed site elevations	300-03 rev.3
Extent of adopted highway to be stopped up	C004
Visibility splays at site access	C005

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies NE11, HP6, HP9, T8 and T15 of the Chester-le-Street Local Plan 2003 (saved policies).

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies).

4. The approved development of the two private access roads must not be constructed in a manner to physically prevent or obstruct the pedestrian and vehicular access and egress between Davison Terrace and the B6532.
Reason: In the interests of residential amenity and highway safety in accordance with Policies HP9 and T15 of the Chester-le-Street Local Plan 2003 (saved policies).

5. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of plots 1-3 inclusive and those facing dwellings in Davison Terrace, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.
Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies) and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

6. Contaminated Land (Phase 2 - 3) - No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.
Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. Contaminated Land (Phase 4) - Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 14 of the NPPF. Required to be pre-commencement to ensure that the development can be accommodated in the existing drainage network without causing wider flooding or capacity problems.

9. Prior to the development being beneficially occupied, a hard copy of the analysis detailing the findings of the archaeological investigations undertaken in line with the WSI DS19.408 and in discussion with the County Archaeologist shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 199 of the NPPF which ensures information gathered becomes publicly accessible.

10. For the Coal mining legacy, before development commences the developer must undertake an appropriate scheme of intrusive site investigations; submit a report of findings arising from the intrusive site investigations; submit a scheme of remedial works for approval in writing by the Local planning authority; and where identified implement those remedial works in full before occupation of any of the dwellings hereby approved.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

11. Before development commences the developer must agree in writing a scheme of site operating hours based on the Council's standard requirements that no external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday and no internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. However, the developer must develop this basic criteria to further include within said scheme measures and timings to prevent site traffic conflicting with the pedestrian traffic associated with the beginning and end of the school day at the nearby St. Bede's Primary School, to compliment the detailed requirements of the Construction Management Plan. The restrictions will apply to all site traffic and all contractors and the scheme must undertake to ensure all contractors are aware of their responsibilities for such. The site must be operated at all times with the details of the agreed scheme of working hours.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of residential amenity and paragraph 180 of the NPPF.

12. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 'Noise and Vibration Control on Construction and Open Sites' during the planning and implementation of site activities and operations.

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

Reason: In the interest of residential amenity site as required by part 15 of the NPPF.

13. Site works must be carried out in full accordance with the methodologies and recommendations set out in the WGY Arboricultural Report A087215, including protective tree fencing being erected prior to any construction in line with section 7.7 of said report. The fencing must comply with BS 5837 2012 and be retained in place for the full length of construction works. The access to the southern end of the site must be of a root friendly construction as shown within section 7.8 of the report and within DRG TPP1.

Reason: In the interest of bio-diversity and ecological interests on the site as required by part 15 of the NPPF.

14. Notwithstanding the submitted information on Landscape Strategy plan RES721 rev.2, prior to the first occupation of the development hereby approved, a more detailed version of the landscaping / ecology scheme shall be submitted to and approved in writing by the Local Planning Authority. This enhanced landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection
- Details soft landscaping / ecology planting including planting species, sizes, layout, densities, numbers;
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment of a maintenance plan, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- Submission of a written 25-year management plan for the semi-natural habitats on site (blue line boundary area and wildflower grasslands within the development - RES721 rev.2). This should contain details of target habitats and an appropriate monitoring regime to ensure that the target habitats are met, and a schedule for monitoring reports to be submitted to the LPA.
- A plan showing the public/structural landscaping and private/in-curtilage landscaping.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan 2003 (saved policies) and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

The National Planning Policy Framework (revised 2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>8 new build bungalows and associated infrastructure (re-submission). Application DM/19/03082/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	<p>Site and additional land in applicant's ownership</p>
<p>Date 28th November 2019</p>		<p>Scale NTS</p>



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against refusal of planning permission for the Erection of two stables with tack rooms with forecourt, dolomite gravel parking area, creation of new vehicular access and closure and re-instatement of existing access, and change of use of land to equestrian purpose (re-submission of application DM/18/02424/FPA) (DM/19/00970/FPA).

Planning permission was refused under delegated powers on 13th June 2019 on the following grounds:

The proposed development and paraphernalia normally associated with equestrian activity is considered to conflict with the Policies, EN1, EN2 and GDP1 in the saved Policies of the Derwentside District Local Plan 1997, and Paragraph 170 of the Framework, being an encroachment into the open countryside in a prominent and open location thereby having a significant and detrimental impact upon the landscape character the area.

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

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area. It was noted that the stables would be located in a compact arrangement with hardstanding, in an open and prominent position that could be viewed from a number of locations. The Inspector felt that the significant area of hardstanding proposed was not a feature that they had noted elsewhere, nor was the proposed screening a feature of the immediate area therefore its inclusion would increase the prominence of the stables and associated development.

The Inspector stated that no substantive details as to the benefits to the local economy were provided by the appellant to support the existing services and facilities.

The Inspector found that the proposal would be a notable development in an otherwise open field within the countryside, situated in an open and prominent location. Therefore, the proposed development would harm the character and appearance of the area contrary to Saved Policies GDP1, EN1 and EN2 of the Local Plan.

The appeal was dismissed.

Report prepared by Sarah Seabury (Planning Officer)