County Planning Committee

Date  Tuesday 1 March 2016  
Time  1.00 pm  
Venue  Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 2 February 2016 (Pages 1 - 10)
5. Applications to be determined
   a) DM/15/02976/FPA - Field To The South Of Wayside, Wingate Lane, Wheatley Hill, DH6 3LZ (Pages 11 - 34)
      Detailed planning application for the erection of 106 residential units (C3) including formation of access, car parking, boundary treatments, landscaping and open space.
   b) DM/15/02364/FPA - Land To The East Of Hownsgill Industrial Park, Templetown, Consett (Pages 35 - 52)
      Erection of photovoltaic panels, boundary fencing, access, and associated distribution accommodation and equipment.
   c) DM/15/03726/FPA - Land Adjacent Newton Park Services, Coatham Mundeville, Durham, DL1 3NL (Pages 53 - 70)
      Access improvement works, formation of new access road, regrading of land to facilitate development and erection of electrical substation and associated infrastructure.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)
8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
22 February 2016

To: The Members of the County Planning Committee

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland, I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson, G Richardson, A Shield, P Taylor and R Young

Contact: Ian Croft Tel: 03000 269702
At a Meeting of County Planning Committee held in Council Chamber, County Hall, Durham on Tuesday 2 February 2016 at 1.00 pm

Present:

Councillor K Davidson (Chairman)

Members of the Committee:
Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland, I Jewell, A Laing, R Lumsdon, B Moir (Vice-Chairman), H Nicholson, G Richardson, A Shield, P Taylor and R Young

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor Lumsdon informed the Committee that she was the Local Member for the application to be considered under Agenda Item 5 (b) – Land to the South of Beacon Lane, Sedgefield. However, she had expressed no opinion on the application and would remain in the meeting for the debate on the application and also would vote on the application.

4 Minutes

The Minutes of the meeting held on 5 January 2016 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/15/01841/FPA - Land to north of Castle Eden Brewery, Castle Eden, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a new crematorium facility comprising a crematorium building, new access road, car parking facilities and ancillary external areas, including gardens and pond on land to the north of Castle Eden Brewery, Castle Eden, Durham (for copy see file of Minutes).
C Shields, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and the proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor Crute, local Member, addressed the Committee to object to the application. There were real concerns about risks and dangers associated with this application and the proximity of the site to the Castle Eden Golf Club. A similar application had been rejected by the Committee in April 2014 on the grounds that it would diminish the amenity of the area and would have an adverse impact on users of the surrounding countryside. There was no community support for the development.

The application had been amended from that previously submitted in that the garden of rest had been moved to the centre of the site in an attempt to address the safety issue of golf balls from the Golf Club striking visitors to the crematorium. However, both he and Councillor Pounder had attended a demonstration at the Golf Club which had shown how far golf balls could travel and therefore cause potential injury. The location of the 4th tee driving box would mean that all areas within the proposed development would be within range of golf balls. Councillor Crute referred to the Lintz Cricket Club case where a housing development was constructed near to the Cricket Club and as a result the houses suffered damage from cricket balls. The ruling was that permission for the houses should never have been granted when it was known such damage may occur.

Although a golf course architect had concluded that the buffer zone designed into the layout of the crematorium should be sufficient to mitigate the danger from errant golf balls, the architect had also concluded that it was not possible to guarantee that one golf ball would not cross the 80 metre margin and land within the public areas of the proposed crematorium. This danger had also been highlighted by golf professionals and a golf course architect commissioned by the Castle Eden Golf Club.

Councillor Pounder, local Member addressed the Committee to object to the application. The proposed development was in an area of high landscape value. Councillor Pounder informed the Committee that she did not agree with paragraph 47 of the report which stated that the application would deliver a high quality landscape-led development in a sensitive location because it would bring with it signage and lighting emissions. When the application was submitted plans were needed on public display which showed the proposed site entrance, the cremator chimney, the proposed lighting columns, the CCTV, and which mature trees and hedgerows were to be removed. The view of the development from the main road would have a negative impact on the vista of the Dene.

There was no mention in the report of the impact of the development on mature trees, some of which were subject to Tree Preservation Orders and were in a conservation area. Councillor Pounder then provided details of trees which would be under threat or removed as part of the development.
There was sufficient capacity of crematoria in Durham, Sunderland and Hartlepool, and need was mentioned as a factor in the previous application for this development. Councillor Pounder questioned what the wider community benefits of the development, referred to at paragraph 131 of the report, would be.

There had been no consultation from the applicant with the local community and no community engagement.

While NPPF Part 1 outlined that significant weight should be placed on the need to support economic growth, it should be remembered that this application would only result in the employment of three staff. This could be outweighed by the potential negative impact of the development on the Golf Course, which could lead to job losses, as well as increased traffic from the development which could lead to job losses in the Old Brewery premises.

Councillor B Turnbull, Vice Chairman of Castle Eden Parish Council, addressed the Committee to object to the application.

Although the speed limit through Castle Eden was 40 m.p.h., speed surveys showed that 19% of vehicles exceeded speeds of 46 m.p.h. The report stated that visibility splays from the proposed access to the crematorium in an easterly direction were suitable for traffic travelling at 42 m.p.h. and therefore the proposed access was an inadequate design. Councillor Turnbull informed the Committee of three vehicular accidents in Castle Eden which had been caused by excessive speed.

Councillor Turnbull outlined to the Committee difficulties which were currently experienced by traffic on the A19 slip road wishing to access the B1281, which often results in traffic entering Castel Eden and doing a U turn in the bus turning circle, which was part of the proposed access to the crematorium. The addition of extra traffic to the crematorium would exacerbate this problem.

There was a fear in the community that the development would lead to a return if anti-social behaviour on the track which would become the access road to the crematorium. There had previously been problems on this track of sexual and threatening behaviour, which had taken place at all times of the day. As a result, and with police intervention, a barrier had been constructed across the track to prevent such behaviour which had resulted in the number of incidents of anti-social behaviour reducing from 19 to 3. This development was proposing a part time barrier which would allow access to the track for the bulk of the day. Councillor Turnbull queried how cars which were driven down the track when the barrier was open, then not removed before it was closed, would be dealt with.

Although CCTV could be a helpful tool, this was only so when the CCTV monitors were being watched, and it was unclear whether this would happen.

Mr P Barclay, local resident, addressed the Committee to object to the application. He informed the Committee that he was speaking on behalf of residents of Castle Eden and on behalf of the Castle Eden Golf Club in objecting to the proposal.
He failed to understand how the Planning Officer was recommending approval of the application given the level of objection to it, and suggested that the Officer had little or no knowledge of golf.

On a difficult day a professional golfer could hit a golf ball as much as two fairways away. The Planning Inspector, when considering an appeal against refusal of the previous application, considered that the site was not in a safe location next to the Golf Club, and nothing had changed since this. A golf ball driven from the 4th tee on the golf course could, if mis-hit, fall onto any part of the site of the proposed development. A golf ball travelling at speeds of up to 70 m.p.h. would cause damage to cars and to visitors to the crematorium. Only one such incident would be unacceptable and would have ramifications. A dog walker walking around the golf course had picked up 30 golf balls in one day, which illustrated the potential for stray golf balls. The risk to an individual was not the same as a risk to a group of people attending the crematorium.

Tessa Fletcher, Senior Planner at ELG Planning, addressed the Committee in support of the application. Although the Committee at the previous application had concerns regarding amenity, the Inspector at the Planning Appeal had been happy with the need for the facility, impact on amenity and its impact in an area of high landscape value. No changes to the application had been made since the Appeal. However, the design layout of the facility had been amended to address safety issues relating to the physical relationship of the crematorium with the Golf Club, and to address the fear of crime issue referred to by Councillor Turnbull. The Garden of Remembrance had now been located to the centre of the site and this was consistent with Health and Safety margins regarding the risk from golf balls. The applicant had held discussions with Durham Constabulary to ensure sufficient safety measures were in place to address fear of crime issues and this application now addressed the previous concerns of the planning Inspector.

A Glenwright, Principal DM Engineer, made reference to the highways implications of the development. The Planning Inspector at the appeal against refusal of the previous application had considered that the proposed development would not result in highway conditions which would result in an adverse impact on highway safety.

Councillor Laing referred to extensive public consultation which had been carried out by the applicant for the previous application and queried why none had been carried out for this application. The Senior Planning Officer replied that public consultation was optional for the applicant, adding that there had not been much support from consultation on the first application.

Councillor Shield informed the Committee that he was troubled by this application. The report provided a summary of the view of the Planning Inspector at paragraph 127, and only one statutory consultee had objected to the application. The application could only be refused on the grounds of the personal safety of mourners, and he was not convinced that this aspect had been addressed by this application. He had serious concerns supporting approval of the application.
Councillor Dixon thanked the Planning Officer for his professional report, which was in accordance with planning law and policy. The Planning Inspector’s views were that the development would not have an adverse effect of traffic, would have no adverse effect on the landscape and there was a condition in the report relating to trees and hedgerows. The Planning Inspector dismissed the appeal on the ground of fear of crime, which had been addressed in this application. Therefore, the only issue to be addressed was that of safety of visitors to the crematorium. Although there were safety margins between the crematorium site and the golf course, there was no guarantee that visitors to the crematorium would not be at risk from golf balls form the golf course. Although Councillor Dixon accepted that this risk was probably low, only one golf ball would be needed to cause distress to those at the crematorium.

Councillor Holland thanked the Planning Officer for his excellent, balanced report. He referred to the Lintz case, where the cricket club had been formed in approximately 1860 and 100 years later houses had been built in the vicinity. A legal challenge was made to attempt to close the cricket club because of damage being caused by cricket balls, but this challenge failed. If the application was to be approved, the crematorium would need to have adequate insurance against a random strike by a golf ball. The Committee would need to exercise caution when considering this application because the report which recommended approval was very persuasive.

Councillor Moir informed the Committee that paragraph 69 of the NPPF stated that planning decisions should aim to promote safe and accessible environments where crime and disorder, and the fear of crime, did not undermine the quality of life or community cohesion. This application did not guarantee community cohesion. He was not convinced by the argument that there was a sporadic risk from golf balls entering the site and considered that one such accident would be too many.

Councillor Clare informed the Committee he was deeply unsure about the application. He considered that all aspects of the reasons for refusal at appeal had been dealt with other than crime and safety, and questioned how any Inspector would view the amended application with regards to safety. Members of the public would visit the crematorium to mourn loved ones and there was a greater responsibility on the Committee to ensure that these were not placed in any danger.

Councillor Lumsdon referred to paragraph 117 of the report which gave an example of a private garden requiring a safety margin of 80 metres from a golf course, however, this application was for a crematorium and the surrounding land would be public space. If the crematorium was already at this location and the Golf Club required planning permission, the minimum safety margin would not be available. She did not consider the risk had been mitigated.

Councillor Boyes informed the Committee he had concerns about traffic which would be generated by the crematorium which could cause tailbacks on the A19. While he considered that a lot of the Inspector’s concerns had been addressed by this amended application, if there was a need for a crematorium in East Durham there was an abundance of land which would provide for more suitable and safe
sites. He considered this site to be a crazy place to construct a crematorium, given the risk of golf balls from the neighbouring Golf Club.

Councillor Richardson informed the Committee that the applicant, Dignitas, had built a crematorium at Coundon which was located well away from houses and was working well. There was no information in the report regarding emissions from this proposed crematorium, which he considered to be well thought out but in the wrong place.

Councillor Davidson reminded the Committee that if it was to refuse the application, refusal reasons would be needed. Councillor Dixon queried whether there was a need for such a facility. The Senior Planning Officer replied that information from the Council's own crematoria was that there was sufficient capacity at the moment, although there were no future projections.

In reply to a question from Councillor Davidson, the Senior Planning Officer confirmed that Policies 1 and 35 of the Local Plan accorded with the NPPF. Councillor Lumsdon added that although the design and layout had been amended, the level of risk did not accord with paragraph 69 of the NPPF.

Councillor Moir moved that the application be refused on the grounds that it was contrary to Policies 1 and 35 of the Local Plan and to paragraph 69 of the NPPF. Seconded by Councillor Laing.

Upon a vote being taken it was

Resolved:
That the application be refused on the grounds that, due to its proximity to the adjacent golf course, it would fail to provide a safe environment for prospective users and was contrary to Policies 1 and 35 of the Local Plan and to paragraph 69 of the NPPF.

b DM/15/02626/OUT - Land to the South of Beacon Lane, Sedgefield

The Committee considered a report of the Senior Planning Officer regarding an outline application for the erection of up to 150 dwellings with all matters reserved except access on land to the south of Beacon Lane, Sedgefield (for copy see file of Minutes).

H Jones, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and an indicative layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer reported the following updates:
- Highways England had raised no objection to the application, subject to the implementation of a Travel Plan;
- The County Council's Sustainable Travel section had suggested amendments to the Travel Plan;
- One additional letter of objection had been received.
Councillor M Carr of Sedgefield Town Council addressed the Committee to object to the application. The Town Council had considered the application on 11 January 2016 and objected to it on the following grounds:

- The development would fundamentally change the historic entrance to Sedgefield;
- The land for the development had been graded as Grade 3b agricultural land which was considered to be of a high quality. Land graded at 4 or 5 was suitable to build upon.
- The development would have a significant adverse effect on mature hedging and trees;
- The development would result in the removal of a greenfield site;
- There was already significant pressure on sewerage, health and educational facilities in Sedgefield and this development would exacerbate this pressure.
- There would be no direct economic benefit to the residents of Sedgefield from this development;
- The draft Sedgefield Plan stated that developments should seek to protect and enhance the natural environment.
- This proposal contained nothing to help or assist the community of Sedgefield.

