



Area Planning Committee (North)

Date Thursday 27 July 2017
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 29 June 2017 (Pages 3 - 10)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) 1/2013/0173 - Land to the south of Palmer Road, Dipton (Pages 11 - 28)
Erection of 56 dwellings including landscaping and infrastructure - amended scheme proposing omission of affordable housing provision and schools contribution.
 - b) DM/17/01683/FPA - Site of former Ouston County Infant School, Cromarty, Ouston (Pages 29 - 40)
Construction of 16 new build bungalows and associated footway and landscaping.
 - c) DM/17/01128/FPA - Ponds Court, Genesis Way, Consett (Pages 41 - 52)
Erection of 65 bedroom hotel with function suite, Managers Flat, parking and landscaping.
6. Appeal Update (Pages 53 - 56)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Clare Pattinson

Interim Head of Legal and Democratic Services

County Hall
Durham
19 July 2017

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

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

Councillors H Bennett, O Milburn, J Robinson, A Shield, L Taylor,
K Thompson, S Zair, A Bainbridge, D Bell, L Boyd, A Hopgood,
M McKeon, J Shuttleworth and M McGaun

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DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 29 June 2017 at 2.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors A Bainbridge, D Bell, A Hopgood, O Milburn, A Shield, L Taylor, S Zair, C Kay (substitute for M McKeon), A Simpson (substitute for M McGaun) and T Smith

1 Apologies for Absence

Apologies for absence were received from Councillors H Bennett, L Boyd, M McGaun, M McKeon and J Robinson.

2 Substitute Members

Councillor C Kay substitute for Councillor M McKeon.
Councillor A Simpson substitute for Councillor M McGaun.

3 Minutes of the Meeting held on 27 April 2017

Resolved: That the minutes of the meeting held on 27 April 2017 be confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

Councillor O Milburn declared an interest in application DM/17/00935/FPA as previous non-executive board member of Derwentside Homes (Karbon Homes).

Councillor A Shield declared a personal interest in application DM/17/00692/FPA as the local member.

Councillor I Jewell declared a personal interest in DM/17/00097/FPA and DM/17/00479/OUT as the local member.

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

a DM/17/00097/FPA - Land To The West Of Syke Road, Burnopfield

The Committee considered a report of the Senior Planning Officer regarding proposed erection of 75 houses, including associated access, infrastructure and open space (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members had also visited the site the previous day and were familiar with the setting and surroundings.

Members were advised that proposals indicated that there would be two sites sharing the access created from this development, the second of which was to be considered as the next agenda item and would only be deemed acceptable if this application were to be granted.

Further details were reported by the Senior Planning Officer in respect of affordable housing and the proposed contribution of £333,868 to address demand on the education system.

Councillor Shield raised a query regarding the shared access and allocated parking. He asked for further clarification on the highways assessment and number of allocated parking bays provided per dwelling. The Highways Officer advised that an assessment had been carried out on 90 dwellings including trip generation analysis, which had identified 46, 2 way movements during AM peak hour and 45, 2 way movements during PM peak time. In addition other factors had been taken into consideration when assessing the access and egress and officers were satisfied with the proposed scheme.

Councillor Shield further commented that he would have considered it more appropriate to have more than one access and egress to make the site more accessible. He did note that although he had some general concerns regarding the application he did acknowledge highways comments. He further noted that although the land was classed as green field it could be more attributed to shrub land. Taking into account that there had been no statutory objections he therefore **MOVED** that the application be approved subject to the conditions listed in the report.

Regarding education provision, Councillor Hopgood asked whether any consultation had been undertaken with the local schools. The Senior Planning Officer advised that education provision was assessed at a strategic level by determining future demand and capacity. It was further noted that the site would be expected to take 2/3 years to develop and details were provided regarding the timing in which the school would receive funding.

Councillor Jewell added that it was interesting to note that the school had objected to development on a previous site, but had not objected on this occasion.

Councillor Kay queried whether the education contribution would be spent in a capital way or to provide revenue support for employing a teacher. In response the Senior Planning Officer advised that the contribution would be allocated for capital works only. Funds for teaching staff could be obtained from other sources however

noted that the increase in council tax base and wider economic impact would outweigh those costs.

Councillor O Milburn **SECONDED** the proposal.

