



Area Planning Committee (North)

Date Thursday 26 September 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 25 July 2019 (Pages 3 - 16)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/19/02097/FPA - Land at Lavender Gardens and Uphill Drive, Sacriston (Pages 17 - 34)
Residential Development comprising: nineteen 2- bedroomed, 3-person bungalow dwellings
 - b) DM/19/01992/FPA - The Crest, Beamishburn Road, Beamish, Stanley (Pages 35 - 48)
Demolition of existing garage and the erection of two 3 bed semi-detached dwellings (re-submission of application DM/17/03634/FPA)
6. Appeal Update (Pages 49 - 50)
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
18 September 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

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 25 July 2019** at **1.00 pm**

Present:

Councillor I Jewell (Chair)

Members of the Committee:

Councillors S Wilson (Vice-Chair), A Bainbridge, A Bell, L Boyd, J Higgins, A Hopgood, E Huntington (substitute for C Kay), O Milburn, C Martin, A Shield, J Shuttleworth and T Tucker

1 Apologies for Absence

Apologies for absence were received from Councillors D Boyes, C Kay, J Robinson and K Thompson.

2 Substitute Members

Councillor E Huntington substituted for Councillor C Kay.

3 Minutes

The minutes of the meeting held on 16 May 2019 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest submitted.

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

a DM/19/01108/FPA - Land South of Whitehill Farm, Fell Road, Pelton Fell

The Senior Planning Officer, Steve France gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the residential development of 30 dwellings and associated infrastructure and was recommended for approval, subject to conditions and a Section 106 Legal Agreement.

The Senior Planning Officer referred Members to plans and aerial photographs highlighting the proposed site and the route the site visit coach had taken to access the site. A proposed site plan was displayed on the projector screens and the Committee were shown the house types and noted that due to the access road width, the number of houses that could be developed was 30, the applicant having originally looked for 75. The Senior Planning Officer noted there was a Site of Special Scientific Interest (SSSI) nearby, though not adjacent to the site, and there was also the nearby nature reserve and Cong Burn Wood. It was explained that due to the site levels, there was not a request for footpath links through to the nearby former Waldrige Wagon Way. The Senior Planning Officer noted the highway link to the site, left ready by the developer from previous phases of development, and that footpaths on either side of the road would link through to the proposed development.

The Committee were informed of an application nearby, though not adjacent, which had been considered by the County Planning Committee for 150 houses, minded to be approved, subject to a s106 agreement.

Councillors noted the house types proposed, two, three and four bed properties, two and three storey units, with two dormer windows. The Senior Planning Officer explained as regards proposed sustainable urban drainage system (SUDS) and noted that the application having only 30 properties proposed, as opposed to the original 75 sought, allowed for a large buffer around the site, helping in terms of ecology and protecting the neighbouring nature reserve.

The Senior Planning Officer noted responses from statutory and internal consultees, with Highways noting the proposals were acceptable in terms of the estate roads and the wider transport network.

He added there were no objections from Northumbrian Water or the Coal Authority. The Committee were informed that the Spatial Policy Team had noted the application was for 100 percent affordable properties, though policy only required 15 percent, and it was proposed for a £47,223 contribution as regards off-site open space provision. It was explained that the site was regarded as greenfield and outside of the settlement boundary as set out in the Local Plan, however, as the Local Plan policy was considered out-of-date then Paragraph 11 of the National Planning Policy Framework (NPPF) would be engaged. The Senior Planning Officer explained that there were no objections from Environmental Health, Archaeology, Ecology, Drainage, Landscape, Housing and Design Sections subject to conditions. He added that the Education Department had advised that there was capacity for school places and no mitigation was required.

The Senior Planning Officer noted consultation as regards the application, with 32 letters of objection and three representations, together with a late objection from the Council for the Protection of Rural England (CPRE). He explained that the main concerns raised related to highways safety, increased traffic over the lifetime of the development as well as disruption during the construction phase. The Senior Planning Officer noted that there were conditions within a Construction Management Plan which aimed to mitigate issues. It was explained that other issues raised by objectors included: anti-social behaviour from social/affordable housing; social housing requirements in the area already being met; scepticism as regards whether residents in the new development would be from the local area; overlooking from three storey units; and flooding and contaminated land. The Senior Planning Officer explained that other issues raised by objectors included devaluation of existing properties as a result of the development and claims that assurances had been given when existing residents had purchased their properties that the application site would remain undeveloped.

The Senior Planning Officer concluded by noting that in terms of NPPF Paragraph 11 it was felt the adverse impacts of the development did not outweigh the benefits and therefore the application was recommended for approval, subject to conditions and a s106 Legal Agreement.

The Chair thanked the Senior Planning Officer and asked Mr S McGregor, local resident to speak in objection to the application.

Mr S McGregor thanked the Chair and Committee for the opportunity to speak and explained he was a resident of Littleburn Way and noted he and his neighbours were profoundly concerned as regards the proposed development. He noted there were concerns as regards the interruption to wildlife at the site, including bats, deer and owls, as well as traffic calming and increased traffic in the existing, quiet cul-de-sac.

He noted it would represent a 200 percent increase in traffic along Littleburn Way and that this would present a danger to young children playing, adding many residents bought properties in good faith on the basis of having a quiet and traffic-free environment. Mr S McGregor explained residents would be devastated if this quiet environment was taken away, the area having developed a strong, tight-knit community from the lack of traffic allowing young children to mix and play together. He added many residents feel that should the application be approved they would put their homes on the market, having worked hard to buy a property that would afford that particular lifestyle.

Mr S McGregor referred to paragraph 39 of the report which stated the 4.8-metre-wide highway could serve up to 100 dwellings and explained that there were currently 72 dwellings and therefore approving 30 additional properties would represent 102, contrary to 2014 guidance in this regard. He noted this was a disregard to residents' safety.

In relation to public consultation, Mr S McGregor noted there was a legal requirement to undertake this and asked whether the Committee were aware of this. He added that for comparison, there had be 32 objections for this application and only 10 objections for the large development nearby as mentioned by the Officer. Mr S McGregor concluded by noting this showed local people were strongly opposed to the application and urged the Committee to reject the application.

The Chair thanked Mr S McGregor and asked if Officers could clarify some of the issues in relation to highways.

The Principal DM Engineer, David Smith explained there were a few issues raised as regards the estate road, and that Highways considered all new developments in terms of being able to safely serve residents. He added in this case this was 30 units and that the B Road and estate roads were more than capable. It was explained that the assertion that trip rates would be doubled was not correct, with The Principal DM Engineer explaining that for a development of 30 units a transport statement was not required as there would be a modest increase of around 20 trips at peak hours, equivalent to one every three or four minutes. He added that in terms of parking in the estate overall there was the legacy of previous policies in terms of one space per dwelling, however, as the application had all parking on-site and was at new 2019 standards there would be no overspill. The Principal DM Engineer noted the had been no accidents recorded on the estate roads, with one minor accident recorded on the B Road. In terms of 100 dwellings against 102 dwellings, the Principal DM Engineer noted that the design of the estate was such to slow vehicles down and the application site was at the last part of the estate.