Councillor Robinson, local Member had submitted his views on the application and these were presented to the Committee by I Croft, Senior Democratic Services Officer as follows:

*I strongly support the recommendation of refusal by the officers. I cannot see how in 2015 the Committee considered a separate application on the road opposite and unanimously refused, that this application is any different. The same reasons apply here. Indeed the transport objections are stronger in this regard.*

*I believe the application should be refused for the following reasons:*

1. It is a substantial and inappropriate incursion into the whole character of the village.
2. Highways England have objected along with a considerable number of internal consultees. I cannot remember when an application with so many objections from consultees has been approved.
3. It is contrary to both the County Plan and the Sedgefield Borough Plan.
4. It is contrary to the emerging Sedgefield Neighbourhood Plan.
5. It would fundamentally change the historic entrance to Sedgefield and have a major impact on the view of the Grade 1 St Edmund’s Church.
6. The land is agricultural land and is of Grade 3 level. This should be retained.
7. It would remove Greenfield site, which forms a beautiful green corridor into the Conservation Area.
8. 160 residents have objected and all have given substantial valid objections highlighted by the officers in their report.
9. There would be increased pressure on the currently out of date sewage system, which Northumbrian Water recognise could only cope with a further 300 housing units. Much of this will be taken up by the already agreed caravan park at Hardwick Park which will have to use a storage system to
allow for the emptying of sewerage during the night when there is less strain on the current system.

10. The village centre has a finite number of businesses, parking, GP appointment availability and associated health resources, schooling places – especially at the highly oversubscribed Community College, with the two primary schools not far behind. Each of the schools is close to receiving Excellent by OFSTED which make them very popular already with the surrounding villages. I could go on – the infrastructure could reach breaking point.

11. There is no natural linkage to other estates, it would be a stand-alone estate in the countryside.

My major concern is the current ‘free for all’ approach to planning in Sedgefield. Since the halting of the County Plan we have seen a plethora of planning applications to develop housing in Sedgefield, at the last count 3,000 homes for a village of currently 2,500. If approved they would in effect double the size of Sedgefield and more. This was not the policy or approach of the County Plan. It is an effect of the Plan not being approved. I ask the Committee to both reject this application and request that officers set up a working party, involving local Members, to look at the planning applications and the emerging County and Neighbourhood Plan and come up with a sustainable plan for Sedgefield.

Ms S Guest, local resident addressed the Committee to object to the application. The proposed development site had never been identified for development and Ms Guest questioned why the County Council was considering it for a housing estate. An application for development on a site over the road from this one was unanimously rejected by the Committee on the grounds that it would be a harmful significant incursion into the countryside. This site was a continuation of that site. Development on this site could lead to further development and there were currently applications and appeals pending for the construction of 900 houses in the area. There was currently a brownfield site for development at the former Community Hospital and there was a danger that this greenfield site was developed before the brownfield site.

Ms Guest asked the Committee to recognise what was in danger of being lost and to listen to and support local residents by refusing this application.

Councillor Davidson informed Ms Guest that the County Council had not proposed this application for development. It had been submitted by Avant Homes and it was for the County Council, through the County Planning Committee, to make a decision on the application.

J Wyatt of Signet Planning addressed the Committee in support of the application. The harm caused to character and views from this application were outweighed by the benefits. There was an absence of a 5 year housing supply and the need for 300 houses was identified in the Sedgefield Neighbourhood Plan and 420 in the County Durham Plan. This development would be significant in meeting this identified need,
Any adverse impact to the landscape from the development would be short term and would be mitigated by additional planting. Planting of native species would take place to form a woodland structure. The development extended the built area of Sedgefield in a logical way along historic roads. It did not hinder views to the heritage area with the only impact being on fleeting minor views which were considered to be less than substantial harm. Any negatives of the development were far outweighed by the benefits, it met a housing supply need, would create 230 full time jobs as well as provide new homes bonus and capital receipt money to the Council.

Councillor Nicholson sought clarity on the numbers of applications for housing development had been approved. The Senior Planning Officer referred to the Planning History section of the report which provided details of key applications currently submitted for Sedgefield. Apart from the caravan park at Hardwick there were no significant planning permission approvals for the Sedgefield area.

Councillor Taylor informed the Committee he had considered both the Senior Planning Officers report and the representations made at the meeting. He considered this to be an inappropriate application in the wrong area outside the settlement boundary of Sedgefield and an incursion into the countryside. Councillor Taylor moved approval of the recommendation that the application be refused.

Councillor Conway, seconded refusal of the application.

Upon a vote being taken it was

Resolved:
That the application be refused for the reason contained within the report.

6 Appeal Update - Hamsterley Hall, Hamsterley Mill

The Committee noted a report which provided an update on an appeal by David Wilson Homes and Mr Steven Spry in respect of a residential enabling development at Hamsterley Hall, Hamsterley Mill (for copy see file of Minutes).

7 Appeal Update - Land at Field House Farm to the south of Robin Lane, to the south east of West Rainton, north of Low Pittington and west of High Moorsley, County Durham

The Committee noted a report which provided an update on an appeal by Hargreaves Surface Mining Ltd in respect of land at Field House Farm, to the south of Robin Lane, to the south east of West Rainton, north of Low Pittington and west of High Moorsley, County Durham (for copy see file of Minutes).
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APPLICATION DETAILS

APPLICATION NO: DM/15/02976/FPA

FULL APPLICATION DESCRIPTION:
Detailed planning application for the erection of 106 residential units (C3) including formation of access, car parking, boundary treatments, landscaping and open space.

NAME OF APPLICANT: V B Turnbull Limited

ADDRESS:
Field To The South Of Wayside, Wingate Lane, Wheatley Hill, DH6 3LZ

ELECTORAL DIVISION:
Trimdon and Thornley

CASE OFFICER:
Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 4.3ha in area and is located in West Auckland to the east of the County. The site consists of an irregular rectangular shaped parcel of undeveloped agricultural land. The site is bordered to the north by the highway Wingate Lane, which beyond lies agricultural fields. To the east the residential developments of Bevan Crescent and properties fronting out onto Wingate Lane are present. To the south the A181 adopted highway and semi mature hedge is located, beyond which lies agricultural fields. To the west agricultural fields are also located, with the land level falling away.

2. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There are no Public Rights of Way within the proximity of the site. Thornley Dean Local Wildlife Site and SSSI is located 0.4miles to the south west of the site, Wingate Quarry Local Nature Reserve and SSSI is located 0.25miles to the south and Gore Burn Local Nature Reserve is located to the 0.5m to the north west of the site. The site lies outside of the residential catchment area for the Special Area of Conservation and the Special Protection Areas consideration.

The Proposal

3. This application seeks full planning permission for the erection of 106 dwellings (amended from 115 originally proposed), access, car parking, boundary treatments, landscaping and open space. The proposed dwellings would be a mix of 11no.
affordable 2 bed bungalows, 40 no. 4 bed houses, 27 no. 3 bed houses, 24 no. 3 bed semi-detached houses and 4 no. 2 bed semi-detached houses. The density of the scheme would be approximately 25 dwellings per hectare. The properties would be brick built with tiled pitched roofs, and relatively traditional in appearance.

4. A new vehicular access to adoptable standard is proposed to be formed off Wingate Lane, to provide the sole vehicle access to the site. This would lead to a series of cul-de-sacs and a central area of amenity space onto which the houses would front out. A new pedestrian and cycle entrance to the south of the site would be created joining onto an existing provision along the A181. A footpath extending back into Wheatley Hill along the south side of Wheatley Lane is proposed.

5. To the western boundary a 10m landscape strip comprising of native trees and shrubs is proposed. To the south a 10m wide strip incorporating an earth bund at a height of 1.5m, along with a 2m high acoustic fence and native planting would be provided.

6. The application is reported to the County Planning Committee as it constitutes a major residential development proposal over 4 hectares in area.

PLANNING HISTORY

7. There is no planning history associated with this site.

8. The site was allocated within The County Durham Plan as a proposed housing site within an indicated yield of 80 dwellings. However due to the current status of the CDP no weight can be afforded to this previous allocation.

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). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.

10. In accordance with paragraph 215 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. The following elements of the NPPF are considered relevant to this proposal.

11. NPPF Part 1 – 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 of a low carbon future.
12. **NPPF Part 4 – Promoting Sustainable Transport.** The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

13. **NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.** To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.

14. **NPPF Part 7 – Requiring Good Design.** The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

15. **NPPF Part 8 – Promoting Healthy Communities.** Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.

16. **NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

17. **NPPF Part 11 – Conserving and Enhancing the Natural Environment.** The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

18. **NPPF Part 12 – Conserving and Enhancing the Historic Environment.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.


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

http://planningguidance.planningportal.gov.uk/

LOCAL PLAN POLICY:

The District of Easington Local Plan (December 2001) (EDLP)

20 Policy 1 – General Principles of Development. Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.

21 Policy 3 – Protection of the Countryside. Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.

22 Policy 35 – Design and Layout of Development. The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

23 Policy 36 – Design for Access and the Means of Travel. The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

24 Policy 37 – Design for Parking. The design and layout of parking should seek to minimise the level of parking provision.

25 Policy 38 – Designing out Crime. The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.

26 Policy 66 – Provision of Outdoor Play Space. This policy requires developers to provide adequate provision for children’s play space and outdoor recreation space in new major housing developments.

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.durham.gov.uk/article/3269/Easington-Local-Plan

EMERGING PLAN:

27 Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18
February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28 **Highway Authority** – Raise no objections. It is advised that the submitted Transport Assessment is considered sound and demonstrates that the network can operate under stable condition without significant queuing or delay without mitigation measures. It is advised that there have been no recorded personal injury related to road traffic collisions in the vicinity of the site entrance on Wingate Lane within the last 5 years and as such the existing public highway in the vicinity of the site would be regarded as being safe. An existing pedestrian refuge crossing point on Wingate Lane, in the vicinity of the Post Office would assist in access for pedestrians. It is also advised that the proposed access and internal road layout (as amended) would be suitable to serve the proposed development, while parking levels would comply with DCC parking standards. Conditions are recommended to ensure the visibility splay from the proposed access is implemented, the cycleway and footway on the A181 are implemented and that the bus stops in proximity of the site are upgraded.

29 **Northumbrian Water Limited** – Advise that surface and foul water flows can be acceptable from the development. The Council as Lead Local Flood Authority should consider flood risk from the development.

30 **Environment Agency** – Offer no comment on the application, advising the Council is the Lead Flood Authority.

31 **Drainage and Coastal Protection** – Offer no objections in principle to the scheme providing a detailed scheme of surface water disposal is submitted limiting discharge to greenfield run-off rates utilising sustainable drainage techniques.

32 **Coal Authority** – Advise that the development is located outside of the defined Development High Risk Area and therefore standing advice should apply.

INTERNAL CONSULTEE RESPONSES:

33 **Spatial Policy** – Raise no objections advising that NPPF paragraph 49 clarifies that Local Plan policies relating to housing supply cannot be considered up-to-date if there is not a demonstrable 5-year supply of deliverable housing sites. A 5 year supply of housing cannot be demonstrated and therefore policies within the EDLP where they relate to housing land supply are out-of-date. The development must therefore be considered in relation to Paragraph 14 of the NPPF. It is advised that the development of this site has the potential to integrate reasonably effectively with the settlement. However, it is noted that the development of this site would constitute an incursion into the open countryside which would potentially adversely alter views on approach into the village. The landscape impact would therefore be a key consideration when undertaking the planning balance in accordance with Paragraph 14 of NPPF.

34 **Landscape** – Offer no objections following receipt of amended plans to set out areas of structural landscaping on the southern and western boundaries of the site. It is
advised that conditions should be attached to require the final details of the layout of the landscaping and its future maintenance.

35 **Design and Conservation** – Offer no objection to the application, minor design and layout changes are suggested.

36 **Sustainability** – In terms of locational sustainability the application site is considered to score averagely in terms of the economic, social and environmental determinants of sustainable development do to the moderate distance to services and amenities. With regard to embedded sustainability whilst the principles of the approach to reducing energy demand can be accepted more detail and evidence is required before the approach can be accepted.

37 **Ecology** – Offer no objections, it is highlighted that the development should take opportunities for new woodland and hedgerows using native plant species.

38 **Environment, Health and Consumer Protection (Pollution Control)** – Offer no objections following the submission of a noise impact assessment. A condition is however recommended to ensure the suggested mitigation measures are detailed and implemented on site. Conditions are recommended to control the timings of works and the suppression of noise and dust during construction.

39 **Housing**– Identify that 10% affordable housing should be provided on the site with an appropriate mix of affordable rent and affordable home ownership. The proposal would deliver older persons accommodation which would assist in meting an identified need within County Durham.

40 **Environment, Health and Consumer Protection (Contaminated Land)** – Advise a conditional approach in relation to land contamination.

41 **Archaeology**– Advise that following the completion of a geo physical survey of the site, trial trenching would need to be undertaken in accordance with a written scheme of investigation to ensure any archaeological interest in the site is fully recorded and understood.

42 **Access and Public Rights of Way** – Advise that there are no public rights of way in proximity of the site.

43 **School Admissions Officer** – Advise that there are sufficient primary and secondary school places available in the area to accommodate pupils from the development.

44 **Employability** – Advise that the Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training which the applicant has agreed to provide. Therefore this requirement should be included the S106 to secure employment and skills training that would assist the local community by improving job prospects and employability.

**PUBLIC RESPONSES:**

45 The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 231 letters of objection have been received, of which 216 are completed pro-forma letters, along with one letter of support. These letters of representation are summarised below:-

**Objections**
**Locational/demand**

- It is not necessary to build on greenfield land, brown field sites should be promoted first, there is a large amount of land available in Wheatley Hill. There are currently a significant number of homes for rent and sale within the village, this development will exacerbate this problem.
- The additional dwellings would put an enormous strain on local amenities, there is no capacity at existing GP surgeries and at local schools. There is also a lack of employment sites, while the existing CO-OP is too small to accommodate additional demand, there are parking problems associated with this site.
- The proposed affordable housing will not help first time byers and young families get onto the property ladder, the 10% affordable housing and contribution to play space is not benefit it is a requirement.
- This development is aimed at people who use the location as a commuting point to Durham, Teesside and Tyneside.
- The Lack of demand for housing in the village is highlighted while other sites have stalled.
- Reference is made to the level of objections received in relation to the proposed allocation of the site within the County Durham Plan. Concerns are raised regarding the proposed increase in density from 80 proposed in the plan to 115 in the planning application. The impact on homes and homeowners outweigh the financial incentives proposed.