Following a vote being taken it was:-

Resolved: That the application be approved subject to the conditions listed in the report.

b DM/17/00479/OUT - Land To The West Of Syke Road, Burnopfield

The Committee considered a report of the Senior Planning Officer regarding proposed erection of 14 self-build plots, with all other matters (except access) reserved (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members had also visited the site the previous day and were familiar with the setting and surroundings.

It was reported that the applicants proposed to offer to Design and Build each house from the starting point of a range of indicative house types. Buyers would also be permitted to build their own homes under a Design Code which would be required to be submitted and agreed with the Planning Authority under reserved matters.

Councillor Milburn added that she was aware that some smaller estates were failing with many plots remaining unsold. This was resulting in roads being un- adopted and in some cases sights becoming blights on the landscape. She therefore asked whether there was any assurances or compensation which could be put in place to cover the council for this eventuality. The Senior Planning Officer advised that there was always potential for slow development on self-build sites however conditions attached to the application would ensure that all road ways etc. were built to an adoptable standard prior to the development on an individual plot.

Councillor Shield queried whether there was to be any play provision provided at the northern end of the site. The Senior Planning officer advised that there was no provision for play however on planning balance it was concluded that this did not outweigh the benefit of the proposals.

Councillor Kay added that he was disappointed to learn that no 106 agreement for a contribution towards education provision was to be put in place. The Senior Planning Officer advised that the issues had been discussed in depth with the School Places and Admissions Manager and it was acknowledged that once the contribution had been received from Barratt Homes in respect of the previous application, this would be sufficient to cover demand and meet the needs identified by the assessment.

Councillor Kay further added that he agreed that some play provision should be provided. The Senior Planning Officer reiterated that this was not significant or adverse enough to outweigh the benefits of the application.

Councillor C Kay **MOVED** that the application be approved subject to the conditions as listed in the report.

Councillor A Bainbridge **SECONDED** the proposal.

Following a vote being taken it was:-

Resolved: That the application be approved subject to the conditions as listed within the report.

Councillor O Milburn declared an interest in the following Item, left the meeting and took no part in the discussion or voting thereon.

c DM/17/00935/FPA - Wood View Community Centre, Wood View, Langley Park

The Committee considered a report of the Senior Planning Officer regarding the proposed demolition of existing former community centre and construction of 14 new build houses and associated footway and landscaping (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members had also visited the site the previous day and were familiar with the setting and surroundings.

It was reported that should the committee be minded to approve the application, condition 6 as listed within the report would no longer be required.

Councillor Simpson, local member, addressed the committee to put forward the views of residents. He advised that there were concerns amongst residents of Wood View that the development would lead to the displacement of cars and many residents would not be able to park outside their own properties. He therefore requested that consideration be given to turning the bungalows around and creating access points via Pine Street.

Councillor Hopgood added that it was clear that parking was the main issue with this development and queried the situation with resident and visitor parking bays. The Highways Officer provided clarification regarding the number of allocated and visitor parking bays highlighting that the proposed arrangements were the best fit for the site. It was acknowledged that although the provision was slightly under the recommended guidelines, it was not significant enough to refuse the application.

Further debate took place regarding the number of spaces to be provided and the potential displacement of existing resident parking. Councillor Kay added that he agreed with Councillor Hopgood and felt that the development could be of detriment to existing residents however noted that this was not a material planning

consideration and with such **MOVED** that the application be approved subject to the conditions as listed within the report.

Councillor Hopgood also acknowledged that the issues outlined were not significant enough to refuse the application and with such **SECONDED** the proposal.

Councillor Shield added that he felt that further discussions could be undertaken with the developers to resolve the issue of car parking and accommodate those foreseen problems. He did however note that the development could be classed as brownfield infill and was happy to see low cost housing to be provided.

Following a vote being taken it was:-

Resolved: That the application be approved subject to the conditions as listed in the report.

d DM/16/02732/FPA - Site Of Former South Moor Hospital, Middles Road, The Middles, Stanley

The Committee considered a report of the Senior Planning regarding the proposed erection of 65 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (for copy see file of Minutes).

The Senior Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layout.

Councillor Hopgood in reference to affordable housing, asked what the price range of these properties were expected to be.

In response C Dodds, Gleeson Homes advised that the homes were targeted at first-time buyers, with a 2 bed property expected to cost around £80,000. Councillor Hopgood queried whether this was expensive for the area of South Moor / Craghead. In addition she highlighted that the single wire back garden fence or the non-sealed gravel drives did not represent quality or value for money for homebuyers. She further added that the £10,000 contribution did not seem adequate enough for the improvement of biodiversity in the immediate area.