He concluded reiterating there was no objection to the application from Highways, and that he did not feel a refusal recommendation could be sustained on any technical reasons.

The Chair thanked the Principal DM Engineer and asked if Officers could respond in relation to any legal agreement and the density of the proposed development.

The Senior Planning Officer explained that the legal agreement could only stipulate 15 percent affordable housing, however the applicant had stated the development was for 100 percent affordable. He added that the applicant, Karbon Homes was a Registered Social Landlord (RSL) and preference as regards local residents would be dealt with by them as landlord.

The Chair thanked the Senior Planning Officer and asked Mr A Willis, agent for the applicant to speak in support of the application.

Mr A Willis thanked the Chair and Committee for the opportunity to speak and explained that the agents had worked with the Planning Officer in respect of the application on aspects including ecological improvements and to produce a high-quality development that meets the needs of the local area. He explained that the application represented a sustainable development and had good access to services, as set out within paragraph 83 of the Officer's report, such as a GP Surgery, Post Office, shop and bus stops. Mr A Willis noted that the site currently did not have access and was ecologically poor. He added that if the development was approved, approximately 50 percent of the site would have ecological improvement.

Mr A Willis explained that the applicant, Karbon Homes would offer the homes as 100 percent affordable, with many of the properties being a rent-to-buy product, very popular and therefore over time properties would be purchased and that capital would be used by Karbon Homes to reinvest in affordable properties in the County.

In respect of the highways issues raised, Mr A Willis deferred to the Principal DM Engineer's comments. He concluded by noting the application represented a suitable and sustainable development, with conditions and a s106 Legal Agreement which demonstrated social, economical and ecological benefits and asked the Committee to approve the application.

The Chair thanked Mr A Willis and asked the Committee for their comments and questions.

Councillor T Tucker noted concerns in terms of comments from internal consultees, with the Spatial Policy Team setting out at paragraph 44 that “the site is included within the SHLAA and rated as unsuitable (amber) in principle”. She added that paragraph 46 stated that the Council could demonstrate more than six years supply of deliverable housing, meaning the tilted balance did not apply. Councillor T Tucker noted that the report also set out that the application site was outside of the settlement boundary, on greenfield land and adjacent to the nature reserve. She noted that within the report it stated that Spatial Policy noted limited weight should be given to the local plan policies and asked why the NPPF was referred to and the tilted balance being used. Councillor T Tucker added that the report set out at paragraph 51 that Environmental Health had noted “some unsuitable material has been identified and therefore is required to be removed and visually validated”. She concluded by asking why, considering the comments from the internal consultees, the application was being entertained on a greenfield site and asked were there not other more suitable sites available.

The Senior Planning Officer noted that the planning policy in County Durham was difficult and evolving, noting in the North Area there was the 1997 Derwentside District and the 2003 Chester-le-Street District Local Plans. He added that varying degrees of weight were given to those versus the NPPF and the planning report and comments from Spatial Policy state what those plans set out. The Senior Planning Officer explained that each element would be relevant to different degrees and noted that while the application site was outside of the settlement boundary, the NPPF did not use such designations and Government policy set out issues relating to housing policy. He reiterated the report set out all the relevant policies for Members information, with the NPPF setting out where weight should be given in respect of particular policies.

The Senior Planning Officer noted that the NPPF noted a preference for brownfield sites to be developed, though did not preclude development on greenfield sites. He added that an element to be considered in such application was the capacity of a settlement in terms of its sustainability. The Senior Planning Officer noted while Paragraph 170 of the NPPF encouraged those sites with housing designation were to be given more preference, if there were no other policy reasons why development should not go ahead, then NPPF Paragraph 11 required a presumption to be in favour of development.

The Senior Planning Officer noted that Spatial Policy set out all policies within their comments, including influence on the County Durham Plan (CDP) such as housing land supply, the housing market and gave an allocation based upon a traffic light system, this site being allocated as amber.

He added that the site had some issues, however, the developer came to the Planning Department to look to address those issues and the application as submitted and presented to Committee was recommended by Officers for approval.

The Senior Planning Officer noted the comments from Environmental Health as regards contaminated land and added that the issues were less than usual for many sites, and there was a four-phase approach to address any issues and would be dealt with by way of condition.

The Solicitor – Planning and Development, Neil Carter explained that there was more than one route to engagement of the NPPF Paragraph 11 balance, noting that while a five-year or more supply of housing could be demonstrated and therefore NPPF Paragraph 11 was not engaged on that basis, paragraph 49 of the report noted NPPF Paragraph 11 was engaged as the evidence base for the relevant saved policies were out-of-date. He noted that the tilted balance would therefore apply, and the advice as regards the weight to be afforded to policies was set out within the report, however, exactly how much weight there was for the Committee.

The Chair noted Councillor T Tucker alluded to other sites being more preferable and he reminded the Committee that the application as set out within the report was for Committee to determine.

Councillor A Shield noted his apologies for being unable to attend the site visit, though noted he was familiar with the location. He explained he shared the concerns raised by Councillor T Tucker and had listened to the responses from the Senior Planning Officer and the Solicitor – Planning and Development. He noted that he felt that the fact the development was proposed on a greenfield site, outside of the settlement boundary meant that the application was contrary to saved Policy NE2 in terms of settlement boundary and ecology as set out at paragraph 29 of the report. Councillor A Shield noted the nearby nature reserve and explained he had concerns as regards the impact of the development on this with both Policies NE2 and HP6 supporting settlement boundaries and resisting development. He added that in some cases Members are told saved Policies carry weight and in other cases that they do not and to look to the NPPF. Councillor A Shield explained in this case he could not ignore saved Policies and he would not be prepared to support the application at this time.

The Solicitor – Planning and Development noted that Councillor A Shield was correct in that Local Plan Policies could not be ignored, rather the report set out how much weight could be afforded to each, with weight being reduced where those policies were not consistent with the NPPF.

Councillor A Hopgood noted paragraph 60 of the report referred to affordable housing and asked why no elderly persons' bungalows were included within the scheme and why the three-storey units were proposed to the edge of the site adjacent to existing properties. The Senior Planning Officer noted paragraph 60 explained that the Council had set out the housing needs within the area and added that it was for the applicant to decide upon which types they wished to include within their application. As regards the three-storey units, the Senior Planning Officer noted there was a significant distance between those proposed and existing properties and the area was the lowest point of the site and therefore there was some justification to their design.

Councillor A Hopgood thanked the Officer for his clarification and asked if Karbon Homes could answer why, when highways issues meant they could only develop 30 units on this site which could normally accommodate more than double, they had not taken the opportunity to develop bungalows to help meet housing need.