**Access/highway safety**

- Concerns are raised regarding the suitability of the proposed access given existing congestion particularly around rush hour. The development will generate a significant number of extra cars that will pass through Wheatley Hill on unsuitable roads. There is a history of car accidents on the highway network adjacent to the site. The bypass was built as a result of accidents within the village.
- The implementation of a no right turn from Wheatley Hill will force all traffic down Wheatley Lane which would have a significant impact on Highway Safety.
- Concerns are raised regarding mud from the development site being deposited on the highway while increased traffic will impact on the amenity of residents.

**Flooding/Drainage**

- The access and the wider site is prone to flooding in wet weather, further housing will put pressure on existing drainage system which cannot cope.
- No detail has been submitted how the maintenance of the proposed boundary planting would be dealt with. Neighbouring properties run the risk of being overshadowed and damaged.
- The agricultural quality of the land is highlighted.

**Visual Impact**

- The development would have an unacceptable visual impact on approach to village, while concerns are raised regarding the potential for development to spread into the adjacent field.
- It is highlighted that restrictions have been placed on development of existing properties that line the western frontage of Wheatley Hill due to the semi-rural nature of the site.
Other

- A potential loss of privacy caused by the development is highlighted along with a loss of view.
- Concerns are raised regarding land stability and the potential impact on neighbouring properties.
- The concerns regarding archaeological remains on the site are highlighted.

Support

- The scheme would provide good quality homes which would sell.
- The Environment Agency Data sets out that the site is not within a flood zone, the development will help surface water having somewhere to drain to.
- More development would allow villages to grow and bring life back into them.
- The development of a greenfield site is not an overwhelming restriction to development.

46 Campaign to Protect Rural England (CPRE) – Object, advising that 115 houses in a village such as Wheatley Hill are too many houses which would require unsustainable forms of transport to access many facilities. As this proposal entails the use of greenfield land, it would be an intrusion into the countryside, brownfield site should be the focus of development.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVDKV6GDMDDOH0

Applicants Statement:

47 None Received.

Planning Considerations and Assessment

48 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 raised relate to the principle of development, design, layout and the effect on the character of the surrounding area, residential amenity, highway safety, ecology, flooding/drainage and other issues.

The Principle of Development

49 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 Easington District Local Plan (EDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF.

50 EDLP Policies 1 (part i) and 3 seek to direct new housing development within existing settlement limits on previously developed site. The application site is located
outside of the settlement limit of Wheatley Hill, on a greenfield site and therefore the development is therefore in conflict policies 1(i) and 3.

51. Both policies 1(i) and 3 of the EDLP set out that settlement boundaries have been defined on the basis of the future development needs of each town and village, whilst respecting local environmental features and infrastructure constraints. These policies are therefore considered to be policies to control the delivery and supply of housing. Nationally, recent planning case law and Secretary of State Decisions have concluded that where policies for the supply of housing are based on housing figures of some age, which did not represent an objectively assessed need, they are considered “out of date”. Policies 1(i) and 3 of the EDLP are therefore considered out of date in respect of housing supply.

52. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authorities (LPAs) cannot demonstrate a five-year supply of deliverable housing sites.

53. The National Planning Policy Framework (NPPF) outlines the Government’s objective of ensuring that the planning system delivers a flexible, responsive supply of land. The NPPF requires LPAs to maintain a five year supply of deliverable sites (against housing requirements); however there is also an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a history of persistent under delivery of housing, LPAs should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Based on completion rates in recent years it is accepted that 20% is currently applicable in County Durham.

54. Due to the current status of the CDP an up to date Objectively Assessed Need (OAN) for housing cannot be calculated and in turn cannot be utilised to inform on the five year housing land position. Therefore, at this time the Council cannot demonstrate a five year housing land supply and therefore policies 1(i) and 3 of the EDLP are considered out of date in the context of paragraph 49 of the NPPF.

55. Paragraph 215 sets out that that local planning authorities are only to afford existing Local Plan policies weight insofar as they accord with the NPPF (the greater consistency, the greater the weight that may be given). In this respect it is considered that the use of settlement boundaries to explicitly restrict future development is not considered consistent with the NPPF seeks to provide a supply of housing required to meet the needs of present and future generations. The NPPF also requires a more rounded view of the merits of a development proposal, including an up to objective assessment of date assessment of need is required. It is however recognised that in addition to control the location and nature of development policies 1(i) and 3 also seek to protect the character and appearance of the countryside. This part of the policy is considered partly consistent with the NPPF, while still recognising that the NPPF promotes a more rounded assessment to a developments merit and impacts. However in relation to housing supply no weight can be afforded to policies 1(i) and 3 of the EDLP.

56. Overall, given the age of the EDLP and housing supply figures that informed it, the housing supply policies do not reflect an up to date objective assessment of need. The council at this stage cannot demonstrate a 5 year housing supply of deliverable housing sites and therefore policies 1(i) and 3 of the EDLP are considered out of date in the context of paragraph 49 of the NPPF. These policies are only considered partly compliant with the NPPF in respect of housing supply and therefore can be
afforded no weight under paragraph 215. It is therefore concluded that policies the EDLP in relation to housing supply are out of date or silent and therefore the development is required to be assessed against advice contained within Paragraph 14 of the NPPF.

57. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision making this means (unless material considerations indicate otherwise): - approving development proposals that accord with the development plan without delay; and - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: i) 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; or ii) specific policies in this Framework indicate development should be restricted.

Locational Sustainability

58. The County Durham Settlement Study is an evidence based document which categorises Sedgefield as a Local Service Centre and is therefore within the third tier of settlements behind the main towns and smaller towns/larger villages. The Settlement Study considers that Local Service Centres such as Wheatley Hill generally contain key facilities such as primary schools and post offices and serve a function to a wider area. They are less self-contained than larger villages and small towns, but the facilities they do have reduce a significant amount of trip-generation between settlements.

59. From the application site, Wheatley Hill Community Primary School is located a distance of approximately 700m, a convenience store and Post Office 270m, Wheatley Hill Service station 750m away, a Co-Op store 900m, a doctors surgery 1050m. While a bus stop is located 350m providing links to other settlements including secondary schools in Shotton and Wingate. On this basis the Councils’ Sustainability Section recommends that the sustainability score of the site is average.

60. The Council’s School Organisation Manager advise that primary and secondary school capacity in the area is such that the additional pupil place requirements as a result of the development can be catered for. No response has been received from the local NHS trust in relation to capacity concerns at local doctors, it is noted that the local doctors has been recently moved into a larger purposed made complex.

61. Overall, it is considered that Wheatley Hill has a reasonable array of services and facilities, adequate to serve the development proposed and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Wheatley Hill in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of a greenfield land.

Planning Obligations

62. The development would provide a mix of 4, 3 and 2 bed properties at a range of different sizes. 11 affordable units proposed to be offered on a 75% social rent and 25% discounted market basis are offered which would secured by a S106 Agreement are proposed. It is considered that the mix of housing proposed is acceptable and the provision of affordable housing would comply with the identified need (10%) in the area, as set out in the Strategic Housing Market Assessment in accordance with Part 6 of the NPPF.
63. EDLP Policy 66 sets out that the Council will require developers to provide adequate provision for children’s play space and outdoor recreation space. In this instance, although the scheme proposes areas for amenity and drainage mitigation no onsite sporting or recreation provision is proposed. In lieu of this, an offsite contribution for the provision and maintenance of play and recreation space equating to £106,000 is offered. This would be secured through legal agreement and used to maintain and enhance facilities on specific sites to mitigate the impact of the development in Wheatley Hill.

Conclusion on the Principle of the Development

64. EDLP Policies 1(i) and 3 relate to housing land supply and are not considered up to date and only have limited conformity to the NPPF. As a result the acceptability of the development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. The development is considered commensurate with the scale of Wheatley Hill which has a reasonable array of services and facilities, adequate to serve the development proposed.

Design, layout and the effect on the character of the surrounding area

65. EDLP Policies 1 (i) and 3 seek to protect the visual amenity and openness of the countryside by setting development limits around existing settlements restricting developments unless under special circumstances. Parts 11 of the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes while requiring an overall assessment of the suitability of the site, rather than precluding development as a matter of course. It is therefore considered that limited weight can be afforded to Policies 1 (i), and 3 due to their non-compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside.

66. In this respect, the site is physically connected to the built development of Wheatley hill, directly abutting the western site of Bevan Crescent. However, to the remaining three sides the site is surrounded by agricultural fields to the north, east and south, separated the highways Wingate Lane and the A181. In order to mitigate the potential impact of the development, the scheme proposes two areas of structural landscaping. The first would be formed along the entire length of the western boundary consisting of a native tree planted buffer measuring approximately 10m in width. The second would be formed on the southern boundary, adjacent the A181, consisting of an approximately 10m wide native tree planted buffer containing a 1.5m earth mound and acoustic fence. It is proposed that the landscaping buffers would be offered up for adoption by the Council.

67. In considering the proposed landscaping and effect on the character of the surrounding area the Council’s Landscape officers have reviewed the scheme. It is noted that the key visual receptors are from the A181 to the south, Wheatley Hill road to the north and from agricultural land to west. It is advised that the site is not covered by any specific landscape designation, however it is greenfield in nature with an undeveloped appearance and therefore the development of the site would have some localised visual impact. Following amendments to the depths and layout of the landscaping it is advised that proposed landscaping would be effective in screening the development once mature in 10-15 years to limit the visual impact of the development. The topography of land surrounding the site also helps to mitigate the
visual impact, with embankments and screening located to the east and west of the site along the A181. The land level also starts to fall away 100m from the western boundary of the site from an existing field boundary which limits the visibility of the site from the west.

68. Overall, whilst the development would change the nature and appearance of the site, the site is not located within any designated landscape and any visual impact would be confined to the site’s locality. The proposed landscape mitigation would be effective in reducing the visual impact of the development, it is however recommended that conditions be attached to secure the layout and finer details of the landscaping along with its future maintenance.

69. Policies 1 (iv) and 35, 36 and 37 of the EDLP seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to saved Policies 1 (iv), 35, 36 and 37 of the EDLP in this respect.

70. The proposed dwellings would consist of a mix of two storey detached and semi-detached brick built properties, while 12no. semi-detached bungalows are proposed. The dwellings would be laid around a series of cul-de-sacs and private access drives, while centrally an area of amenity space, also serving as a SUD’s storage pond is proposed. It is considered that this would provide for an attractive layout, with main elevations fronting out onto the internal road network, and where gable elevations front the highways, such as the edge of junctions, fenestration detailing or duel frontage properties are proposed to ensure an active frontage. The amount of landscaping on the site is considered appropriate and sufficient to soften up the built form of the development. It is recommended to agree the finer details by condition. The house types proposed are considered to be well designed with a cohesive design vernacular across the range. Traditional brick and tile materials are proposed for the dwellings. Final material choices can be agreed under condition. The Council’s Design and Conservation Officer has no objections having offered advice on the site layout which has been taken into account in amended plans.

71. Subject to the securing and detailing of the proposed landscaping of the site the development would have an acceptable impact on the character and appearance of the surrounding area, while the layout and house types would provide for an attractive cohesive development. The development is therefore considered to comply with EDLP Policies 1 (iv), 35, 36 and 37 and Parts 7 and 11 of the NPPF.

Residential Amenity

72. EDLP Policy 35 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. EDLP Policies 1 and 38 (supported by Appendix 11) provide further support and guidance with regards to matters of amenity and security. These Policies are considered NPPF compliant with a core planning principle at paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered.
73. With regards to the relationships within the proposed development itself, in general the siting of the dwellings meets or exceeds the separation distance requirements required by EDLP Appendix 6. There are instances where this is not the case and distances between windows in facing elevations or distances between windows and flanking gables do fall short of the necessary standards. In the majority of these instances distances are slightly below the guidance contained within ELP Appendix 6 for instance distances between main elevations of between 19m and 20m rather than 21m and distances between habitable room window and flanking gables of between 12m and 13m rather than 13.5m. Overall across the 106 no. dwellings proposed relationships between properties are considered satisfactory and would provide adequate privacy and amenity for prospective occupiers.

74. Public responses include concerns over the impact of the development upon their levels of amenity and privacy. In this respect the development would directly abut the developed residential edge of Wheatley Hill, including the residential properties sited on Bevan Crescent, the detached properties of Sun Hill House, Linden Lea, Meadowbrook Cottage and the residential properties of Wayside facing out onto Wheatley Lane. These properties would be located in excess of the 21m window to windows guidance contained within the EDLP. Although this would be reduced in instances where single storey extensions and conservatories have been built, proposed landscaping and the renewal of boundary treatments along this boundary would mitigate the impact of the development to an appropriate level.

75. Final details of the finished levels of dwellings within the development have not been provided. At present the site is at a similar level to existing developments to the east, if not slightly lower and therefore to ensure this appropriate relationship is retained a condition is recommended.

76. Public objections reference a loss of a view due to the development. However, weight should not be attached to the impact of the loss of a private view.

77. The application is accompanied by a noise assessment report the scope of which was to assess existing noise levels and mitigation strategies in order to achieve acceptable noise levels for the proposed residential development. The report identifies that the A181 is the principal noise sources that would affect the development and mitigation measures are required. Acoustic fencing and an earth bund are proposed adjacent to the A181 and glazing and ventilation requirements for the properties are recommended for the dwellings themselves.