In response the Senior Planning Officer advised that to ask for more money towards biodiversity improvements would make the scheme unviable.

Councillor Shield commented that in his opinion some of the conditions required tightening up as he did not consider the scheme to be fully fit for purpose or fully compliant. The Senior Planning officer advised that officers did share some of the concerns raised however previous decisions made by this committee made it difficult to request anything further from the developer. It was noted however that the development would bring a different dimension to the housing stock in the area.

Further discussion took place regarding the lack of play provision and Councillor Hopgood **MOVED** that the application be refused on the grounds that it contravened the following NPPF policies:

Part 8 - by not providing play and open space for families and young people.
Part 6 – by not providing a wide choice of high quality homes, which were sustainable for the future.
Part 7 – by not providing good design, despite attempts by planners to rectify.

Councillor A Shield **SECONDED** the proposal.

Following a vote being taken the motion was lost.

Resolved: That the application be approved subject to the conditions listed in the report.

e DM/17/00692/FPA - Lintzford Bridge Garden Centre, Lintzford Road, Hamsterley Mill

The Committee considered a report of the Planning Officer regarding the change of use from car park to carwash (retrospective) (resubmission) (for copy see file minutes).

The Team Leader North provided a detailed presentation which included photographs of the site and plans of the proposed layout. Copies of the layout which had been submitted by the applicant were also circulated for members' information.

Councillor Shield noted that the car wash had been in operation for some time and made reference to the previous refusal and appeal. He advised that his main concerns related to contamination of the wider natural environment from inadequate wastewater drainage. In addition he advised that although the site was well screened this was only evident during spring / summer. He also found the use of floodlights and the impact on the busy arterial road to be of concern.

He therefore **MOVED** that the application should be refused on the grounds that it contravened NPPF, Part 11, Part 14 and Policy EN1 of the Derwentside District Local Plan.

Councillor Zair **SECONDED** the proposal.

The Team Leader North advised that unfortunately planners did have concerns regarding the quality of the resubmission and the capability of the applicant to provide what was required of them to provide sustainable drainage, disposal and hardstanding.

Councillor Jewell asked whether the recommended water waste equipment was 100% certain to remove any pollutants. The Team Leader North advised that this guarantee could not fully be given and advised that sustained use over a number of years could have an adverse impact on the natural environment.

Following a vote being taken it was:-

Resolved: that the application be refused on the grounds that the waste water management measures currently in operation together with those measures submitted with the application are not considered to be capable of preventing significant harm to the natural environment contrary to Part 11 of the NPPF (Conserving & Enhancing the Natural Environment) and Policy EN1 of the Derwentside District Local Plan.

Reason - The proposal fails to satisfy the environment role of sustainable development and any benefits resulting from the development would not outweigh the adverse impacts of the proposal on the natural environment contrary to Paragraph 14 of the NPPF.

f DM/17/01667/FPA - 11 Park View, South Pelaw, Chester-le-Street

The Committee considered a report of the Planning Officer regarding the proposed erection of a porch to front and two storey rear extension (for copy see file of minutes).

The Team Leader North provided a detailed presentation which included photographs of the site and plans of the proposed layout. Members had also visited the site the previous day and were familiar with the setting and surroundings.

It was noted that the application submitted was identical to that which had been previously refused and confirmed at appeal by the Planning Inspectorate.

Councillor T Smith, local member, addressed the committee to speak in support of the application. She advised members that along this stretch of terraced homes a number of which had two storey extensions which set a precedent for others in the area. Due to the pitch of the roof on these properties the upstairs space was unsuitable for family living and with such had led to a host of properties being bought to let, causing in itself tenant problems for existing residents and local members.

In addition to the above, the owner's adult son had additional needs and with such required additional space and room for his own independence. In addition the bathroom was currently located on the ground floor which also caused problems.

In conclusion she advised that neighbours had not objected to the application as many of them also wanted to extend their properties to allow for better family living. She considered the extension to be sustainable and would in addition promote healthy communities.

The Team Leader North referred to the decision of the Planning Inspector who had found that that the depth of the extension would have an overbearing and significant impact on neighbouring residents.