The Chair asked if Mr A Willis wished to answer the question. Mr A Willis noted while he was not a spokesperson for Karbon Homes, the household mix as set out in the application was based on Karbon Homes market demand. He noted the other issues raised as regards visibility and separation distances were set out within the Officer's report. The Chair reiterated that the application was as set out and agreed all Members would like developers to be aware of the need for types of housing such as bungalows. The Senior Planning Officer noted the local demand for bungalows had been communicated to the developer.

Councillor A Bell noted that to his knowledge there was a lot of pressure on school places in the Chester-le-Street area, with both Park View and Hermitage secondary schools being heavily oversubscribed. He asked how this was assessed and which school had places available. Councillor A Bell also asked as regards affordable housing and being able to purchase a property, what criteria applied and how many properties could be sold. He also asked as regards the traffic calming alluded to be the objector in his statement.

The Senior Planning Officer noted that in terms of school places, the Education Section were asked for their comments and they conducted their internal exercise and reported back that no mitigation was required, indeed the same response they gave in terms of the large 150 property development that had been approved by the County Planning Committee. In respect of affordable properties, the Senior Planning Officer noted he understood it was not the intention that all properties be sold, rather there was a number of options with some to help people on to the property ladder and some to be for rent in perpetuity.

He added that such options were looked at scheme by scheme, and a mix of different types side by side was what Government recommended.

The Principal DM Engineer noted that in terms of traffic calming, as traffic would enter through the estate, there was a number of tight bends and this would act to slow driver speeds. He added that with all new developments, there would be consideration as regards the merit of 20mph zones, however, at the moment the design of the estate was such that there was not high speeds and cushions in place and the environment had been created that slowed traffic down.

Councillor J Shuttleworth noted the Local Members in respect of the application were Councillors S Henig and L Marshall and asked if their views had been communicated to Officers. The Senior Planning Officer noted that Councillor L Marshall had passed on the concerns raised by residents in relation to the application. He added he and the Area Team Leader (North), A Farnie had visited the site and its access on several occasions and noted the issues raised echoed those raised on-site.

Councillor L Boyd noted she would echo the comments made by Councillor A Hopgood in terms of the need for bungalows, however, the social housing that would be provided was welcome. She noted paragraph 67 of the report mentioned concerns from residents in terms of social housing and an increase in crime. Councillor L Boyd explained she found that suggestion to be offensive and felt that it should not be taken into consideration.

Councillor J Higgins referred to page 19 of the report and the provision of a GP Surgery and asked whether there was capacity in this regard. The Senior Planning Officer noted the local NHS Trust was consulted at both the pre-submission and application stage, however, they had not responded.

Councillor T Tucker noted the comments as regards the design of the road network slowing vehicles down, and she recalled the route of the coach during the site visit by the Committee. She added that she had concerns as regards residents having to put up with large trucks during the construction phase and noted she felt that more weight should be afforded to Policies EN2 and HP6 and as issues had been raised in terms of building on a greenfield site and the impact on wildlife, she would propose that the application be refused.

Councillor A Bell noted that in terms of affordable housing, he would ask how affordable the properties would be, noting some "affordable housing" in his Electoral Division which was far from affordable at around £150,000 to £190,000. He thought this was a wider point Members should be aware of. Councillor I Jewell noted "affordable" was defined by specific criteria.

Councillor C Martin noted that he shared the Committee's response to the application and added he knew the area in question well and while he may not like what was proposed the Committee needed to look at the application in terms of how it stacked up against saved Local Plan Policies and the NPPF. He noted the advice given by the Senior Planning Officer and Solicitor – Planning and Development in terms of the weight that could be afforded to policies and noted he felt that the Committee did not have power against the NPPF without the CDP being in place. Councillor C Martin added that he felt that if the Committee forced the issue to go to appeal, it would likely be lost and to the cost of residents.

Councillor A Shield asked for confirmation in relation to off-site provision for play and recreation, with saved Policy RL5 stating the provision of such within a site and therefore he felt the application was also contrary to this policy and he would add this to the reasons stated by Councillor T Tucker and second that the application be refused.

The Senior Planning Officer noted that the Open Space Needs Assessment (OSNA) identified shortages in types of land and colleagues from Spatial Policy would have looked at on-site provision and off-site need and look at what was reasonable and a contribution of £47,223 was proposed for off-site open/play space provision. Councillor A Shield asked for clarification as regards whether the contribution could be allocated anywhere in the County. The Senior Planning Officer noted it was countywide.

The Solicitor – Planning and Development noted the motion to refuse had been put, citing conflict with saved Policies EN2, HP6 and RL5. He explained that he would be nervous in terms of a sustainable refusal reason based upon Policies EN2 and HP6. He acknowledged that Members could chose to afford more weight to policies than Officers, however he did not feel refusal on those alone would be sustainable. In relation to the NPPF Balance Test, the Solicitor – Planning and Development noted he had not heard from Members what negative impacts there would be as a result of the application and how that would outweigh the benefits of the proposal.

Councillor A Hopgood asked if the application site was allocated as development within the draft CDP. The Senior Planning Officer noted the CDP would not have weight, however for information he noted it was not included within the CDP. Councillor A Hopgood noted Members were not being allowed to use either old policies or new policies. She added that she felt the Committee had cover both sides, in terms of the Local Plan Policies and CDP, with the application not being acceptable.

The Solicitor – Planning and Development noted the CDP could not be afforded weight at this time. He added that even if a site was not allocated for a particular use that would not preclude development, should a suitable planning application be made. In referring to the NPPF Paragraph 11 Balance Test, it stated 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”. He asked what adverse impacts Members were referring to when proposing refusal of the application.

Councillor J Shuttleworth left the meeting at 2.10pm

Councillor T Tucker reiterated that Spatial Policy had set out within their comments that the Council could demonstrate a six-year supply of housing land and the site was outside of the settlement boundary, an oversupply of housing.

The Chair noted that if the Committee were minded to refuse the application, they would need to ensure their refusal reasons were robust and be able to stand up at Appeal, he noted the Solicitor – Planning and Development had asked twice for Members’ reasons.

Councillor T Tucker noted saved Policies NE2 and HP6 noted development outside settlement boundaries was generally resisted and therefore she felt that to go outside of what had been done in the past would lead to overdevelopment. She noted she felt Policies NE2 and HP6 applied and the application should be rejected on that basis, and in protecting the ecology of the area and the wildlife. The Solicitor – Planning and Development noted that this was a reiteration of the settlement boundary issue and he had not yet heard a reasonable argument in terms of a sustainable refusal reason. He asked Members to think in terms of what specific planning harm they felt would significantly outweigh the benefits of the development in this case.

Councillor A Shield noted Policy NE2 stated “protect and enhance the countryside” and stated this was not the case, when building outside the settlement boundary. He added it would not sustain agricultural or rural business and therefore was a clear breach and he felt that should be sufficient for refusal.

The Chair noted the application had been discussed at length and as a proposal for refusal had been made and seconded the Committee should vote.