78. Environment, Health and Consumer Protection Officers have assessed the submitted report agree with the methodology and the indicated mitigation of the submitted noise report. As a result Environment, Health and Consumer Protection Officers do not raise objections to the development. It should be noted that these comments relate to the potential of the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990. However, with regards to residential amenity officers concur with these views and it is considered that adequate amenity would be retained for the occupiers of the proposed development.

79. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties some form of control is necessary. The issues raised by Environment, Health and Consumer Protection officers could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties.
Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured. The development is considered compliant with EDLP Policies 1, 35 and 38 in this respect, having regards to Parts 8 and 11 of the NPPF.

Access and highway safety issues

EDLP Policies 1 and 36 require that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.

In support of the planning application the applicant has submitted a Transport Assessment which has considered the impact of the development on the surrounding road network, including on Wingate Lane and the nearby junctions onto the A181. In reviewing this submitted assessment the Council’s Highways Authority advise that the assessment is considered sound and demonstrates that the network can operate under stable conditions without significant queuing or delay without the need for off-site mitigation measures. It is also advised that there have been no recorded personal injury related to road traffic collisions in the vicinity of the site entrance on Wingate Lane within the last 5 years and as such the existing public highway in the vicinity of the site would be regarded as being safe. A speed survey has been undertaken on Wingate Lane to inform sight visibility spays, which are as confirmed as acceptable. Following amendments no objections to the internal road layout are raised by the Highways Authority, while parking provision would conform to approved residential parking standards.

In terms of accessibility, the Highways Authority highlight that there is an existing pedestrian refuge crossing point on Wingate Lane, in the vicinity of the former Post Office, which would assist pedestrians in accessing the local convenience store located to the east of the application site. Public transport infrastructure in the form of a bus stop located within close proximity of the site (approx. 300m) away, although this stop is regularly used it is in poor condition. In order to mitigate the impact of the development and to improve the attractiveness to potential uses the highways Authority request that this stop and an adjacent is upgraded to make the public transport provision more attractive. A condition to secure this is recommended.

The scheme proposed to form a pedestrian/cycle link onto the existing pedestrian footway on the A181, this is considered acceptable and would link into the existing provision. A new pedestrian footway is proposed to link the proposed access to the existing footway on Wingate Lane. Conditions are proposed to ensure implementation of these works within an appropriate time frame.

Overall based on the advice of the Highways Authority the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. The internal road layout is considered acceptable, while sufficient in curtilage car parking is provided across the scheme. Subject to the recommended conditions the proposal is considered acceptable in highways terms and complies with EDLP Local Plan Policies 1, 35 and 36 and Parts 4 and 8 of the NPPF.

Ecology
86. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. In this respect an ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations (Amendment) 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, or the development being a risk to the protected species is low or negligible. A review of species records indicates that there are a number of UK/Durham BAP priority species within 1km of the site, mostly associated with Wingate Quarry and Thornley Dene including dingy skipper, small heath and wall butterflies, barn owls, Red Kites, and kingfishers.

87. The Council’s Ecology officers have reviewed the survey and have not raised any objections given the lack of protected species present. Subject to an informative in relation to the timings of vegetation clearance, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal would comply with NPPF paragraph 118. It is however, encouraged that the landscape design should take the opportunity to create new woodlands and hedgerows using native plant species. Given the lack of impact on biodiversity interests, along with the planting proposed, the development is considered to conform to part 11 of the NPPF in this respect.

Flooding and Drainage

88. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Concerns have been raised by local residents in relation to this matter.

89. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA does identify that part of the eastern boundary of the site experiences surface water flooding, providing a route for overland flow in heavy rain events. This area corresponds with the location of a ditch/culvert that accepts flows from a land drainage network which was installed to serve the current agricultural land.

90. The FRA sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD’s), including the implementation of a storage basin on an area of amenity land central to the site. This, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged into Northumbrian Water’s drainage network.

91. The Environment Agency has raised no objections to the application on flood risk grounds advising that the Council as the Local Lead Flood Authority should consider the matter. Drainage and Coastal Protection officers offer no objections in principle providing a detailed scheme design is submitted. Northumbrian Water advise that surface and foul water flows can be accepted from the development.

92. A condition to resolve the final surface and foul water disposal proposals are recommended and no objections to the development on the grounds of flood risk or drainage are raised having regards to EDLP Policy 1 and Parts 10 of the NPPF.
93. NPPF paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 5.6ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Natural England classification maps for the North-East region show the entirety of the application site to be Grade 3 agricultural land. Grade 3a agricultural land is defined within the NPPF as best and most versatile agricultural land, Grade 3b land is not. As survey data is not available nor been undertaken to distinguish whether the land is Grade 3a or 3b it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.

94. In this instance it is considered that the amount of agricultural land to be lost is less than significant and even in the event that the land was best and most versatile would not result in a significantly adverse impact of the development. Furthermore, it is considered that the loss of land would not undermine the ability of remaining agricultural land surrounding the site to be effectively farmed.

95. Environment, Health and Consumer Protection officers (Contaminated Land) have noted that the development would result in “a more sensitive end user” but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case.

96. The Coal Authority Advise that the application site lies outside of the High Risk Coal Mining Referral Area. However due to previous coal mining activity within the area, an informative is recommended bringing the applicants attention to potential risks.

97. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. A condition requiring this is therefore necessary.

98. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. After reviewing the submitted Geophysical Survey the Council’s Archaeology Officer advises that trial trenching would need to be undertaken in accordance with a written scheme of investigation to ensure any archaeological interest in the site is fully recorded and understood. A conditional approach to recording and mitigating potential archaeological remains is recommended.

99. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. The developer has been in discussions with the Council’s Targeted Recruitment Training Officer and has indicated a willingness to enter into such a scheme though a legal agreement.
100. EDLP Policies 1(i) and 3 relate to housing land supply and are not considered up to date and only have limited conformity to the NPPF, therefore it is concluded that the development is required to be considered in the context of the presumption in favour of sustainable development. Paragraphs 14 of the Framework states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

101. The provision of housing in an area where the supply of housing is lacking is a significant benefit of the scheme along with the provision of 11 affordable bungalows. This would contribute to the economic and social aspects of sustainability. The provision of funds through the S106 agreement for the upgrading of local play areas would have some environmental and social benefits which should be afforded weight in the planning balance.

102. Some loss of agricultural land would arise, and this should be considered an adverse impact in the event that the land is best and most versatile. While there would be some visual impact, particularly in the early years of development, this is considered to be localised and not adverse due to the mitigation proposed.

103. The development would have an acceptable impact on the wider highway network and provide a safe means of access, while the site is considered to be located in sustainable location in this respect. The scheme would not significantly impact on the residential amenity of surrounding properties, while not impacting on any ecological interests. The development would not give rise to flood risk elsewhere subject to fully developing the site drainage strategy.

104. In the planning balance, it is considered that the adverse impacts do not significantly and demonstrably outweigh the benefits of the scheme in assisting to maintaining housing land supply, including market and affordable housing and the associated economic and social benefits.

105. Furthermore there are no specific policies within the NPPF which indicate that the development should be restricted.

106. The proposal has generated public interest with representations reflecting the issues and concerns of local residents affected by the proposed development. Whilst mindful of the nature and weight of public concerns it is considered that these are insufficient to outweigh the planning judgement in favour of the proposed scheme.

**RECOMMENDATION**

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of 11 affordable housing units and a contribution of £106,000 towards the maintenance and provision of public open space in the proximity of the site and a targeted recruitment and training programme.

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:

Site Layout, Ref 10005/012 Dated 08.02.2016
Boundary Treatments Layout and Details Ref 10005/2/102 B Dated 21.01.2015
Maldon House Type, Front elevation, MAL–03-01
Maldon House Type, Rear elevation, MAL–03-02, Rev A
Maldon House Type, Side elevation, MAL–03-03
Maldon House Type, Side elevation 2, MAL–03-04
R2 Bungalow, Front Elevation, R2-03-01
R2 Bungalow, Rear Elevation, R2-03-02
R2 Bungalow, Side Elevation, R2-03-03
R2 Bungalow, Side 2 Elevation, R2-03-04
Rosedale House Type, Front elevation, ROS-03-01 Rev A
Rosedale House Type, Rear elevation, ROS-03-02 Rev B
Rosedale House Type, Side elevation, ROS-03-03
Rosedale House Type, Side elevation 2, ROS-03-04 Rev A
Westerdale House Type, Front elevation, WES-03-01
Westerdale House Type, Rear elevation, WES-03-02
Westerdale House Type, Side elevation, WES-03-03
Westerdale House Type, Side elevation 2, WES-03-04
Beddale House Type, Front Elevation, BED-03-01 Rev B
Beddale House Type, Rear Elevation, BED-03-02 Rev A
Beddale House Type, Side Elevation, BED-03-03 Rev A
Beddale House Type, Side Elevation 2, BED-03-04 Rev B
Hemsley House Type, Front Elevation, HEL-03-01-Rev A
Hemsley House Type, Rear Elevation, HEL-03-02-Rev B
Hemsley House Type, Side Elevation, HEL-03-03-Rev A
Hemsley House Type, Side Elevation 2, HEL-03-04-Rev A

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation and remediation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Surrounding Area, in accordance with policies 1 and 35 of the Easington District Local Plan and parts 7 and 11 of the NPPF.

4. No development approved by this permission other than preliminary site excavation and remediation works shall commence until full details of the means of vehicular access, including the layout, construction details, for surfacing and timings for implementation have been submitted to and approved in writing by the Local Planning Authority. The approved access shall thereafter be implemented in accordance with the details and timings.
5. No development approved by this permission other than preliminary site excavation and remediation works shall commence until full details of the pedestrian access on to the A181 footway, as shown on the Site Layout Ref 10005/12 Dated 08.02.2016, including its layout, construction details and surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved footpath shall thereafter be implemented and brought into use prior completion of the 60th dwelling hereby approved.

Reason: In the interests of highway safety in accordance with policies 1 and 36 of the Easington District Local Plan and part 4 of the NPPF.

6. No development approved by this permission other than preliminary site excavation and remediation works shall commence until full details of a new adoptable standard pedestrian footway along Wingate Lane, as shown on the Site Layout, Ref 10005/12 Dated 08.02.2016, including its layout, construction details and surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved footpath shall thereafter be implemented and brought into use prior completion of the 10th dwelling hereby approved.

Reason: In the interests of highway safety and accessibility in accordance with policies 1 and 36 of the Easington District Local Plan and parts 4 and 8 of the NPPF.

7. Before the first occupation of the dwellings hereby approved the site visibility splay depicted on the Site Layout, Ref 10005/12 Dated 08.02.2016 shall be implemented at the junction of the access road. The laid out site visibility splay shall thereafter be maintained.

Reason: In the interests of highway safety and accessibility in accordance with policies 1 and 36 of the Easington District Local Plan and parts 4 and 8 of the NPPF.

8. Prior to the occupation of the 50th dwelling hereby approved provision shall be made for the replacement bus shelters at Dalton Terrace West and Ryan Terrace, Wheatley Hill in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The improved public transport infrastructure must be installed prior to the occupation of the 60th dwelling.

Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with policies 1 and 36 1 and 36 of the Easington District Local Plan and parts 4 and 8 of the NPPF.

9. No development other than preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- Details of a maintenance regime for a minimum of 15 years.
The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

*Reason: In the interests of the character and appearance of the Surrounding Area in accordance with Policies 1 and 35 of the Easington District Local Plan and parts 7 and 11 of the NPPF.*

10. Notwithstanding the requirements of Condition 9, No development other than preliminary site excavation and remediation works shall commence until as scheme fully detailing the structural landscaping on the southern and western boundaries of the site as depicted on Site Layout, Ref 10005/12 Dated 08.02.2016 shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall detail land levels, planting species and a future maintenance regime for a minimum of 15 years. The approved landscaping shall be fully implemented within the first planting season following commencement of the construction of the first dwelling. The Structural planting shall thereafter be retained in perpetuity in accordance with the approved detailed.

*Reason: In the interests of the visual amenity and to provide robust structural landscaping in accordance with policies 1 and 35 of the Easington District Local Plan and parts 7 and 11 of the NPPF.*

11. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

*Reason: In the interests of the visual and residential amenity in accordance with policies 1 and 35 of the Easington District Local Plan and parts 7 and 11 of the NPPF.*

12. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed acoustic mitigation scheme based on the noise impact assessment report ref BB/WR/NA02/15 dated 21st April 2015 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures shall be fully implemented before the dwellings are brought into use and shall thereafter be retained in perpetuity.

*Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.*

13. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based on the principles of surface water management highlighted in the Flood Risk Assessment ref 1419-01 rev B, Dated 18.06.2015. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance parts 10 and 11 of the NPPF.*
14. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the development is in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of part 10 of the National Planning Policy Framework.

15. No development, including demolition and preliminary site works, shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

i. The timing of construction works
ii. Parking of vehicles of site operatives and visitors
iii. Loading and unloading of plant and materials
iv. Storage of plant and materials used in constructing the development
v. Measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity in accordance with policy 1 of the Easington District Local Plan and part 11 of the NPPF. This is required as a pre commencement condition to safeguard the amenities of residents from the start of the works.

16. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:

i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
iii. Postfieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
v. Provision to be made for archive deposition of the analysis and records of the site investigation
vi. A timetable of works in relation to the proposed development
vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
viii. A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The written scheme of investigation shall be carried out in accordance with the approved details and timings prior to the commencement of the development.

Reason: To safeguard the archaeological interests of the site and to comply with section 12 of the NPPF
17. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

**Pre-Commencement**

(a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

**Completion**

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

**STATEMENT OF PROACTIVE ENGAGEMENT**

The Local Planning Authority in arriving at its decision to support this 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) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

**BACKGROUND PAPERS**

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- National Planning Practice Guidance notes.
- Statutory, internal and public consultation responses.
- County Durham Settlement Study 2012
Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/15/02364/FPA
FULL APPLICATION DESCRIPTION: The erection of photovoltaic panels, boundary fencing, access, and associated distribution accommodation and equipment
NAME OF APPLICANT: Project Genesis Ltd
ADDRESS: Land To The East Of Hownsgill Industrial Park, Templetown, Consett
ELECTORAL DIVISION: Consett South
CASE OFFICER: Chris Shields, Senior Planning Officer 03000 261 394, chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site is located on 12.3ha of pasture/grazing land to the east of Hownsgill Industrial Estate. The site forms part of the reclaimed Consett Ironworks.