Discussion ensued regarding the size of the extension and it was noted that a reduced size extension without overbearing impact on residents may be deemed acceptable. Councillor Milburn asked what size extension would be deemed

acceptable as she did agree that these dwellings were no longer suitable for families.

Councillor Hopgood in sympathising with the applicants personal circumstances suggested that the application be deferred in order for the applicant to work with planners to reach a suitable compromise. The Team Leader North added that although deferment was frustrating for the applicant, it would be considered appropriate under the circumstances.

Councillor Hopgood **MOVED** that the application be deferred.

Councillor Bell **SECONDED** the motion.

Following a vote being taken it was:-

Resolved: That the application be deferred to allow further discussions with the planners and applicant in order to submit a revised application which would be deemed acceptable.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	1/2013/0173
FULL APPLICATION DESCRIPTION:	Erection of 56 dwellings including landscaping and infrastructure - amended scheme proposing omission of affordable housing provision and schools contribution.
NAME OF APPLICANT:	Keepmoat Ltd
ADDRESS:	Land To The South Of Palmer Road Dipton
ELECTORAL DIVISION:	Burnopfield and Dipton
CASE OFFICER:	Steve France, Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 2.4ha of land at Dipton, a village north-east of Consett, sited between the A692 Gateshead Road, and the B6168. The village is of linear form in that it follows the lines of those two roads, being infilled at the apex of the junction. Surrounded by a mix of house types, ages and styles that reflect the development of the settlement, on three sides, and Bone Lane (originally Boney Lane), the land is green-field, never having been developed. A tunnel serving Lily Colliery crossed the western part of the site, reflected by the current landform in this part of the site.
2. The site has been in two land uses, with the larger, eastern part of the site, as overlooked by Palmer Road and Plunkett Road, fenced and used as a paddock. This area is now unused and covered in low scrub and grasses. The smaller, western part of the site includes a small football pitch with metal goalposts, and is part mown, part left as tussocked unimproved grassland. There are a number of pedestrian access points to this land, from Palmer Road, Meadow View and Bone Lane, these last two accesses being Public Rights of Way. The site slopes from east to west, Dipton being on the upper slopes of the Derwent Valley, with the site undulating across its area.
3. Landform aside, there are no features of note on the site, its two components being separated by a simple field boundary. Bone Lane is bounded by established hedging and a few mature trees. Informal access to the south of this footpath – also defined on Ordnance Survey Plans as an off-road cycle path which leads to further open land, used by the local community for informal recreation and as a wildlife area.
4. The site has no formal designation within the Derwentside District Local Plan.

The Proposal

5. The application seeks detailed planning permission for the development of 56 houses.
6. This application has been lodged with the Council since April 2013, as a proposal for 54 houses. The application was reported to Committee in September 2013, recommended for approval subject to a s.106 legal agreement to secure the provision of 8 affordable housing units offered, along with a financial contribution to the Council for provision of an additional classroom at St. Patricks RC Primary School, 500m from the site, to meet an identified shortfall. Members resolved to approve the scheme subject to the necessary legal agreement being signed.
7. Despite the approval in principle, the applicants have been reluctant to progress the application or withdraw it for a variety reasons including, they state, the rising costs of materials and that market conditions made the scheme unviable. The application has therefore effectively been on hold awaiting further instruction from the applicant. More recently, the applicants have expressed a desire to proceed with the development subject to a number of revisions.
8. The application has therefore been amended to remove the affordable housing element and the schools payment. The scheme itself remains very much the same as that originally presented to committee but there have been minor amendments to the layout to suit the applicant's current house-types, which has resulted in two additional units being proposed.
9. The proposed dwellings are a mix of two, three and four bed-roomed units, in detached, semi-detached and mid-linked form. The main part of the site, being a cul-de-sac of 41 dwellings is accessed from Palmer Road. The 15 remaining dwellings are served from an extension of the end of Plunkett Road, six from the adopted highway, nine from shared drives.
10. The western part of the site remains open, with the small football pitch moved, and the unimproved grassland developed to increase its wildlife potential. This area of the site is accessible from Palmer Road through the site giving access to public right of way on Bone Lane and the Nature Reserve beyond.
11. The application is reported to back to Committee, again as a 'major' application and also to give Members the opportunity to consider those changes to the proposal described above.

PLANNING HISTORY

12. Prior to the receipt of the current application there was no previous planning history.

PLANNING POLICY

NATIONAL POLICY

13. 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.