The Solicitor – Planning and Development sought clarification as regards the refusal reasons from the proposer and seconder. He asked as regards refusal in terms of settlement boundary alone or inclusion of conflict with Policy RL5 in terms of open space provision, noting the policy was one of some antiquity and the OSNA evidence base was much more up-to-date. He added that should the issue for Members be where the contribution was to be spent, this could be controlled by, setting out in the S106 agreement the Electoral Division where the monies should be used. He added that refusal in terms of Policy RL5 would not be sustainable, given the Policy allowed off-site contributions, where appropriate.

Councillor A Shield noted he would withdraw Policy RL5 as a refusal reason, noting Policies EN2 and HP6 to stand. Councillor T Tucker as proposer agreed.

The Chair noted that the proposal for refusal had been put by Councillor T Tucker and seconded by Councillor A Shield and upon a vote being taken, the motion was **LOST**.

The Senior Planning Officer noted if Members were minded to approve the application, he would ask for an additional condition as regards highways arrangements.

The Chair noted a proposal made by Councillor A Bell for approval subject to clarification that the financial contributions to be used within the Electoral Division, he was seconded by Councillor O Milburn, upon a vote being taken it was;

RESOLVED

That the application be **APPROVED** subject to completion of a s106 legal agreement and the conditions as set out within the report, and an additional condition in relation to highways arrangements.

6 Appeal Update

The Committee considered a report of the Principal Planning Officer, Fiona Clarke which provided details of a recent appeal decisions.

Members noted the first was in relation to application for the retention of a timber fence at 4 Brantwood, Chester-le-Street and the Principal Planning Officer advised that the appeal had been dismissed by the Planning Inspector and appropriate enforcement action would be therefore taken in respect of the fence.

The Principal Planning Officer noted a second appeal relating to an application for the erection of an equestrian worker's dwelling, garages, tack room, riding area, and extension to stable building at land west of Peters Bank Cottage, Peters Bank, Harperley. The Principal Planning Officer advised that the Planning Inspector issued a split decision the proposed stables extension and riding arena were approved subject to conditions and the proposed equestrian workers dwelling was refused.

Councillor A Shield asked as regards costs, the Principal Planning Officer noted that there had not been any application for costs.

RESOLVED

That the content of the report be noted.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02097/FPA
FULL APPLICATION DESCRIPTION:	Residential Development comprising: nineteen 2-bedroomed, 3-person bungalow dwellings
NAME OF APPLICANT:	Karbon Homes
ADDRESS:	Land at Lavender Gardens and Uphill Drive Sacriston DH7 6PP
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is mainly comprised of 0.57ha of grassed open space surrounded by an estate road, within a local authority-built housing estate on the east side of the village of Sacriston. The site slopes down from south to north and is surrounded on all sides by two-storey housing, some of which overlooks it, some of which presents gables to the site.
2. A twelve-bay council-built garage block, staggered with the slope, fronting a parking forecourt is evident on the western boundary of the site. The upper-most garage has an attached brick-built workshop. These structures appear basically solid, if poorly maintained. The other three boundaries of the land include a continuous hard surfaced parking layby, informally used for off-street parking by local residents.
3. The grassed area of the site was fenced off by the potential developer at the point of application. The site had been developed in the distant past, but has been in its current use for a significant period of time and can be considered 'greenfield' open space.
4. Sacriston is a medium sized village sited 3.3 miles north-west of Durham City, offering a wide range of services, facilities and transport links. The nearest bus-stop to the site is on Plawsworth Road, 300m to the north.

The Proposal

5. The application proposes a residential development of 19 single storey dwellings, detached and semi-detached, staggered with the slope and each with two bedrooms. The existing garages would be demolished, and the site developed in its entirety, including the lay-by parking areas.
6. The proposed development is outward-facing, each dwelling having level access, with off-street parking and gardens front and rear. Parts of the garden areas are terraced to accommodate the slope. Lay-by visitor parking is proposed, with a new footway surrounding the whole site. The bungalows are of modern appearance with brick and timber cladding. A landscaping scheme has been submitted to show tree planting across the site.
7. The application is described by the applicants as an affordable rent housing scheme for over 55s. The site is owned, and the application is made by Karbon Homes, a registered provider and housing developer.
8. This application is reported to Committee as a 'major' development.

PLANNING HISTORY

9. The site has no planning history.

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. 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 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*'.
16. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 12 - Achieving well-designed places.* 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'.
18. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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.
20. *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.
21. *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.

22. *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.
23. *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.
24. *Air Quality* – sets out the national European and National legislative framework and a local air quality management (LAQM) regime which requires every district and unitary authority to regularly review and assess air quality in their area. Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location.
25. *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:

26. 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:
27. *Policy HP6 – Residential within Settlement Boundaries* – Proposals for residential development not allocated in the Plan will only be permitted within the defined settlement boundaries of specified settlements, including Sacriston, providing the land is previously developed and the scheme meets the criteria of Policy HP9.
28. *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.
29. *Policy HP13 – Affordable Housing* – an element of such will be negotiated where the site meets specified thresholds.
30. *Policy HP15 – Community Provision* – requires on major developments a contribution to provision of community social, recreational or leisure provision.
31. *Policy RL5 – Provision within New Developments* – sets out requirements for play and open space provision.
32. *Policy T8 – Car Parking Provision* – The design and layout of new development should seek to minimise the level of parking provision.
33. *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:

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. 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* – have no objections to the proposals and request a condition for engineering details.
36. *Northumbrian Water* – note that whilst a drainage strategy has been submitted, detail is not given for either foul and surface water discharges. They request a condition to secure and agree this.

STATUTORY RESPONSES:

37. *The Coal Authority* – as this report is written, the Coal Authority has a standing objection to the scheme, having raised a number of detailed queries to the submitted Coal mining Risk Assessment. These issues are being discussed and address. Members will be updated on the outcome and any necessary actions at the meeting.

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the statutory development plan for the area, unless other material considerations indicate otherwise. In this part of County Durham, the statutory development plan currently comprises the 'saved' elements of the Chester le Street District Local Plan (CLP). There is no neighbourhood planning activity in this location. The main purpose of the NPPF is to achieve sustainable development. It is regarded as a material consideration in determining planning applications. Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date NPPF paragraph 11 sets out how proposals should be considered.
39. Although the County Durham Plan 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.