2. The site is an open area of land with very limited boundary treatment or planting. The site itself is not covered by ecological designations. Knitsley and High House Wood Local Wildlife Site (LWS) and Knitsley Wood Ancient Woodland are located approximately 250m to the south. There are no designated or non-designated heritage assets within or adjacent to the site. The nearest to the site is the Blackhill Conservation Area approximately 1.5km to the north with 5 listed buildings identified within 2km of the site. There are no public rights of way within or adjacent to the site, however the Consett & Sunderland Railway Path lies 300m to the north west and the Lanchester Valley Railway Path 130m to the south.

3. The nearest residential properties are located approximately 180m to the east at Knitsley Lane and 200m to the north at Templetown. There are industrial buildings located approximately 110m to the north east of the site and a single wind turbine on land approximately 150m to the south.

The Proposal

4. This application is for the installation of a 5MW solar farm that would be connected into the national grid. The solar farm would consist of 7093 Photovoltaic (PV) panels with each panel measuring approximately 2.2m by 2.6m. This would provide enough electricity to power approximately 1,364 homes. The panels would be arranged on site in rows and angled at 20 degrees to face due south for maximum solar exposure. The panels would be supported on steel frames connected to concrete piles in the
ground. The panels would, at their peak, have a height of 2m and would be a minimum of 0.8m from the ground. This would allow the site to continue to be grazed by sheep if necessary. In addition to the PV panels there would also be ancillary equipment in the form of 3 inverters and transformers contained within cabinets. The site would be secured by a 2.4m high paladin fence and passive infrared motion-sensing CCTV cameras would be installed on 3.25m poles.

5. The application is being reported to the County Planning Committee as it involves renewable energy development of 1,000sqm or more.

**PLANNING HISTORY**

6. The site formed part of Consett Ironworks and was reclaimed following its closure.

**PLANNING POLICY**

**NATIONAL POLICY**

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

8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.

9. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.

10. *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.

11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain
an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

12. **NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

13. **NPPF Part 11 – Conserving and Enhancing the Natural Environment.** The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

14. In accordance with paragraph 215 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.


15. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal is the practice guidance with regards to visual impact, glint and glare, loss of agricultural land, impact upon heritage assets and the use of planning conditions with respect to renewable energy projects, and specifically solar farms.


**LOCAL PLAN POLICY:**

Derwentside District Local Plan (1997)

16. **Policy GDP1 – General Development Principles** – The policy states that as well as assessing each application against other policies in the Plan it is expected that, where appropriate, specific measures are incorporated within each scheme. Especially relevant are criteria on protection of existing landscape, natural and historic features; protection of important national or local wildlife habitats, no adverse effect upon, or satisfactory safeguards for, species protected by the Wildlife and Countryside Act 1981 (as amended), no harmful impact on the ecology of the District and promotion of public access to, and the management and enhancement of, identified nature conservation sites; the protection of open land which is recognised for its amenity value or the contribution its character makes to an area; protection of ground water resources and their use from development.

17. **Policy EN1 – Protecting the Countryside** – states that development in the countryside will only be permitted where it benefits the rural economy or helps to enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources in the area.
18. **Policy EN22 – Protection of Sites of Nature Conservation Importance** – states that development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation importance.

19. **Policy EN26 – Control of Development Causing Pollution** – states that when determining planning applications consideration of potential pollution by the proposed development must be taken account of. Planning permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to the likely levels of air, noise, soil or water pollution.

20. **Policy RE4 – Protection of Public Footpaths** – states that development which would affect a Public Right of Way or other recognised recreational path will only be permitted if an acceptable and equivalent alternative route is provided but where possible development should facilitate the incorporation rather than diversion of Public Rights of Way and recreational paths.

21. **Policy TR2 – Development and Highway Safety** – indicates planning permission for a development will be granted if the council can be satisfied that; there is a clearly defined and safe vehicle access and exit, adequate provision for service vehicles, adequate vehicle manoeuvring and access for emergency vehicles at all times.

**RELEVANT EMERGING POLICY:**

The County Durham Plan

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: [http://www.durham.gov.uk/article/3269/Easington-Local-Plan](http://www.durham.gov.uk/article/3269/Easington-Local-Plan) (Derwentside Local Plan) and [http://durhamcc-consult.limehouse.co.uk/portal/planning/](http://durhamcc-consult.limehouse.co.uk/portal/planning/) (County Durham Plan)

**CONSULTATION AND PUBLICITY RESPONSES**

**STATUTORY RESPONSES:**

23. **Environment Agency** – has raised no objections to the proposal.

24. **Natural England** – has no objections to the proposal. Natural England has also recommended that the Local Authority should consider impacts on local sites, local landscape character and local or national biodiversity priority habitats and species in determining this application. It has also suggested that the application may present opportunities to enhance biodiversity.

25. **The Coal Authority** – has raised no objections to the proposed development stating that although not an ‘exempt’ form of development the nature of the development
proposed and the groundworks required to facilitate the installation of the solar panels on site are such that these works are unlikely to pose a risk to the coal mining features in this case. The Coal Authority has requested that an informative note be appended to any planning permission relating to working in an area that has been defined as containing potential hazards.

26. **Highway Authority** – has raised no objections.

27. **Drainage and Coastal Protection** – has have no comment to make regarding flood risk associated with this development due to the insignificant increase to the existing impermeable area and consider that the flood risk associated with this development due to the insignificant increase to the existing impermeable area.

**INTERNAL CONSULTEE RESPONSES:**

28. **Landscape** – has raised no objections to the proposed development stating that the sections and viewpoints produced as part of the Landscape and Visual Impact Assessment (LVIA) demonstrate that the proposal would not result in significant harm to the landscape or visual amenity of the area.

29. **Ecology** – has raised no objections to the proposal subject to conditions being imposed to create biodiversity improvement on the site margins.

30. **Environmental Health and Consumer Protection (Noise, light and dust)** – has raised no objections to the development in relation to noise and light but has recommended conditions in respect of noise levels, construction hours, noise and dust nuisance and a lighting impact assessment.


32. **Design and Conservation** – raise no objections to the proposal. Officers have commented that in general the proposal would not impact upon the nearest listed buildings with the exception of High Knitsley Farmhouse and Barn west of High Knitlsey Farmhouse. From these buildings there would be distant views of the PV site but it is noted from the sections included within the LVIA that views of the PV panels and fencing would be obscured by the brow of the hill.

33. **Public Rights of Way** – has raised no objections as there are no registered Public Rights of Way in the vicinity of this site.

34. **Archaeology** – has raised no objections stating that the area proposed for photovoltaics was formerly part of the large industrial complex located in this part of Consett, and through this use and later remediation it is likely any significant archaeology - of a type that would be adversely affected by the proposed solar farm - will have been removed. Officers therefore do not believe any investigative work is necessary.

35. **Sustainability** – supports the application if it is connected to the adjacent industrial development.

**NON STATUTORY RESPONSES:**

36. **Campaign to Protect Rural England** – has raised questions in relation to the agricultural quality of the land, whether the site can continue to be grazed, whether the site was actually occupied by the steelworks, if consideration has been given to
placing the panels on roofs, how many panels there would be, why is there mention of wind turbine development, what are the community benefits, has cumulative impact been considered. Concerns are raised that the views from Hownsgill Viaduct have not been considered, that there has not been any community involvement and that the submitted plan shows a residential development in close proximity that would be detrimentally impacted.

PUBLIC RESPONSES:

37. The application was advertised in the press, by site notices and letters to neighbouring residents. 7 letters of objection have been received raising the following issues:

- Impact on landscape character and visual amenity – concern has been raised that the proposal is a major industrial development not in keeping with the character of its surroundings in terms of scale or visual appeal. The proposed development would be visible for miles and would impact on tourism and users of the nearby footpaths.
- Consultation – residents do not feel that there has been appropriate level of consultation for a major development that will affect the whole community.
- Noise – there is no noise impact assessment submitted with the application and residents feel that the development could create noise from the wind and from rain hitting the panels and also from construction traffic.
- Flooding – residents have stated that the ground beneath the solar panels will not be able to absorb water and hence there will be additional run off.
- Privacy – residents are concerned that the security cameras on the site would be able to look into residential properties and gardens.
- Highway safety – it is suggested that the area of panels will be so large that it would distract drivers on the A68 and cause road traffic accidents.
- Health and safety – residents are concerned about what would happen if the panels were to break and the component chemicals leak out into the ground and atmosphere and also if there is a fire risk associated with solar panels.
- Ecology – residents have stated that the fields and hedges surrounding the development are of ecological value and that the countryside would be destroyed by the proposal.
- Technology – concern has been raised that the solar panels would be abandoned when the technology becomes obsolete.
- Glare – residents are concerned that there would be a significant degree of glare emanating from the solar panels.
- Property values – residents are concerned that the proposal will reduce property value.

APPLICANTS STATEMENT:

38. The solar park scheme being promoted by Project Genesis is the next phase in the transformation of the former steel works. The installation of ground mounted solar panels within the former steelworks site is the first phase of the charity’s ambitious plan to realise the renewable energy potential of the site. The charity is responsible for the development and care of the site for the benefit of the local community. The trustees intention is to enhance the economic attractiveness and viability of the site and in doing so to provide employment and investment in the local economy. The land is currently rented for grazing and provides little if any economic benefit to the local community or income for the charity to reinvest.
39. The proposed solar park will provide;

- A supply of electricity that is categorised as from a renewable source – Project Genesis is seeking to attract investors and economic development onto the adjacent Hounsgill Industrial Park – which forms part of the Project Genesis site – as many investors and companies are now seeking locations with on-site renewable energy capacity the solar park will significantly enhance the attractiveness of the site for economic development.

- A supply of renewable electricity at a discount to current market price - The solar park can provide electricity by direct line feed to nearby (existing and future) developments without being exported to the national grid – in doing so transmission costs are reduced and this can allow the locally generated electricity to supplied more competitively to local companies. This can enhance the economic attractiveness of the site for inward investors and the economic viability of existing businesses.

40. The scheme has been sensitively designed to ensure that it causes no adverse landscape impacts and is screened from views. Local contractors are proposed to be employed where available and the economic benefits of the proposed solar park will be retained within the local community. The committee is requested to support the application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NS9B6SGDLOR00

PLANNING CONSIDERATIONS AND ASSESSMENT

41. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, landscape and visual impact, ecology, highways and access, heritage and other matters.

Principle of development

42. The UK Government is committed to increasing domestic renewable energy provision to address the projected growth in global energy demand and concern over long term fossil fuels supplies.

43. Together, these issues place long term energy supply at risk. In addition to these trends, global warming and climate change necessitate ensuring that renewable resources are brought forward to provide a secure basis for the UK’s future energy needs. These aims were reflected in the 2009 UK Government Energy Strategy which states within its Executive Summary that: “We need to radically increase our use of renewable electricity, heat and transport. (The Strategy) sets out the path for us to meet our legally-binding target to ensure 15% of our energy comes from renewable sources by 2020: almost a seven-fold increase in the share of renewables in scarcely more than a decade.’ The UK Renewable Energy Road Map (2013 update) affirms this position stating that “The Government strongly supports renewable energy as part of a diverse, low carbon and secure energy mix. Alongside gas…renewable energy offers the UK a wide range of benefits from an economic growth, energy security and climate change perspective” (page 11). It also added that “the Coalition has
consistently made clear that it is committed to achieving the UK’s legally binding target of 15% of renewables by 2020 in the most cost effective way”.

44. Solar photovoltaic (PV) energy generation is a renewable power technology that uses solar panels to convert light from the sun directly into electricity. The electrical output of PV solar panels is dependent upon the intensity of the light to which it is exposed and this part of the country experiences good light levels that make solar panels an efficient form of renewable energy production. Photovoltaic cells do not need to be in direct sunlight to work, so even on overcast days PV solar panels will still generate a limited level of energy output. The UK Solar PV Strategy (Parts 1 & 2) published in October 2013 and February 2014 respectively confirms the central role that this technology has to play in the UK energy mix and it enjoys the highest approval rating of any energy technology, typically above 80%.

45. It is now widely accepted that climate change is actively progressing and that carbon emissions from the use of fossil fuels are a key contributory factor. The increased production of energy from renewable sources, such as solar PV, has very real benefits in off-setting carbon dioxide (CO2) emissions and reducing the potential impact of greenhouse gases on climate change. It will also ensure a constant and affordable source of energy, contribute to economic stability and provide a further form of farm diversification to support rural economies.

46. Producing electricity with PV emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources. Where, as has been generally recognised, the current consumption of and reliance on fossil fuels is considered to be unsustainable, there is a very real need to find a viable long term alternative solution.

47. Solar power is considered to be such a solution. Despite the coverage of ground based sites they are, as a whole, one of the most low-key types of renewable energy generators available. The low height of the arrays, the lack of noise and the minimal maintenance required all ensure that, once installed, the system causes no disturbance to the occupants of properties in the surrounding area. In respect of the application scheme, the proposed site has been selected because it is well screened and the equipment will not be intrusive within the surrounding countryside.