14. 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'.
15. 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.
16. The following elements of the NPPF are considered relevant to this proposal;
17. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – 'significant weight' is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
18. In facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
19. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a 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. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
20. *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.
21. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. 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.

22. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change* – Advises on managing flood-risk, taking into account the impacts of climate change through use of the sequential test, ensuring flood risk is not displaced and informing proposals through a site specific Flood Risk Assessment.
23. *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.
24. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

NATIONAL PLANNING PRACTICE GUIDANCE:

25. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
26. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
27. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
28. *Conserving and Enhancing the Historic Environment* – Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
29. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
30. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of

contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

31. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.
32. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

33. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
34. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
35. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
36. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
37. *Policy HO22 – Recreational Public Open Space within Housing Sites* – states planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development
38. *Policy RE4 – Protection of public footpaths* – Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
39. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

40. 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 15 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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

41. *Highways* – County Highways Engineers have requested additional visitor parking places and more detail regarding the main site visibility splay onto Palmer Road during the course of the application. These issues have been resolved to the Engineer’s satisfaction, with the proposed road meeting their requirements and being to full adoptable standard.
42. *Northumbrian Water* – confirm they have no issues to raise subject to specified restricted surface water discharge rates, proposed secured by a suggested condition.

INTERNAL CONSULTEE RESPONSES:

43. *Spatial Policy* – have provided a detailed policy assessment, noting the principle Local Plan policies retain weight in the decision making process. The Strategic Housing Land Availability Assessment (SHLAA) 2013 is noted as having assessed the site, within which, ‘overall, it has previously been deemed to be potentially ‘suitable’ in principle for housing development. Whilst this does not necessarily mean that a scheme should be approved, it does indicate whether there are any material issues that a planning proposal would need to address and overcome’.
44. The SHMA (2016) identifies a need for affordable housing provision across County Durham. This is a relevant material consideration in conjunction with paragraph 50 of NPPF. In considering the effect of paragraph 14 of the Framework and the ‘planning balance’ Spatial Policy officers note the potential benefits offered by the scheme as including the contribution to housing supply, ‘although the proposed development will provide some benefit to the supply of housing, the weight to be given to that benefit should be reduced on the basis that a significant undersupply does not exist. This boost to housing supply should only be considered to be an overriding benefit if it is concluded that *‘any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole: or specific policies in NPPF indicate the development should be restricted.’*
45. In terms of the NPPF’s aim of ‘broadening housing choice’, ‘in carry out the required planning balance, NPPF core planning principles (paragraph 17) include the requirement to meet housing need for the area and expand the range and choice of housing in the area. Given that the scheme does not propose any affordable provision there are only limited benefits on offer in terms of satisfying local housing need’.

46. Spatial Policy Officers conclude, 'on the balance...., and subject to the considerations of specialist colleagues, I am of the view that the potential dis-benefits can be mitigated and would not outweigh (significantly and demonstrably) the benefits to housing supply in accordance with the NPPF'.
47. *Drainage and Coastal Protection* – The Senior Area Drainage Engineer confirms the developer has liaised with the Council from an early date to ensure provision of a drainage scheme based on sustainable drainage principles. He writes, 'It is possible through good design to reduce existing greenfield surface water flows from a site, which in turn would go towards reducing flood risk downstream, in Durham we restrict major developments to what is known as the Qbar rate which is the calculated mean average flood-flow from a rural catchment, this can be a reduction on runoff by up to 90% in large storm events. Designs must demonstrate that no property or neighbouring land is at risk of flooding from the site in all storms up to 1 in 100 year events plus a climate change allowance'. The submitted scheme, subject to confirmation of additional detail that can be secured by condition, 'greatly reduces' any threat of flooding from the site and represents a best practice sustainable drainage scheme in line with national and local guidance.
48. *Ecology* – The ecological implications of the proposals have been of particular concern, the proposals being adjacent to a local nature reserve that includes newt supporting ponds. County Ecologists have agreed site specific mitigation consisting species-rich wildflower planning around the public open space / playing field, and a sum of £8,500 to be spent on upgrading existing wildlife areas within influencing distance of the site.
49. *Education* – Education Officers have confirmed that the shortfall in Education provision has now been met, and there is no requirement from the current proposals
50. *County Archaeologists* – ask for a condition, consistent with their advice in 2013, secured the implementation of a programme of archaeological work.
51. *Landscape* – The scheme is criticised in detail, with issues raised including the length of paths to allow rear bin access, the potential appearance of the retaining structure which runs across the site, and the lack of pedestrian links between the top and bottom of the site.