40. This greenfield site is just located within the built-up form of the settlement and is not covered by any specific designations in the Development Plan. It is however identified in the Open Space Needs Assessment 2018 (OSNA).
41. Whilst saved Policy HP6 (Residential within Settlement Boundaries) states that proposals for residential development not allocated in the Local Plan will only be permitted within defined settlement boundaries of identified settlements (including Sacriston), the evidence base used to justify this Policy is now out-of-date, therefore so is the Policy.
42. Paragraph 103 of NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Given that this proposal site lies within the built-up form of the town and is within walking distance of a range of services and facilities, it is thought that this proposal would represent sustainable development in this regard as encouraged by the NPPF.
43. Saved Policy HP13 (Affordable Housing) sets down a requirement for up to 30% of houses to be affordable on schemes of 15 or more units. The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. In principle this policy is considered to be consistent with the NPPF however the target should be based on more up to date evidence.
44. The latest viability evidence in support of the County Durham Plan (as opposed to the County Plan itself) identifies a need for affordable units across the County. Evidence suggests that a requirement of 10% can reasonably be expected on sites of 10 dwellings or more given that the site is within a low viability area. 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 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. Therefore, whilst no weight can be afforded to this Policy, significant weight can be afforded to the evidence prepared to underpin it, which is up to date and has been tested for viability.
45. The proposal will entail the loss of an existing area of open space which has both a functional and visual role. Therefore, in principle the development of the site would be contrary to both Development Plan saved Policies RL1 (Sport and Leisure Opportunities: General) and RL3 (Protection of Outdoor Recreational Facilities) and in addition to Framework advice at paragraph 97, that existing open space should not be built upon unless it has been assessed as surplus to requirements, it would be replaced by equivalent or better provision, or the development is for alternative sports or recreation provision the benefits of which outweigh the existing use.
46. Without prejudice to the comments above. In instances where it is considered acceptable to develop on existing areas of open space, normally a financial contribution would be secured. Saved Policies HP15 (Community Provision), RL4 (Standards of Outdoor Recreation and Sport), RL5 (Provision in New Developments) and RL6 (Maintenance) require contributions for provision and/or maintenance of recreational facilities and open space. HP15 is consistent with the NPPF which seek to ensure that needs for social, community, recreational, and infrastructure facilities are met. Saved Policies RL4, RL5 and RL6 are in partial alignment with the NPPF, which requires standards to be based on robust and up-to-date assessments. They can therefore be afforded some weight in the determination of this proposal. The formula set out in the OSNA be used to calculate the requirement gives a figure of £33,201 for mitigating the loss and meeting additional needs.

47. Paragraph 73 of the NPPF sets down a requirement for Local planning authorities 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. Updated from their written comments, the Council is able to demonstrate a 6-year supply of deliverable housing land against this figure. 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.
48. Concluding, Spatial Policy Officers advise that Paragraph 11 is engaged when there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. In this instance paragraph 11 of the NPPF is engaged as saved Policy HP6 is based upon evidence relating to the projected development requirements for the lifespan of the local plan (the plan period), which has now passed. However, relevant remaining saved LP policies must still be afforded some weight. At this stage Policy Officers are unable to identify any policies within NPPF which provide a clear reason for refusing the development. The decision maker will still need to undertake a planning balance assessment which weighs up any identified 'harm' and 'benefits' of the scheme to arrive at the final decision: In this case the harm would be the loss of an existing area of open space which has both a functional and visual role, contrary to policies in the Development Plan and NPPF, however, the provision of affordable homes for the over 55s would provide a significant benefit.
49. *Environmental Health, Contamination* – With the site having been previously developed, and the proposal for residential development – i.e. a more sensitive receptor, conditions will be needed to ensure the site is properly remediated for development. The extent of conditions required is being addressed after the late submission of additional material as this report is written. Members will be updated on the requirements at the meeting.
50. *Environmental Health, Nuisance* – confirm their opinion that the development is unlikely to cause a statutory nuisance.
51. *Drainage* – Requirements for sustainable drainage on the site and the mechanisms for achieving this including the use of permeable drives, and a detailed crate storage system with a viable long-term maintenance regime has been discussed and agreed and is represented on the submitted plans. No objection subject to compliance with the agreed plan.
52. *Affordable Housing* - Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The site at "Land At Lavender Gardens And Uphill Drive, Sacriston" is proposing to provide a 100% affordable housing scheme. Information provided in the application indicates that 19 bungalows will be delivered on this scheme. The Housing Development Team are happy that these proposals meet the affordable needs of the area as bungalow provision is a property type in this area that is in demand.
53. *Education* – advise that there is capacity for school places in the area and that no mitigation is required for this development.
54. *NHS* – confirmed pre-application that given the small scale of the proposal there was likely to be sufficient physical capacity at the local medical centre to meet the needs of the new residents.

55. *Urban Design* – have commented, ‘The development proposes a perimeter block with strong frontage to Uphill Drive and Lavender Gardens. The floor plans included in the design document would suggest that all outward facing elevations will be animated, creating corner turning dwellings. The artist impressions show a contemporary solution with large areas of glazing which give some vertical emphasis to the dwellings’.
56. *Durham Constabulary* – have sent an extract from the Building Regulations relating to Security in response to a pre-application consultation.

PUBLIC CONSULTATION EXERCISE:

57. A public consultation exercise consisting of site notices, press notices and 32 direct letters was undertaken. This resulted in 2 objections.
58. One correspondent raises concern at decision making within the ‘policy vacuum’ in Durham, between the unadopted County Plan, the NPPF and the ‘long in the tooth’ District Plans.
59. The principal objection relates to the loss of the open space, contrary to both advice in the NPPF (paragraph 97) and the Policies in the Development Plan. It is noted that the applicant acknowledges the loss and correct process but has not undertaken an assessment of the value of the space or identified any replacement.
60. The applicant’s description of the site is criticised in terms of the general functionality and current use of the space, it having been used by local children for a range of informal recreation activities for years. The OSNA report is quoted, noting identified shortages of open space, and the need for protection of existing sites where there are critical deficiencies, among its other criteria. The OSNA further recommends a walking distance guideline of 480m for access to amenity space. However, with the loss of this site the nearest amenity space for residents in this area is approx. 600m away at Fulforth Jubilee Park.
61. The submitted Sustainability Statement is considered as inadequate in considering only the energy performance of the proposals and not the social, economic and local environmental impacts of the scheme. The provision of amenity space is therefore particularly important for the well-being of disadvantaged groups who have lesser ability to travel and access other recreational opportunities, as well as having poorer health outcomes.
62. The developer’s public consultation exercise is likewise referred to as inadequate. The Council should have consulted all dwellings within a 500m radius of the site.
63. The new fencing erected by the developer is considered dangerous.
64. The view across the site has been seriously impaired.

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=PTYO20GDKCW00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

65. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principle of development, implications of specialist housing and loss of open space are the principle issues involved in this instance. Issues of highway safety and other relevant topics will also be considered.

The Development Plan

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The 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.
67. 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.
68. 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.

The NPPF

69. 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', if it is concluded as sustainable, and unless issues are identified and evidenced as clearly outweighing the benefits.

Sustainability

70. In terms of locational sustainability, the proposed development is within an established urban area that includes a wide range of social, economic and environmental opportunities, including schools, shops, a community centre, a park and bus links to surrounding settlements. The applicant's Design and Access statement considers energy efficiency, an issue that is dealt with within the Building Regulations process.