48. The DLP contains no specific saved policy providing guidance on renewable development. DLP Policies GDP1 and EN1 seek to protect the countryside, identifying the need to safeguard this natural, non-renewable resource. DLP Policy GDP1 is considered to be consistent with the NPPF. DLP Policy EN1 establishes a presumption against development in the countryside except where it benefits the rural economy or helps to maintain or enhance landscape character. This Policy is considered to be partially consistent with the NPPF as it is slightly too restrictive in relation to permissible land uses but the overall approach is compatible. NPPF introduces a wider scope of uses that may be permissible. The proposed development would occupy a semi-rural site that is in use for grazing. The NPPF requires local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local authorities should seek to use areas of poorer quality of land in preference to that of a higher quality. Although the development would not directly benefit the rural economy it would provide a sustainable supply of energy that would benefit everyone and the solar panels would allow the site to remain in use as grazing land in accordance with the PPG. It is therefore considered that the proposal would not conflict with DLP Policies GDP1 and EN1. These Policies are considered either partially (Policy EN1) or fully (Policy GDP1) NPPF compliant and can be afforded weight in the decision making process.
49. One of the twelve core principles of the NPPF (paragraph 17) supports "the transition to a low carbon future in a changing climate… and encourage the use of renewable resources (for example by the development of renewable energy)."

50. The NPPF also advises at paragraph 98 that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and that applications should be approved (unless material considerations indicate otherwise) if its impacts are or can be made acceptable.

51. The Planning Practice Guidance (PPG) includes dedicated guidance with regards to renewable energy and in principle also supports renewable energy development considering that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

52. In summary, it is clear that national planning policy guidance generally supports renewable energy schemes. Measured against this, and in the absence of any relevant Development Plan policy and the presumption in favour of sustainable development within the NPPF, the proposal is considered acceptable in principle, and a demonstration of need for the development is not required. The following sections of this report consider the specific impacts of the proposed development.

Residential Amenity

53. The site is located to the south of Consett, immediately east of Hownsgill Industrial Estate on a plot of land that formed part of the reclaimed Consett Ironworks site. Hownsgill Industrial Estate has not been fully developed but there are some industrial units on the north side. The nearest residential properties are located 60m to the south of the site in Tower Road Traveller Site. The nearest residential properties are located approximately 180m to the east at Knitlsey Lane and 200m to the north at Templetown.

54. There have been objections to the proposal from local residents who are concerned that the proposed panels could create a noise nuisance from wind and rain hitting the panels. Environmental Health Officers have commented that they are not aware of this being a significant issue associated with solar panels and there is no method of assessing the impact or possible mitigation. Given the distance from residential properties and intervening tree cover it is unlikely that any wind or rain noise from the solar panels would be perceptible. Residents have also raised the issue of glare but as the panels would have a dark, matt finish designed to absorb light it is unlikely that there would be any glare.

55. The proposed solar panels would be almost entirely passive with no movement, sound or light emitted. The only element of the proposed development that could create noise would be the inverters. There are 3 inverters proposed for the scheme, the nearest of which would be located more than 260m from the nearest residential property. However, the inverters would only be operational when the solar panels are generating electricity, which is governed by hours of daylight. Notwithstanding this, in order to protect the amenity of the nearest residents Environmental Health Officers have requested a condition be imposed to restrict the noise emitted above existing background noise level to no more than 5 dB LAeq (1hr) between 07.00-23.00 hours and 0 dB LAeq (15mins) between 23.00-07.00.
56. Although the development would require a relatively short construction period of between 8 and 10 weeks there is still the potential of noise problems during the implementation phase and it is therefore recommended that a condition be included to restrict construction hours to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no working on Sundays or Bank Holidays. It is also recommended that a condition be imposed requiring a noise assessment to be carried out to demonstrate the acceptability of the scheme post-construction. A condition relating to the installation of floodlights has also been recommended. Subject to these conditions being imposed it is considered that the proposal would not have a detrimental impact upon local amenity in accordance with DLP Policies GDP1 and EN26 policies considered fully NPPF compliant and can be afforded weight in the decision making process, and NPPF Part 11.

Landscape and visual impact

57. The application site is not within any locally or nationally designated landscape. There is an Area of High Landscape Value (AHLV) located 250m to the south of the site but as the development would not be within the AHLV it would not conflict with DLP Policy EN6. The site is situated on the West Durham Coalfield; an upland fringe landscape of well-defined ridges and valleys running generally eastwards from the North Pennines to the lowland valleys of the Tyne and Wear. Its character is transitional between the two, with a strong upland fringe quality on higher ground in the west becoming less marked as the land falls and merges with the lowlands to the east. The application site itself is tightly bounded by plantation tree cover and from adjacent viewpoints is fully screened on the south, east and west sides.

58. The local settlement pattern, as described in the County Durham Landscape Character Assessment, is that of semirural mining towns and villages. Agricultural fields are interspersed with settlements, industrial estates and woodland plantations. Other industrial features such as electricity pylons are also present and there is a telecoms mast on the site. It is considered that this landscape has a low sensitivity to change.

59. In its broadest sense it could be argued that any development of this scale and nature represents the introduction of alien structures that are at odds with the intrinsic natural characteristics of the open countryside. However, in balancing policy objectives (not least that of supporting the provision of renewable energy), there will likely be some locations and sites within the countryside where the local landscape has a greater capacity to accommodate such forms of development than others. A public objection has stated that the proposal is a major industrial development not in keeping with the character of its surroundings in terms of scale or visual appeal. The proposed development would be visible for miles and would impact on tourism and users of the nearby footpaths.

60. DLP Policy GDP1 relates to general development principles. There is no specific advice for developments such as solar farms. However, the general principles of ensuring that new development is in keeping with the character and appearance of the area and protects existing landscape features can all be considered to be relevant to this scheme. This advice is largely reflected in the NPPF, notably in Part 7. Furthermore, PPG acknowledges that whilst large-scale solar farms can have a negative impact on the rural environment, that the visual impact of a well-planned and well-screened solar farm could be zero.

61. The proposed solar array would have a recessive industrial appearance but while it covers a large area it is low in profile and has a relatively neutral colour. Visibility into the site is inhibited by the surrounding tree planting to the north and east, although views would be unrestricted from the industrial estate to the west. Due to the
topography sharply falling away into the valley to the south there would only be long ranged views available from this aspect.

62. The site is located near the top of the ridge between the Derwent Valley to the north and the Knitsley/Smallhope Burns to the south. In views from higher viewpoints across the valley to the south, the site is viewed against the edge of the Consett and Delves Lane settlements, which include industrial elements. In these views the solar panels are unlikely to project above taller vegetation beyond and the landscape and visual effects would not be significant.

63. The LVIA produced by the applicant shows that the fencing around the site would be visible from the road east of Middles Farm. However this view also includes views of the residential and industrial developments in Delves Lane and Templetown along the skyline where the solar array would be located, and also in the immediate foreground, the 44 metre high High Knitsley Farm turbine. These factors reduce the sensitivity of the landscape and the effect of the proposed array. Having assessed the visual impact of the proposal it is considered unlikely that the proposal would adversely impact upon tourism.

64. Landscape officers consider that the proposal would not result in significant harm to the landscape or the visual amenity of the area. The proposal would therefore accord with DLP Policy GDP1, considered NPPF compliant and can be afforded weight in the decision making process, and Parts 7 and 11 of the NPPF in terms of the general principles in terms of design and landscape impact.

Ecology

65. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2010 (and as amended in 2012) (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(3) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising its functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.

66. An Ecological Assessment has been submitted in support of the application. The assessment sets out the relevant policy and legislation in relation to protected species; a desk based assessment, Phase 1 habitat and protected species assessment. The assessment identified that the site is mainly poor quality semi-improved grassland used for pasture/grazing. The nearest priority habitat is the ancient woodland 250m to the south of the site. A public objection to the proposal has stated that the development would be a threat to the wildlife within the fields and hedges and that the countryside would be destroyed by the proposal.

67. The assessment concludes that no impacts on protected species are predicted as a consequence of the proposed development and no protected species licence would be required. Residual impacts of minor significance on a local scale are predicted on the breeding bird assemblage of the site through displacement of lapwing and curlew, with possible low magnitude impacts of negligible significance on skylark, depending on land management within the solar farm. Exclusion of brown hare is possible depending on fencing design, but this can be readily mitigated.
68. The Council's Ecology officers have raised no objections to the proposals provided that a condition is included to ensure that the development is carried out in accordance with a Biodiversity Management Plan to be agreed by condition that would seek to enhance the biodiversity of the site. It is therefore considered that the proposals would accord with DLP Policies GDP1 and EN22, considered NPPF compliant and can be afforded weight in the decision making process, and paragraphs 109, and 118 of the NPPF that require that impacts on biodiversity should be minimised and net gains provided where possible.

Highway and Access

69. The proposed development would be accessed from Hownsgill Industrial Park via an existing track in south western corner of the site. Access to the site would be required for installation of the solar equipment and, once the development is complete, minimal routine maintenance. It is anticipated that construction works would take 8 - 10 weeks and over the course of this period there would be 5-8 HGV’s per week delivering supplies and equipment for the first 6 weeks and then 2-4 each week until the build is complete. On a daily basis there would be construction workers and sub-contractors arriving and leaving with parking provided on site.

70. Objectors to the proposal have stated that the area of the panels would be so large that it would distract drivers on the A68 and cause an increase in road traffic accidents. There is a point on the A68 heading north bound where the site would be visible but this is from a distance of approximately 3.2km and it is considered that at this distance the solar panels would be indistinguishable against the hillside and backdrop of built development.

71. The Highway Authority has assessed the application and considers the proposed development to be acceptable. It is therefore considered that the proposal would accord with DLP Policy TR2 considered NPPF compliant and can be afforded weight in the decision making process and Part 4 of the NPPF.

Heritage

72. NPPF, at Part 12, states that LPAs should take into account the particular significance of any heritage asset when considering the impact of a proposal on that asset to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF advises that LPAs should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

73. A Heritage Statement has been submitted to accompany the application. The assessment sets out the legislation and policy in relation to heritage assets and a study of the Listed Buildings, Scheduled Monuments and Conservation Areas within 5km of the application site. The assessment identifies that due to the topography of the area, limited height of solar panels, distances involved and screening from vegetation and built development that the proposed development would not have an impact upon the setting or significance of the designated heritage assets in the surrounding area.

74. Archaeology officers have commented that the proposed site was formerly part of the large industrial complex located in this part of Consett, and through this use and later remediation it is likely any significant archaeology would have been removed and therefore have raised no objections.
75. Design and Conservation officers have assessed the application and have raised no objections. Whilst covering a large area the proposal is relatively low profile and finished in muted colours. As a result of the distance of the proposal from any sensitive heritage assets, the intervening topography and the presence of other buildings and vegetation the conclusions within the Heritage Statement are considered to be acceptable and on this basis no objection is raised to this proposal.

76. It is considered that there would be no harm to either designated or non-designated heritage assets and would not conflict with DLP Policy GDP1 and Part 12 of the NPPF. In addition the appearance of the proposal would be appropriate in this area and would not conflict with DLP Policy GDP1 and Part 7 of the NPPF.

Other matters

77. The application site is located within Flood Zone 1 and as the development covers an area of more than 1ha a Flood Risk Assessment (FRA) has been submitted in support of the application. An objection the proposal has stated that the ground beneath the solar panels would not be able to absorb water and there would be additional run off as a result.

78. The FRA concludes that the proposal would not have a significant impact upon flooding in the area and as the area underneath the solar panels would remain permeable it would still be able to absorb water. Drainage and Coastal Protection officers have no objections to the proposal. The proposal would not conflict with DLP Policy GDP1 in this regard and would comply with the requirements of Part 10 of the NPPF.

79. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be utilised in preference to that of a higher quality. Grades 1, 2 or 3a are defined within the NPPF as being best and most versatile agricultural land. The agricultural grade of the land is not provided however, the 12.3ha application site is all previously disturbed land and as such is unlikely to be considered as best and most versatile land and in accordance with the NPPF, would be preferential for development. The site could still be used for livestock grazing with the solar panels in place thus continuing some agricultural use at the site. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that the amount of agricultural land to be lost is less than significant and even in the event that the land was best and most versatile would not result in a significantly adverse impact of the development. Furthermore, it is considered that the loss of land would not undermine the ability of the site and surrounding land to be effectively farmed. The proposal would not conflict with paragraph 112 of the NPPF.

80. The site is also located within Coalfield Development High and Low Risk Areas. The area has a history of mining activity. The Coal Authority has raised no objections to the proposed development stating that although not an ‘exempt’ form of development the nature of the development proposed and the groundworks required to facilitate the installation of the solar panels on site are such that these works are unlikely to pose a risk to the coal mining features in this case.

81. Public Rights of Way Officers have considered the proposal and raised no objections as there are no footpaths within or adjacent to the application site. An objector to the
application states that the proposed development would be visible for miles and would impact on users of the nearby footpaths. The visual impact of the proposal is assessed in the landscape and visual impact assessment of this report and having regard to this and the location of public rights of way it is not considered that there would be an adverse impact upon users. The proposal would therefore not conflict with DLP Policy RE4, which is considered NPPF compliant.

82. An objection has been raised in respect of health and safety due to the potential fire risk and hazardous components within the proposed solar panels. BRE Global has investigated this issue and found that, in reported cases, fires have generally resulted from poor installation or the use of wrongly specified, incorrect or faulty equipment. Specifically, there have been reports of installations of AC isolator switches being used mistakenly in DC circuits resulting in a build-up of heat within the switch enclosure and leading to a fire. Other incidents have resulted from the use of faulty inverters or faulty DC switches or the absence of isolator switches. The report concludes that at the present time there is no reason to believe that the fire risks associated with PVs are any greater than those associated with any other electrical equipment. In determining an application for a solar farm it should be assumed that the development would be constructed correctly to avoid any undue fire risk.

83. Objectors have raised concerns that as the technology becomes obsolete the development would be abandoned on the site. Whilst it is not envisaged that solar power is to become obsolete for the foreseeable it is accepted that this is a temporary development and a condition would be attached ensuring that the equipment is removed and the site restored after a 30 year period.

84. Loss of property value has been raised as an issue from those making representations. Many factors outside planning control have a bearing on property values, including the economy and mortgage rates. This cannot be treated as a material planning consideration.