PUBLIC RESPONSES:

52. Neighbours have been re-consulted, a site notice was posted on Front Street, and a press notice was published in The Northern Echo. All residents consulted on the original application were attempted re-consulted (some email addresses were not contactable), along with all properties overlooking the site. 184 direct mail letters were sent.
53. When the application was reported to Committee in 2013 there was a strong and well-coordinated public campaign of objection to the planning application. This consisted of objection from the Dipton Community Partnership, 206 individual letters of objection from 128 households, and a petition of 283 names. Many correspondents wrote individual letters and sent in a standard pro-forma objection letter which was widely circulated. The petition did not set out reasons for objection.
54. Issues raised, and considered by Councillors in coming to their decision at that time included: a lack of need for new housing, loss of valued green space, poor highways

access and existing on-street parking issues, compromising the amenities of dog-walkers and children playing in the street, poor design, loss of view, influx of 'unpredictable tenants' and change of the social make-up of the area. Reduction of property values, the commercial motivations of the Council, the Greenfield nature of the site, covenants and effect of the build process were all offered among objections considered by Members when the proposals were considered by Committee in 2013.

55. In response to the current re-consultation exercise, 12 objections have been received, with the majority of concerns previously raised referred to again.
56. Historical flooding issues are a concern, particularly in respect of overland flows and the relationship to dwellings below the site facing the A692.
57. Highways concerns refer both to the capacity and design of the roads leading to the site, along with safety concerns for children playing in the street, and worries that construction access would be dangerous and compromise amenity. The influx of strangers into the area is contented likely to result in anti-social behaviour, with the omission of affordable units of detriment to the local community for other correspondents. The need for the units is questioned, with the loss of public open space of detriment to existing local amenity. Pressure on the wildlife area adjacent the site is an objection as is the effect on garden wildlife in surrounding properties. Pressure on local shops and services is a worry for correspondents. The design of the development is considered poor, particularly in including three storey units.
58. Reference is made to a restrictive covenant affecting the land, with the Council considered compromised for decision making, as landowner,
59. There is a specific relationship between new dwellings at plots 14/15 and the existing dwelling at 14 Plunkett Road, where loss of view, overshadowing, loss of sunlight and devaluation of property are concerns for the resident.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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, drainage, highway safety, wildlife impacts and residential amenity.
61. The context for consideration of this application is somewhat unusual, in that it already has a Committee resolution for approval. Given the passage of time and the evolution of some aspects of planning policy, and changes to the scheme it was decided that the best way to ensure the planning decision is arrived at transparently was with a further public consultation exercise despite the overall layout of the scheme remaining unaltered. The application is therefore reported to Committee for a decision on the basis of the amended scheme, once again subject to a s.106 legal agreement, which this time would secure monies for off-site bio-diversity works.

Principle of the Development

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant Development Plan is the Derwentside District Local Plan adopted in 1997 and remains 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.
63. There are no relevant saved Housing policies in the Local Plan and therefore the Development Plan is seen as being 'silent' in respect of housing policy and determination must revert to paragraph 14 of the NPPF. Paragraph 14 sets out a presumption in favour of sustainable development and for decision making means: 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.
- If there are no specific policies which indicate that development should be restricted and the proposal therefore needs to be considered against the first bullet point of paragraph 14.
64. That the Council cannot demonstrate a five year housing land supply and Council's policies for housing supply are therefore 'out-of-date'. Although the proposed development will provide some benefit to the supply of housing, the weight to be given to that benefit should be reduced on the basis that a significant undersupply does not exist. On this basis, paragraph 14 therefore sets a high bar for resisting the proposal.
65. The application site is 'greenfield' land. Whilst the NPPF asks Local Authorities to direct developers in the first instance to 'brown-field', this does not preclude the development of sites not previously developed.
66. Officers' conclusion on the principle of development is that it is acceptable subject to an assessment of the benefits and disbenefits of the scheme.