Housing Provision

71. The development is presented as a scheme of affordable rent bungalows for over 55s. 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.
72. 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. The 90% over-provision is not secured in such a way that it can be attributed additional weight in the decision-making process.
73. The provision of dwellings designed and intended for over 55s is advised as of 'significant weight' by Spatial Policy Officers. However, again, if the specified age restriction is not ensured by a planning approval – usually by legal agreement or condition – then the dwellings could ultimately be rented or sold to any individual, undermining the significant weight that this would attract in the decision-making process. The applicants have objected to a restriction being applied in the event of an approval to give them flexibility in tenure.
74. 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.
75. In terms of paragraph 11d(i) of the Framework, the most important policies for determining the application are out-of-date, and that indicates that permission should be granted unless identified policies in the Framework provide a clear reason for refusal. The list of identified policies (in footnote 6) does not provide a clear reason for refusal.
76. Determination of the application is then required to consider through paragraph 11d(ii) of the Framework whether the adverse impacts of approval would significantly and demonstrably outweigh the benefits of the scheme.

Open Space

77. The loss of the open space would be detrimental to surrounding residents' amenity, and this reduces the sustainable nature of the scheme. The park in the centre of Sacriston is approximately a 1km walk from the site. The loss is contrary to both Policies in the Development Plan and the advice in the Framework. The OSNA has identified the site as of value and seeks to protect it. As an isolated issue, Local and National Planning Policy is clear that the land should be retained as open space.
78. However, the land is private, and has been recently fenced off by the applicants, as is their right, preventing it from being used for recreational purposes.
79. The applicants have agreed to enter into a legal agreement to provide monies in lieu of on-site provision of open space to the sum of £33,201.00 via the calculations set out in the OSNA for demand generated by the scheme. This is considered reasonable and necessary to ensure this aspect of the development is acceptable, meeting the tests for planning obligations set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
80. The application fails to meet the national and local policy and advice requirements for existing open space and is therefore contrary to Policy. The scheme does mitigate the lack of on-site provision for new residents.

81. The site is open space that has been available for the use of surrounding residents for a significant period of time, but critically, the use of which is at the discretion of the owner. The use has been formally restricted of late by the landowner as a result of the erected fence. This significantly undermines a potential refusal on the grounds of loss of open space.

Highways

82. County Highways indicate they have no objection to the scheme subject to a condition ensuring engineering details. Planning Officers do have some concerns at the effect of the loss of existing on-street parking and garages in an area of local-authority built dwellings that offer minimal in-curtilage off-street parking opportunities.
83. However, it is concluded that this issue would not be significant in the planning balance.

Other Issues

84. The application must be assessed against the design requirements of Policy HP9 and the expectations of Part 12 of the NPPF. For residential amenity, the proposals meet the suggested separation distances to surrounding, existing residential dwellings set out in Appendix 1 of the Development Plan. There is a 21m facing distance between existing dwellings and those proposed, with those on the south part of the site angled at 25 degrees to the betterment of the relationship. Two of the facing distances between rear elevations and gables within the site are slightly sub-standard, by less than 1m – an acceptable degree of tolerance. Each of the dwellings has private amenity space, off-street parking meeting highways standards and level access entry. Rear gardens include terracing to accommodate the slope of the site.
85. The proposed bungalows have a simple massing and proposed elevational appearance which is both modern and will also fit in with the surrounding post-war vernacular.
86. In terms of the scale, character and residential appearance requirements of the Development Plan Policy, and also its expectations of privacy and amenity, the proposals are considered acceptable.
87. An ecology report has been submitted which indicates both that the proposed development will not affect species protected by law, and that the layout of the scheme and proposed planting scheme has been arranged to encourage bio-diversity.
88. Drainage Officers' requirements have been subject to extensive detailed discussion. Agreement has reached on an appropriate scheme that can be ensured by imposition of a suitable condition.
89. If the Coal Authority removes their objection from the application, Members will be advised of any condition they request to mitigate the coal-mining legacy. Because of their nature, any conditions are likely to be required addressed pre-commencement.
90. Members will be advised at the extent of conditions required to ensure the contaminated land implications on the site are fully addressed to ensure the safety and amenity of new residents. Because of their nature, any conditions are likely to be required addressed pre-commencement.
91. Given the relationship of the site to surrounding residential dwellings, and its location within an estate some distance from the main road it is proposed to impose a standard Construction Management Plan condition.

92. Education have been consulted as the applicants will not accept an age restriction on the dwellings, potentially allowing the occupation of the dwellings by families. There is however current capacity in the school system in Sacriston, and no mitigation would be required for a development of this size. Likewise, the NHS have confirmed that given the size of the proposal, they have no requirements for mitigation for the effect on their facilities. Durham Constabulary have not indicated any concerns with the scheme.
93. An acceptable landscaping scheme has been submitted with the scheme, which would be communally maintained by the applicants.
94. The scheme will bring economic benefits both in the construction phase and from the activities of new residents, that whilst not quantified in the application, brings positive weight in the planning determination.

The Tilted Balance

95. The policies most important for determining the application in the Development Plan – relating to housing - are out-of-date because of their original evidence base and as a consequence, the ‘tilted balance’ addressed by paragraph 11 of the Framework and the presumption in favour of sustainable development is engaged.
96. The application site is considered a sustainable location. The application proposes housing, including and exceeding the required affordable element. No positive weight is given to the unsecured over-supply. The benefit accrued from the addition to housing supply is positive but reduced by the Council’s positive housing land supply figure. The proposals meet the Development Plan and NPPF requirements for affordable housing provision. The specialist nature of the housing i.e. for over 55s cannot be given positive weight if not secured.
97. The scheme has been examined and concluded as sustainable housing development that benefits from the presumption in favour of such in paragraph 11d(i).
98. Adverse impacts have been identified through assessment against paragraph 11d(ii), in terms of the loss of the open space and the reduced parking opportunities available to existing residents. Whilst the loss of open space is contrary to both Development Plan Policy and NPPF advice, the applicant’s ability to legally restrict access and prevent its community use reduces Officers confidence in upholding a refusal on this issue.
99. Economic benefits have been referred to in the report and are of positive weight in the planning balance.
100. Other issues are Policy or NPPF compliant, meeting the expectations of development but not significant either way in the weighting of the planning balance.
101. Officers consider the tilted balance is in favour of the development, with the positives of the contribution to housing supply are ultimately not significantly and demonstrably outweighed by the failure to comply with the Open Space Policy.