**CONCLUSION**

85. Planning policy is generally supportive towards proposals for renewable energy development. The proposal would provide 5MW of electricity from solar energy thereby contributing to renewable energy generation and reducing the use of, and dependence upon, fossil fuel derived energy. The development itself is passive with the PV panels requiring no energy input to operate.

86. The application site has historically been subject to extensive reclamation and consequently has no archaeological value. The present use of the site as pasture/grazing land significantly limits its priority species habitat potential and the ecological value of the site is therefore also very limited. The landscape and visual impact of the proposal have been assessed and would be acceptable considered against the benefits of the proposal. The development of the application site would not have a significant adverse impact on the openness or amenity value of the countryside.

87. With regard to impacts on local amenity, the key consideration relates to noise potential during construction and operation on the nearby residential properties but it is considered that with appropriate controls there are no conflicts with paragraphs 14 and 123 of the NPPF.

88. With appropriate controls in relation to highway safety, the local roads have the capacity to cater for the traffic anticipated with the development including during the construction phase. There are no conflicts with paragraphs 14 and 32 of the NPPF.
89. The NPPF sets out in Paragraph 14 the presumption in favour of sustainable development and it is stated that where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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. In this case the Policies contained within the Derwentside Local Plan are silent in relation to solar farms or renewable energy. The proposal would accord with relevant Derwentside Local Plan policies as well as the NPPF and PPG guidance in relation to renewable energy proposals. Overall, the proposal is considered to represent sustainable development fully in line with national and local planning policy.

90. The proposal has generated public interest with representations reflecting the issues and concerns of local residents affected by the proposed development. Whilst mindful of the nature and weight of public concerns it is considered that these are insufficient to outweigh the planning judgement in favour of the proposed scheme.

**RECOMMENDATION**

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

1. The development hereby approved must be begun no later than 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 accordance with the following approved plans:

   Drawing No. 1000/700 ‘Preliminary General Layout’

   *Reason: To ensure the development is carried out in accordance with the approved documents*

3. Prior to the commencement of development details of all infrastructure including inverters, control cabinets, grid links, CCTV and fencing shall be submitted to the Local Authority for agreement in writing.

   *Reason: Details must be produced prior to works commencing on site to ensure that a satisfactory form of development is achieved (Derwentside Local Plan Policy EN1 and Part 11 of the National Planning Policy Framework).*

4. Any floodlights installed on site shall be orientated and shielded or otherwise designed and positioned such that they meet the requirements of the *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* or such replacement guidance.

   *Reason: In the interests of local amenity (Derwentside Local Plan Policies GDP1 and EN26 and Part 11 of the National Planning Policy Framework).*

5. Prior to development being brought into use a biodiversity management plan shall be submitted to the Local Planning Authority for approval in writing. The management plan shall then be implemented prior to electricity first being exported to the grid and maintained for the life of the development. The management plan shall be designed
with the aim of improving the floristic diversity of the field over the medium to long term and providing cover and food for wintering birds.

Reason: To ensure that biodiversity interests are protected (Derwentside Local Plan Policy EN1 and Part 11 of the National Planning Policy Framework).

6. No construction activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents shall take place before 0800 hours or after 1800 hours Monday to Friday, or commence before 0800 hours or continue after 1300 hours on Saturday. No construction works shall be carried out on a Sunday or Bank Holiday.

Reason: In the interests of local amenity (Derwentside Local Plan Policies GDP1 and EN26 and Part 11 of the National Planning Policy Framework).

7. Prior to development being brought into use a noise assessment shall be submitted to the Local Planning Authority for approval in writing. The assessment shall demonstrate that the rating level of the noise emitted from fixed plant on the site shall not exceed the existing background noise level, by more than 5 dB LAeq (1hr) between 07.00-23.00 hours and 0 dB LAeq (15mins) between 23.00-07.00. The measurements and assessment shall be made to BS4142:2014.

Reason: In the interests of local amenity (Derwentside Local Plan Policy GDP1 and Part 11 of the National Planning Policy Framework).

8. The best practicable means shall be used to prevent noise/dust nuisance or disturbance to local residents resulting from building/installation work which will be carried out at the premises. The contractor shall have regard to the relevant parts of BS 5228 1997 Noise and Vibration Control on Construction and Open Sites during the planning and implementation of site activities and operations.

Reason: In the interests of local amenity (Derwentside Local Plan Policy GDP1 and Part 11 of the National Planning Policy Framework).

9. Not later than 6 months prior to the expiry of the 30 year period of planning permission, or 6 months prior to the cessation of electricity generation from the site, whichever is sooner, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level and the removal of the concrete piling, shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed within 6 months from the date that the planning permission hereby granted expires.

Reason: In the interests of local amenity (Derwentside Local Plan Policy GDP1 and Part 11 of the National Planning Policy Framework).

**STATEMENT OF PROACTIVE ENGAGEMENT**

The Local Planning Authority in arriving at its decision to support this 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) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)
- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- National Planning Practice Guidance Notes
- Derwentside District Local Plan
- Statutory, internal and public consultation responses.
The erection of photovoltaic panels, boundary fencing, access, and associated distribution accommodation and equipment Land To The East Of Howsgill Industrial Park, Templetown, Consett
APPLICATION DETAILS

APPLICATION NO: DM/15/03726/FPA
FULL APPLICATION DESCRIPTION: Access improvement works, formation of new access road, regrading of land to facilitate development and erection of electrical substation and associated infrastructure.

NAME OF APPLICANT: Strategic Traffic Section (Durham County Council)
ADDRESS: Land Adjacent Newton Park Services, Coatham Mundeville, Durham, DL1 3NL
ELECTORAL DIVISION: Aycliffe East
CASE OFFICER: Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 2.4ha in area and is located to the south of Newton Aycliffe at Newton Park Services, adjacent to Junction 59 of the A1(M). The site contains a rectangular shaped parcel of used for the grazing of horses and agricultural purposes; it has an undeveloped appearance and has no specific designation in the Sedgefield Borough Local Plan. The A167 lies directly to the east of the site, where a vehicular access is taken, also serving the adjacent Newton Park Services. To the north of the site is a vacant parcel of land designated for industrial purposes in the Sedgefield Borough Local Plan, separated by a mature hedgerow. Hill House Farm is located to the west of the site, consisting of a number of large agricultural buildings. To the south undeveloped land and Newton Park Services including McDonald’s restaurant is located. A level change is evident across the site, with the eastern boundary adjacent the A167 approximately 17.5 meters lower than the most westerly point adjacent to Hill House Farm.

2. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. The Aycliffe Village Conservation Area containing a number of Listed Buildings, including the Grade I Listed Church of St Andrew Aycliffe, is located approximately 690m to the north of the site.
Due to the topography of the surrounding land and landscaping the site is not visible from this designated area or assets. Aycliffe Quarry Local Wildlife Site is located 380m to the north. A public bridleway is located to the northern boundary of the site (No.10 Great Aycliffe) and to the southern boundary a public footpath (no.8 Great Aycliffe) is located to the southern boundary.

The Proposals

3. This application seeks planning permission for the installation of infrastructure to enable the future development of a wider proposed development site to the west for a potential 163,000m$^2$ of B2 (General Industry) and B8 (Storage and Distribution) uses as well as a strategic rail freight interchange with the aim of providing 3,200 jobs. The development of the wider site would be subject to a number of later planning applications; however this first phase proposes three elements of infrastructure.

4. The first is the construction of a new signalised junction to allow traffic to turn in both directions along the A167 in place of the existing junction. An internal link road would extend past the existing services towards Hill House Farm. This would form the main access for the future proposed development, while also improving access to the existing services. The highway works would incorporate ducting/loading requirements to service the intended future development. Toucan crossing facilities at the A167 junction would be provided which would allow accessibility by cycle and on foot.

5. The second element is the installation of a 23 Mega Watt (MW) power supply into the site and the construction of a 33kV/11kV substation. This would provide power to the site to aid its further expansion. The substation would consist of three separate brick buildings measuring 17m by 17m, 15m by 8m and 4m by 8m at a maximum height of 3m.

6. The substation would be erected on a plateau measuring 67m by 62m formed by regrading of the land and earth works. It is also intended to create a lower level plateau directly adjacent the A167 measuring 100m by 80m. This area would remain vacant for future development. Due to the level changes across the site a maximum difference in height of 5m would be evident between the two plateau’s and an embankment would be formed between the two areas: directly adjacent the A167, Hill House Farm and to the northern boundary. These embankments would provide screening and create additional habitat mitigation.

7. The development has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and is not considered to represent EIA development. There is not sufficient detail prepared for the wider scheme to consider whether this would represent EIA development. However any later assessment would need to take into account the cumulative impact including this development.

8. This application is being reported to County Planning Committee as it falls within the definition of a major development and exceeds 2ha in site area.
PLANNING HISTORY

9. There is no relevant planning history to the site.

PLANNING 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 overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

11. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.

12. **NPPF Part 1 – 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.

13. **NPPF Part 2 – Ensuring the vitality of town centres** – Sets out that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

14. **NPPF Part 4 – Promoting sustainable transport.** Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

15. **NPPF Part 7 – Requiring Good Design.** The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

16. **NPPF Part 8 – Promoting Healthy Communities.** The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. **NPPF Part 10 – Meeting the Challenge of Climate Change.** Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

18. **NPPF Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

19. **NPPF Part 12 – Conserving and enhancing the historic environment.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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


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**LOCAL PLAN POLICY:**

The Sedgefield Borough Local Plan (SLP) (1996)

21. **Policy E1 – Landscape Protection and Enhancement** – Seeks to encourage the maintenance of distinctive landscapes by requiring developments fit into the landscape.
22. **Policy E11 – Safeguarding sites of Nature Conservation Interest** – Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

23. **Policy E15 – Safeguarding woodlands, trees and hedgerows** – Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.

24. **Policy D1 – General Principles for the layout and design of new developments** – Sets out that new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

25. **Policy D2 – Design for people** – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.

26. **Policy D3 - Design for access** - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

27. **Policy D4 – Layout and Design of new Industrial and Business Development** – Sets out that the layout and design of all new industrial and business development will normally be expected to have a high standard of building design, accommodate traffic generated by the development without causing danger or inconvenience to other road users and have an appropriate standard of landscaping including screening of open storage areas.

**EMERGING PLAN:**

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight 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.durham.gov.uk/ldf (Sedgefield Borough Local Plan)

**CONSULTATION AND PUBLICITY RESPONSES**
STATUTORY RESPONSES:

29. **Great Aycliffe Town Council** – Offer no comments.

30. **Highway Authority** – Offer no objections, advising that the conclusions of the Transport Assessment are sound and that the proposed access and existing junctions could operate satisfactorily taking into account potential full development flow. It is also advised that the proposed junction radii and internal road layout would be suitable to serve the existing and proposed development, while the proposed 3m wide shared footway/cycleway is acceptable to improve accessibility.

31. **Highways England** – Offer no objections to the proposed development in this phase. It is however advised that further traffic modelling work and potential mitigation would be required in relation to phase two development, to support future planning applications for the wider site.

32. **Northumbrian Water Limited** – Offer no comments having assessed the impact of the proposed development on its assets and assessed the capacity within Northumbrian Water’s network to accommodate and treat the anticipated flows arising from the development.

33. **Drainage and Coastal Protection** – Advise that the submitted Flood Risk Assessment sufficiently covers the principle relating to the disposal of surface water from the development. The detailed drainage design of the site would need to be submitted for approval once developed.

INTERNAL CONSULTEE RESPONSES:

34. **Landscape** – Advise that there would be some localised landscape and visual impacts arising from the proposals, however, subject to developing a landscaping plan and the retention of key vegetation the visual impact of the development is likely to be appropriately mitigated.

35. **Ecology** – Offer no objections subject to the mitigation and methodology detailed within the submitted Ecology Report being adhered to. A methodology for the translocation of the Dingy Skipper Habitat would need to be submitted to and agreed before development commences.

36. **Environmental Health and Consumer Protection** - Advise that on the basis that there is limited existing residential uses adjacent to the site, therefore no concerns are raised in relation to the impact (Noise/dust/odour/smoke) of the development.

37. **Environmental Health and Consumer Protection (Contaminated Land)** – After reviewing the submitted phase 1 report, advise that a conditional approach is adopted in relation to further site investigation for potential land contamination.

38. **Archaeology** – Advise a conditional approach to scheme of investigation and recording of potential archaeological remains.
39. **Access & Rights of Way** – Advise that there are Public Rights of Way in proximity to the site, including a bridleway to the north and a footpath to the south. Accessibility for these Rights of Way would need to be maintained during the construction phase. It is suggested that consideration is given to improving connectivity between these two routes.

**PUBLIC RESPONSES:**

40. The application has been publicised by way of press and site notices, and individual letters to neighbouring properties. No letters of representation have been received.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NYOISEGDFJ600

**APPLICANTS STATEMENT:**

41. This application seeks to deliver two significant pieces of infrastructure to enable the development of the wider Forrest Park II site. The planning application focuses on 2.4 hectares of land to the north east of the site, adjacent to the A167. The wider Forrest Park II site will open up an additional 50 hectares of development land, adjacent to Aycliffe Business Park. This has the potential to accommodate over 163,000m² of fully serviced and accessible B2 and B8 units, as well as a potential strategic rail freight interchange. These will remove barriers to development and subsequently provide significant employment opportunities, increase GVA and improve the competitiveness of the region. The wider development will take place in a number of phases over the next 10 years, delivering approximately 3,200 jobs. The development of the wider site will be subject to a number of later planning applications.

42. The first element detailed in this planning application involves the construction of a new junction and internal link road. The existing junction only permits a left in and left out access, with the new junction to be signalised permitting all movements. A new link road will connect the junction to the existing services and new substation, and eventually to the wider site. Toucan crossing facilities at the A167 junction will be provided which will facilitate safer and more sustainable journeys on cycle and foot. The new junction on the A167 will be located some 40m north of the existing junction. A transport assessment has been produced considering existing baseline conditions, access by sustainable modes of travel, development trip rates and distribution including committed developments; and future year operational assessments of the local highway network. The transport assessment showed the new arrangements could operate within capacity without impacting negatively on the adjacent network. The highway works will incorporate ducting/loading requirements to feed the remainder of the site, once it is developed.