Impact upon the Surrounding Area

67. The two main areas of contention to local residents are drainage issues and highways issues, with residents whose dwellings sit below the site, and have suffered from overland flows and flooding from the site concerned with the former, and residents in Palmer Rd and Plunkett Rd which are proposed to access the development focussed on the latter.
68. Advice and Policy on flooding and drainage is set out in the Framework, the NPPG and within Policy GDP1 (i) and (j). The details of the proposals submitted are considered both by the 'statutory undertaker', Northumbrian Water, and The Council's Drainage and Coastal Protection Team, the Council having the role as Strategic Flood Risk Authority (SFRA). Northumbrian Water have indicated no issues with the proposals subject to a condition controlling the detailed flows into its formal drainage system, in accordance with the submitted documents (with some additional details required).
69. Council Drainage Engineers have worked to achieve a detailed scheme with the applicants using the best principles of sustainable drainage – effectively using

natural techniques to slow, capture and percolate water before it reaches the piped network. To this end the proposals now include for a SuDS basin and a swale across the lower part of the built development, designed to control and greatly reduce potential for overland flows to below what would occur naturally on the site now. Council Engineers confirm the proposals are in line with National and Local Advice, and the proposals are concluded to meet the requirements of Policy GDP1.

70. With little change in the highways layout since the resolution to approve in 2013, the resubmitted layout was directly comparable to its forerunner. However Council parking standards have been reviewed in the interim, with the proposals having to be revised to incorporate additional visitor spaces. Highways Engineers also sought additional clarity on the site visibility splay opposite the existing dwellings in Palmer Road to ensure it could be constructed to adoptable standards. This was confirmed, and with the previous assessment having confirmed that the effect of the development on the capacity of the surrounding highways network was acceptable still valid, Highways matters are considered acceptable in the proposals. Policy TR2 of the development plan is considered satisfied, with it noted for the planning balance that the NPPF advises that, *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

Affordable Housing

71. One of the two significant differences with the scheme as originally considered by Members is the omission of the proposed affordable housing element – 8 units. The units proposed met the definition of affordable housing set out in the Framework and were to be operated by a Registered Social Landlord. The inclusion of this was given significant material weight in the September 2013 Committee Report. The applicants are now contending that the inclusion of the affordable units makes the development unviable and prevents them from proceeding with the scheme. As part of the application they have submitted a detailed financial appraisal to support this contention. The omission of the affordable units significantly lessens the benefits that can be attributed to the proposal in the planning balance.
72. Assessment of the viability figures submitted to justify the lack of provision has been carried out with regard to probity – the Council being the landowner and, as Local Planning Authority the arbiter of the proposals. This apparent conflict of interests has been raised as an issue by objectors, but is not an unusual circumstance, with the procedures of the Council as Local Planning Authority, and the Professional conduct of Planning Officers following strict guidelines and procedures.
73. Following a detailed assessment of the financial appraisal by The Viability Officer in the Spatial Policy Team, the conclusion has been that the provision of affordable housing would render the scheme unviable, to the standard expectations of profit margins developers may expect.
74. A different aspect to this part of the proposals is a divergence of opinion from local residents. Some see the omission as restricting the housing opportunities available to local residents – others, whilst not setting it out as a benefit have raised an alleged policing issue with the potential residents of such properties.

Education Provision

75. The previous scheme had been recommended approved subject to the signing of a s.106 agreement to ensure a financial provision to deliver an additional classroom in the immediate locale to address an identified need. With the passage of time

circumstances have changed with the County Education Department confirming that this provision has been secured from elsewhere. As a consequence, a financial contribution is no longer required from this development, with capacity in the system to accommodate the educational needs of the children the development is likely to generate. As the identified 'need' no longer exists, and request for monies for further education provision would fail the requirements as needing to be necessary to make the development acceptable in planning terms and directly related to the development,

Neighbouring Amenity

76. One specific relationship of residential amenity impact has been identified, that between plots 14/15 and the existing dwelling at 14 Plunkett Road, where loss of view, overshadowing, loss of sunlight and devaluation of property are concerns for the resident. 25 metres separates the existing dwelling from the proposed gable end of the new, with the latter set lower on the slope of the hill. With the suggested guideline for such a relationship 12.5 metres, the separation is wholly compliant with Policy GDP1 (h) of the Development Plan, and not one that could form the basis of any sustainable refusal reason. That residents further concerns on loss of view and potential devaluation of property are no of material weight in the planning process.
77. Construction traffic will cause disruption during the build process as a fact of life. The balance between protecting existing residents' reasonable expectations for such and allowing the development to progress efficiently can be controlled through a standard working hours condition and an agreed construction management plan.