CONCLUSION

102. The site has been used until very recently as public open space within the established urban area of Sacriston. The housing related Policies in the Development Plan are those most important for dealing with the application are out of date directing determination to the NPPF. The proposal is sustainable residential development.
103. The issues to consider in the planning balance are the benefits of provision of housing against the negative of the loss of open space.
104. The positive weight that could be given to apparent specialist nature of the housing, its affordable nature and the scheme's contribution to housing supply are all reduced by elements described in the body of this report. The scheme still however benefits, as sustainable development, from the 'presumption in favour' in the 'tilted' planning balance.
105. Concerns at the loss of open space reflect the scheme being contrary to Policy. However, with the weight given to this negative aspect reduced by its private nature and now restricted access, this issue is not considered by Officers to demonstrably and significantly outweigh the benefits of the scheme to a degree that could form a defensible refusal.
106. Officers consider the proposals finely balanced, even with the presumption in favour, but conclude their recommendation in favour of the proposals.
107. There are elements of the proposals that can be mitigated or made acceptable through contributions by the developer in a legal agreement – i.e. an Open Space / Play space contribution of £33,201. This issue is neutral, and is required to make the proposal acceptable only, being directly proportionate to their impacts. No other issues have been raised that significantly affect the planning balance either way.
108. Conditions can address technical implications and ensure an acceptable for of development and detail for issues including foul and surface water disposal, contamination and landscaping. Pre-commencement type conditions are only proposed where the nature of the issue requires agreement in advance of site works.

RECOMMENDATION

111. That the application be **APPROVED**, subject to the applicant entering into a legal agreement consisting:
- Securing 10% of the scheme as affordable housing.
 - A contribution to secure open/ play space mitigation of £33,201.

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:
 - 17011 P01 SITE PLAN
 - 17011 P02 SITE PLAN
 - 17011 P100A ELEVATIONS PLOTS 01-05
 - 17011 P101A ELEVATIONS PLOTS 06-11
 - 17011 P102A ELEVATIONS PLOTS 12-15
 - 17011 P103A ELEVATIONS PLOTS 16-19
 - 17011 P105 BUNGALOW TYPES
 - 17011 P106 BUNGALOW TYPES
 - 17011 P110A STREET ELEVATIONS
 - 17011 P111A GARDEN ELEVATIONS
 - 17011 P201A PROPOSED SITE SECTIONS
 - 17011 P205 TYPICAL SECTION C
 - 17011 P210A ROOF PLANS

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, HP15, RL5, 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. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies); and Parts 12 and 15 of the National Planning Policy Framework.
5. The proposed highways must be designed and constructed to meet adopted highway design standards at the time of construction. No development shall commence until plans showing full engineering details of the works to the estate roads have been submitted to and approved in writing by the Local planning authority. Said scheme must be implemented in full before occupation of any of the dwellings hereby approved.

Reason: in the interests of highway safety and to ensure compliance with policy T15 of the Chester-le-Street District Local Plan 2003 (saved policies).
6. The detailed Surface Water Drainage scheme shown on Plan 394/01 (DR)100 P07 must be installed, constructed and completed in full before any dwelling on the development hereby approved is occupied.

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

8. The landscaping scheme must be carried out in accordance with Plans: 790/LA1 (Feb. 2019) and 790/LA2 (Feb. 2019), the submitted planting schedule and Soft Landscape Specification dated 7 March 2019. The approved scheme must be completed in full by the end of the first planting season following the completion of the built development and maintained for a minimum period of 5 years with all specimens that fail or require replacement being implemented to the specification approved in the above plans and reports.

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

9. Contamination – extent of required conditions to be confirmed.

10. Coal – awaiting advice from Coal Authority.

11. 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 HP9 of the Chester-le-Street District Local Plan 2003 (saved policies) 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.

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.

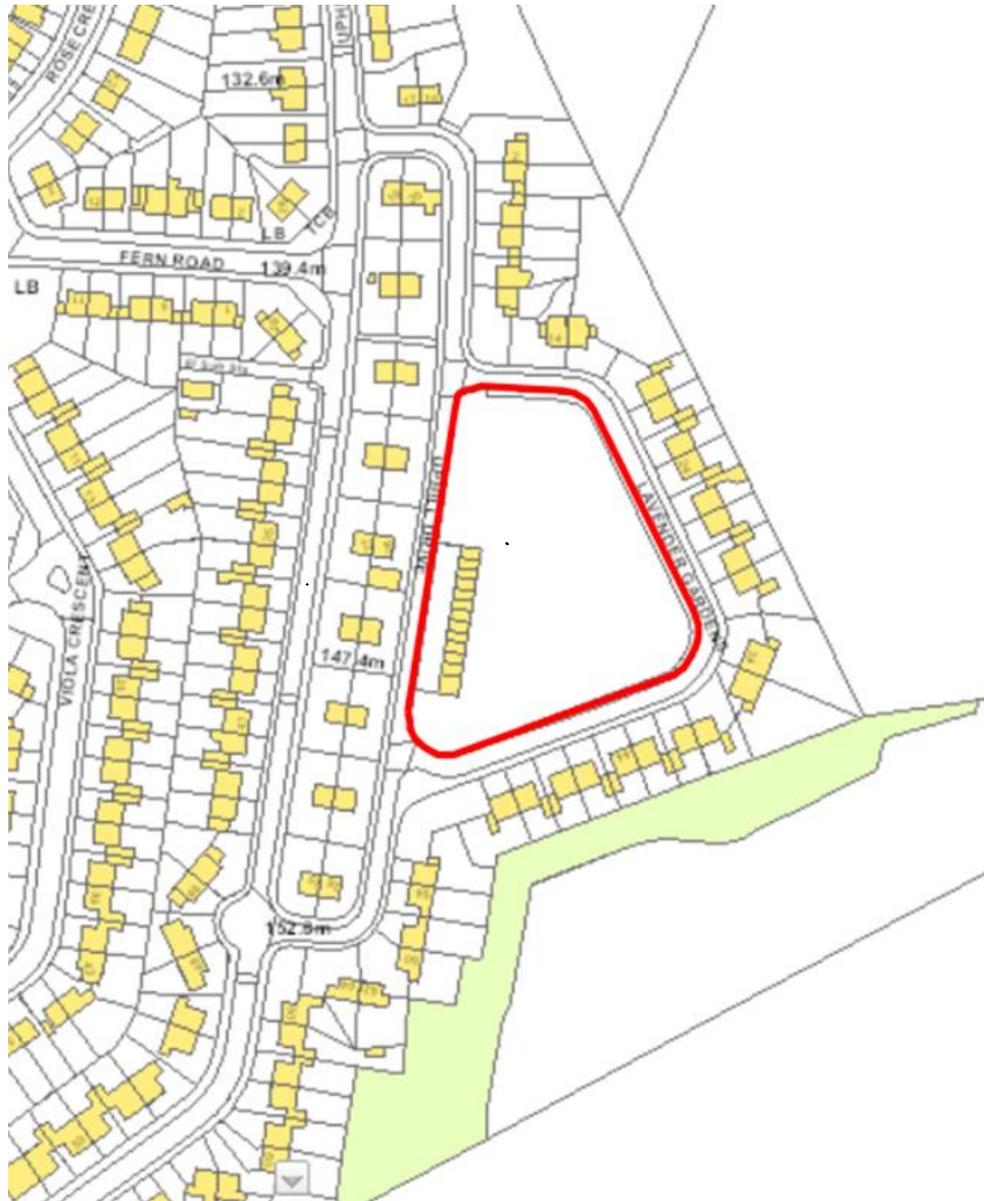
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy HP9 of the Chester-le-Street 2003 (saved policies) Local Plan and Part 15 of the National Planning Policy Framework.