43. The second element is the installation of a bespoke 23MW power supply into the site and a newly constructed 33kV/11kV substation. This will provide power to the wider site and to the wider Newton Aycliffe area. Detailed work has been undertaken with Northern Power Grid (NPG) and specialist power
consultants, to determine power requirements based on the proposed floor space (m²) for the wider site.

44. The third element is complimentary earthworks, facilitating two plateaus cited to the north of the proposed access road. The western plateau will be used to accommodate the substation, which forms part of the application and the eastern plateau will be used for future commercial development, which will be subject to a further planning application at a later date. The levels layout reflects a number of fixed points adjacent to the project. These include the A167 carriageway, Hill House Farm (to remain in the interim), and adjacent private land. From east to west there will be a levels difference of approximately 17m. The plateau hosting the substation has been set back from the A167. Complimentary planting will be introduced to effectively screen the substation.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application

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 principal planning issues raised relate to the principle of development, visual/landscape impact, highway safety/access, amenity of adjacent land uses, ecological interests flooding and drainage and other issues.

The Principle of Development

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 Sedgefield Borough Local Plan (SBLP) remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

47. Furthermore, paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise): approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission, unless: i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole; or, ii) specific policies in this Framework indicate development should be restricted
48. In this respect the SBLP is silent on setting out a framework to consider infrastructure projects that are not located within existing employment sites. Although saved Policies E1 (Landscape Character), D1 (General Principles for the layout and design of new developments) and D4 (Layout and Design of new Industrial and Business Development) are relevant in general terms, it is considered that paragraph 14 of the NPPF would apply.

49. The NPPF sets out that a key objective of creating sustainable development is the economic role. This includes contributing to building a strong, responsive and competitive economy ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and identifying and coordinating development requirements, including the provision of infrastructure.

50. In this respect the proposal would provide infrastructure to facilitate a wider and substantial development that has the potential to bring a significant amount of investment and jobs into the County. This second phase is likely to come forward over the next two years. In accordance with Paragraph 14 of the NPPF, the acceptability of the development therefore rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Visual/landscape Impact

51. SBLP Policy E1 seeks to encourage the maintenance of distinctive landscapes by requiring that development integrates appropriately with the landscape, while Policy E15 seeks to protect important landscape features such as hedgerows and trees. SDLP Policies D1 and D4 seek to promote a high standard of design and include landscape screening where appropriate. These Policies are considered to be broadly consistent with the NPPF as Part 11 of the NPPF also sets out that the planning system should contribute to, and enhance the natural and local environment by protecting and enhancing valued landscapes, while Part 7 seeks to promote good design. Significant weight can therefore be afforded to SDLP Policies E1, D1 and D4.

52. The application site is not afforded any special landscape designation in the SBLP. The site is relatively open, has an undeveloped appearance and is set against the backdrop of mature vegetation which provides screening to adjacent industrial developments. This openness and level of landscaping contributes to the general character of the area. The proposed development would result in the alteration of the land levels to provide two development plateaus; this would change the character and appearance of the site.

53. In appraising the landscape impact of the development, the Council’s Landscape officers advise that there would be some localised landscape and visual impacts arising from the proposals. However, subject to developing a landscaping plan and the retention of key vegetation the visual impact of the development is likely to be appropriately mitigated. A detailed landscaping scheme has not been submitted alongside the planning application, however, it is indicated that the embankments formed would be planted with vegetation particularly in front of the proposed substation, to provide an effective visual screen. The final details of the landscaping of the site are proposed to be
secured by condition. An arboricultural report has informed the site layout to ensure that regrading works would be outside of the root protection areas of the trees lining the northern site boundary and the Bridleway to the north.

54. The site plan sets out the likely size of the substation and its components, however no final detailed elevational design has been finalised, this is dictated by the required output of the substation dependent on the scale of development of the wider site. It is likely that the building would be constructed in brick but would have an industrial appearance at a maximum height of 5.9m. Although the screening on the embankment directly to the east of the substation would assist in mitigating the impact of the development to a large degree, a condition is recommended to control is final size and appearance.

55. Overall, it is considered that the site is capable of accommodating the level of development indicated, and subject to mitigation planting would have limited impact on the character and appearance of the surrounding area. The proposal would therefore comply with SBLP Policies E1, D1 and D4 and Part 11 of the NPPF in this respect.

Highway Safety/Access

56. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered consistent with the NPPF, which also requires that safe and suitable access can be achieved for all people and therefore this policy can be afforded significant weight.

57. As set out above the proposal would result in the formation of a new junction in place of the existing access serving the site and adjacent services. The junction is designed to serve phase 2 of the development, an indicated 163,000m² floorspace of B2 and B8 uses and a rail freight interchange, and would be signalised allowing travel in both directions on the A167.

58. The Highways Authority advises that the proposed access arrangements and impact on the highway network, would be acceptable and therefore offer no objections to the scheme. Following a review of the submitted Transport Assessment, it is advised that the proposed access and existing junctions could operate satisfactorily taking into account potential full development flow. It is also advised that the internal road layout is acceptable and be suitable to serve both the future development intended for the site and the existing operations associated with the adjacent services.

59. Highways England, the statutory consultee for developments that may affect the strategic road network, raises no objections to the proposed junction arrangements. It is however advised that further traffic modelling work and potential mitigation would be required in relation to phase two development. This would be considered as part of the determination of any future planning application for the wider site.

60. There are two Public Rights of Way in proximity to the site, including a bridleway to the north and a footpath to the south. The Council’s Access and
Rights of Way Section set out that accessibility for these rights of way would need to be maintained during the construction phase, while it is recommended that that consideration is given to improving connectivity between these two routes. In this respect it is accepted that better connectivity should be encouraged, however this would be better dealt with comprehensively when the development of the wider site is brought forward.

61. The proposed development at this stage falls below the requirement to consult with neighbouring Authorities, in this instance Darlington Borough Council, however consultation will be required at a later date.

62. Overall, based on the advice of the Councils’ Highways Authority and Highways England, the proposed junction arrangements would have an acceptable impact on the wider highway network taking into account the intended amount of development on the site and exiting users of the junction. Further work would be required in any subsequent planning application for the proposed phase 2 development in terms of mitigation and traffic modelling, however at this stage the proposal would comply with SBLP Policy D3 and Part 4 of the NPPF in this respect.

Impact on amenity of adjacent land uses

63. SBLP Policy D1 highlights that developments should have regard to the site’s relationship to adjacent land users and activities. This Policy is considered compliant with the NPPF, which at Part 11 also seeks to ensure that new development is appropriate for its location taking into account pollution, including emissions such as noise.

64. In this respect the site is predominately surrounded by agricultural fields while the commercial development of Newton Park Services is located to the south east and Aycliffe Business Park to the north. Given the nature of these neighbouring uses, no conflict in land use terms would arise. To the north of the site is Hill House Farm. This development is principally used for agricultural purposes while there a residential use associated with the site. However, this farm forms part of the wider development site and would be cleared when phase 2 is brought forward and at a similar time the substation is brought into use. The farm is also occupied on a short term tenancy. On this basis and the limited residential use of the site Environmental Health and Consumer Protection officers offer no objections to the application and the development is consider to comply with SBLP Policy D1 and Part 11 of the NPPF in this respect.

Ecology

65. Paragraph 11 of the NPPF and SBLP Policy E11 requires Local Planning Authorities to take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology assessment considering the potential impacts of the development on protected species.

66. The assessment identifies the presence of habitat that is capable of supporting the Dingy Skipper butterfly, identified as a UK BAP species, measuring approximately 1500m². In order to mitigate the impact of the
development it is proposed to translocate the area, within the proximity of the application site, with its exact location and methodology to be agreed. The report advises that the development is considered unlikely to impact on other protected species such as bats, great crested newts or badgers. However, tree protection measures are recommended along with habitat creation and restrictions on the timings of clearance works. The presence of the Aycliffe Quarry Local Wildlife Site is noted but it is considered that the proposed development a substantial distance from this site and would not have an impact.

67. The Council’s Ecology officers have reviewed the report and verify its conclusions. It is therefore advised that the proposed translocation can be achieved and therefore subject to the proposed mitigation the impact on protected or priority species is acceptable and that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the development would comply with SB LP Policy E11 and NPPF Part 11.

Flooding and Drainage

68. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and to ensure that developments adequately dispose of foul water in a manner that prevents pollution of the environment.

69. In this instance the development is located within Flood Zone 1, the lowest category of flood risk. A Flood Risk Assessment has been submitted highlighting that surface water run off would be restricted to green field run off rates utilising appropriate SUD’s where appropriate.

70. The Councils Drainage Section offers no objection in relation to the proposed strategy, subject to agreeing the details of the scheme. Northumbrian Water has raised no objection to the scheme. The development is considered to conform to Part 11 in the NPPF in this respect

Other Issues

71. A Phase 1 desk top study for contaminated land has been submitted and recommends a limited Phase 2 site investigation in the form of soil and shallow groundwater sampling to confirm the presence or absence of contamination. The Council’s Environmental Health and Consumer Protection officers (Land Contamination) considered the conclusions and recommendations of the report sound and recommends securing the Phase 2 investigation by condition in order to make the site safe for development and to comply with Part 11 of the NPPF.

72. In terms of archaeology, Part 12 of the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The Councils Archaeology officers advise that the area near Newton Aycliffe has produced archaeological evidence for multi-period activity spanning the Prehistoric period. Although this parcel of land has suffered disturbance through undocumented agricultural activity, it is recommended that its archaeological interest should be evaluated through a
73. The Aycliffe Village Conservation Area containing a number of Listed Buildings, including the Grade I Listed Church of St Andrew Aycliffe, is located approximately 690m to the north of the site. Due to the topography of the surrounding land and landscaping the site is not visible from this designated area or assets, there are also no mutually inter-visible points. It is therefore considered that there are no impacts on heritage assets.

CONCLUSION

74. A key role of delivering sustainable development as defined by the NPPF is the contribution to building a strong, responsive and competitive economy ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. The development proposes the installation of infrastructure to enable the future development of a wider proposed development of 163,000m² potentially providing 3,200 jobs to the local area. The proposal is considered to accord with the NPPF in this respect.

75. Whilst the development would have some visual impact, this is considered localised and can be satisfactorily mitigated subject to mitigation planting and the protection of existing trees on the boundaries of the site in accordance with SBLP Policies E1, E15, D1 and D4.

76. The proposed junction and site layout has been designed to accommodate the potential future development it would serve;, both the Council’s Highways Authority and Highways England offer no objections to this phase of development.

77. The mitigation proposed would ensure that the development would protect priority habitats for protected species and therefore it is considered that the development would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the development would comply with SBLP Policy E11 and NPPF part 11.

78. Surface water could be adequately managed to limit discharge rates subject to further detailing, while potential land contamination would be satisfactorily dealt with through further investigation. Although there is the potential for archaeological remains on site a written scheme of investigation would ensure any interest is adequately recorded.

RECOMMENDATION

That the application is Approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Engineering Layout, Drwg no. 1305633/PA/02 Rev 0/A
Substation Layout, Drwg 33K VSTD, Rev C

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the submitted information, final details of the external appearance of the substation hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. The height of the substation should not exceed 5.9m from the approved ground level. The development there after shall be carried out in accordance with the approved details.

Reason: To define the permission in the in interests of the visual amenity of the surrounding area in accordance with policies E1, D1 and D4 of the Sedgefield Borough Local Plan and Parts 7 and 11 of the NPPF.

4. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the restriction of surface water discharge rates from the development to greenfield run off rates and the incorporation sustainable drainage systems where appropriate. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

Reason: In the interest of the adequate disposal of surface water and to minimise flood risk in accordance with Policy D1 Sedgefield Borough Local Plan and Part 11 of the NPPF

5. No development shall be carried out unless in accordance with the mitigation and detailed within the Ecology Assessment dated November 2015 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.

6. Notwithstanding the requirements Condition no.5 a detailed methodology for the translocation of the Dingy Skipper Habitat shall be submitted to and agreed in writing by the Local Planning Authority before any site clearance works commence. The relocation of the habitat there after shall be carried out in accordance with the approved details.
Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.

7. No development other than preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

Reason: To define the permission in the in interests of the visual amenity of the surrounding area in accordance with Policies E1, D1 and D4 of the Sedgefield Borough Local Plan and Part 11 of the NPPF.

8. Prior to the commencement of re-grading works tree protection measures in accordance with BS 5837 (Trees in relation to construction) and as set out on the approved site plan Drwg no. 1305633/PA/02 Rev 0/A shall be implemented on site and retained for the duration of the construction work.

Reason: In the interests of the appearance of the area and to comply with policies E1 and E15 of the Sedgefield Borough Local Plan.

9. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:
   i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
   ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
   iii; Post-fieldwork methodologies for assessment and analyses.
   iv; Report content and arrangements for dissemination, and publication proposals.
   v; Archive preparation and deposition with recognised repositories.
   vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
   vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
   viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings thereafter.

Within a period of 6 months from the completion of the approved scheme of investigation, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority.

Reason: to comply with paragraph 141 of the NPPF and to mitigate the sites archaeological interest.

10. The development hereby approved shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. This is required pre commencement to ensure that the site is safe for development due to the engineering works proposed.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this 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) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

**BACKGROUND PAPERS**

- Submitted Application Forms, Plans and supporting documents and subsequent information provided by the applicant
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Statutory, internal and public consultation responses
Access improvement works, formation of new access road, regrading of land to facilitate development and erection of electrical substation and associated infrastructure, Land Adjacent Newton Park Services, Coatham Mundeville,