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



Planning Services

Residential Development comprising:
nineteen 2- bedroomed, 3-person bungalow dwellings

Application: DM/19/02097/FPA

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Comments

Date: 26th September 2019

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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.

PLANNING HISTORY

8. 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

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. 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.
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 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.
19. *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.

20. *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:

21. 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.

22. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.

23. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

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

25. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

26. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.

27. *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:

28. The following are those saved policies in the Derwentside District Local Plan 1997 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 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.
31. *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:

32. 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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *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.
34. *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:

35. *The Coal Authority* – No objection, subject to a condition requiring site investigation works are carried out prior to the commencement of development.
36. *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:

37. *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.
38. *Trees Officer* – No objection subject to replanting.
39. *Ecology* – No objection.
40. *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:

41. 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.
42. 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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTLCTXGDK7200>

APPLICANTS STATEMENT:

43. 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.
44. The landscaping and shrubbery will be manicured to provide good visibility to the main road as discussed with the Highways officer.

PLANNING CONSIDERATIONS AND ASSESSMENT

45. 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

46. 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.

47. 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

48. 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 or refusing the application. There are no Policies within the Framework that indicate that the application should be refused.

49. 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.

50. 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.

51. 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

52. The application is proposed on an area of garden land located to the north of the existing dwelling, and on the edge of the build-up area. Vegetation removal is required to accommodate the required visibility splays for the access and for the development. 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 addition, of 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.
53. 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 and in terms of construction noise. The proposal is therefore considered to be in accordance with Saved Policy GDP1 subject to condition.

Highways

54. 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. The Highways Development Officer has raised no objection to the proposal subject to a

condition requiring the accesses to be constructed in accordance with the submitted plans prior to the occupation of the properties.

55. Furthermore, objectors have raised concerns regarding the increase in traffic along Beamishburn Road, the lack of a footpath and limited street lighting, however given the scale of the development the Highways Development Officer has raised no concerns in this regard. Accordingly, it is considered that the proposal complies with Saved Policy TR2.

Scale and character

56. 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.
57. 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.
58. 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

59. 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

60. 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

61. 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

62. 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

63. 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.

64. 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

65. 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 residential 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 beneficial 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, which are likely to give rise to disturbance to local residents 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.

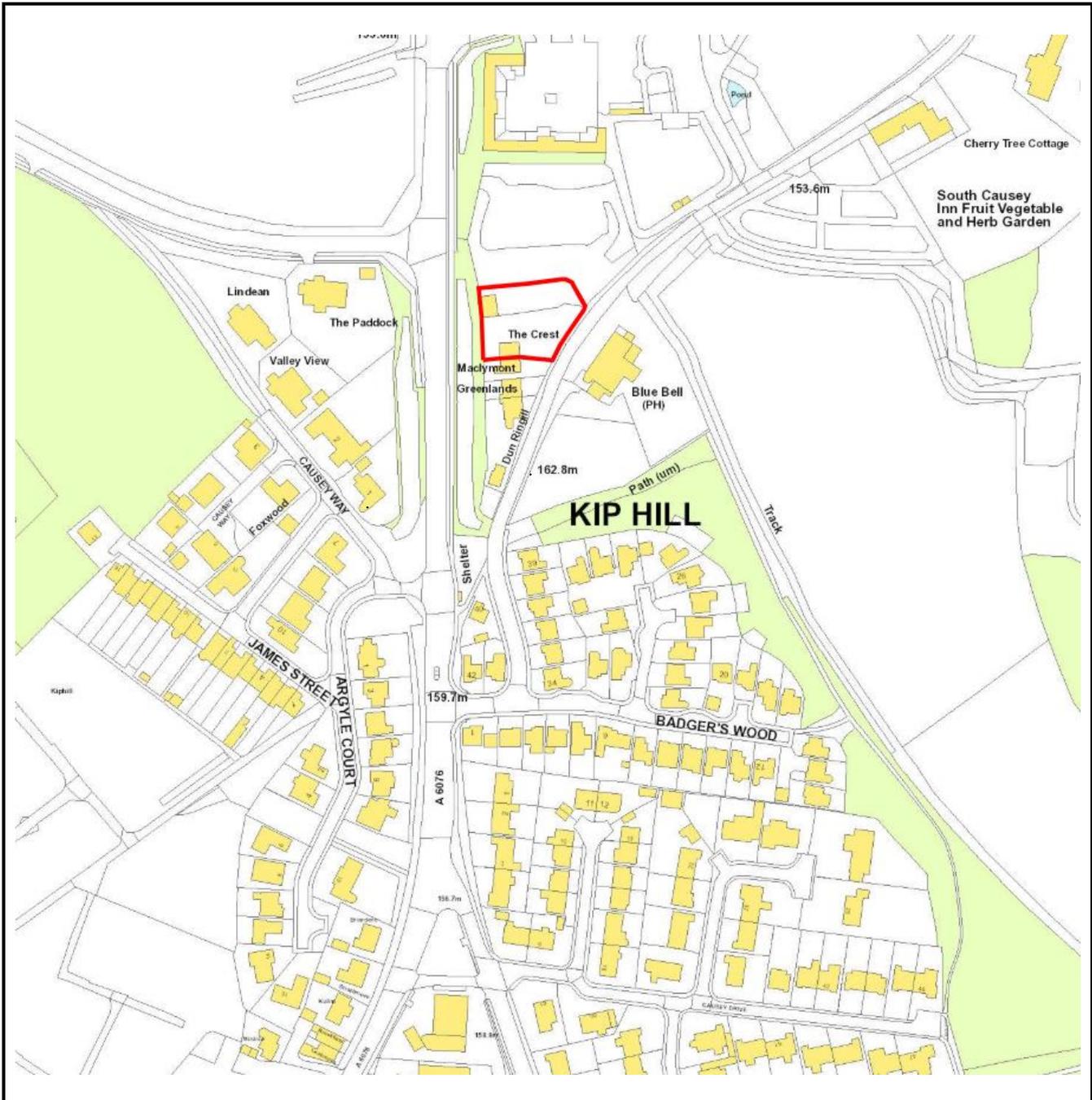
Reason: In the interests of the safety and stability of the site and to comply with Part 15 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

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>	
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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

Appeal against the 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) Reference - DM/19/00970/FPA.

An appeal has been received against the refusal of Planning Permission for the above development. The application was refused under delegated powers on 13.06.19 for the following reason –

'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 will be dealt with under the written representations procedure and members will be updated of the decision in due course.

Report prepared by Fiona Clarke (Principal Planning Officer).

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