Other considerations

78. That the development will contribute to the local economy with jobs and investment in the supply chain through the development process, and further from expenditure from residents once the development is complete is of positive material weight in the planning decision. Also relevant is that fact that encouraging economic regeneration is one of the core objectives of Durham County Council – in the 'Altogether Betters'.
79. Archaeological issues can be dealt with to the satisfaction of the County Archaeologist by way of a standard condition.
80. Whilst the Coal Authority had not responded to the consultation request sent them as this report was written, the condition previously requested by them is considered a valid approach to the coal mining legacy issues the site presents.
81. The County Ecologist has negotiated with the developers to ensure in the first instance that an on-site scheme of bio-diversity mitigation be provided in the form of planting around the open space. Further it is proposed that a sum of £8,500 be ensured through legal agreement to mitigate the direct effect of the development on the adjacent and nearby ecology areas maintained by the Council. This requirement is considered to meet the 'tests' for imposition of legal agreements, in: that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind (as required by the Community Infrastructure Levy 2010 and as tests set out in the NPPF).
82. The comments of the Council's Landscape Team addressed detailed issues. It is acknowledged that the urban development of a 'greenfield' site will incur some adverse residual landscape and visual impact. That the land is not designated is relevant, as is the fact that public access was, and is restricted from the majority of the land to be developed. The development will incur a loss of some Amenity Open

Space, with the Open Space Needs Assessment (OSNA) having identified a shortfall of parks and gardens, outdoor sports space and play space within the wider ward. That the remaining open space is to be improved mitigates this matter by degree. Overall however this is a shortfall from the development that must be considered in the planning balance. Landscape Officers are concerned at the length of some bin accesses to rear gardens. This to some degree could be argued to reflect the fact that the proposed dwellings have reasonable sized rear gardens – and that this provision is made rather than residents having to take garden waste through dwellings or having to rely on bin stores in front gardens counts in favour of the layout. The large retaining structure through the middle of the site would be a feature apparent to potential buyers, taking out morning light at some times of year, with planting the only mitigating device. The feature is not unacceptable, generally separated by a distance of around 10 metres from the rear of the lower dwellings.

83. The SHLAA assessment has concluded that while the site is not considered to be close to a broad range of services and facilities, this is not considered to be problematic as it is well provided for in terms of bus services and links to other main settlements. The site is well contained within the built up area. Paragraph 35 of the NPPF advises that developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and to have access to high quality public transport facilities. The site scores reasonably well in relation to this.
84. The response from the Council's Environmental Protection Officers was outstanding as this report is written. However, as the land is proposed brought into use from a more 'sensitive receptor', i.e. housing, a standard condition is suggested appended as a reasonable response to this issue.
85. Whilst the previous consent required submission of a detailed 'Sustainability Statement' these issues are now addressed through the Building Regulation process – the condition being now redundant.

The Planning Balance

86. As the development plan is 'out-of-date' as regards housing land supply policies and no specific policies have been identified that would indicate that development should be restricted, the NPPF advises that permission should be granted if it can be concluded 'sustainable' and 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'.
87. The site will provide a contribution to housing supply, which is material in the planning balance, with a Planning Inspector in recently considering the housing land supply position having confirmed that it does not amount to a significant shortfall. Therefore, although the proposed development will provide some benefit to the supply of housing, the weight to be given to that benefit should be limited on the basis that a significant undersupply does not exist.
88. In terms of broadening housing choice in the planning balance, NPPF core planning principles (paragraph 17) include the requirement to meet housing need for the area and expand the range and choice of housing in the area. Given that the scheme does not propose any affordable provision there are only limited benefits on offer in terms of satisfying local housing need.
89. Setting the weight to be attached to the scheme's contribution to the local economy, paragraph 7 of the framework considers the three dimensions of sustainability and in this application - the development of the site would contribute to the economy

through the delivery of houses, both during their construction but also via new residents supporting local services. This may be considered as a benefit.

90. Supporting sustainable patterns of growth, core planning principle 11 (NPPF) seeks to ensure patterns of growth are managed to ensure the fullest use of sustainable modes of transport. The location of this site is such that it provides opportunities for residents to travel by modes other than the private car thereby contributing positively to the locational sustainability of the scheme. This can be considered as a benefit.
91. The adverse impacts of the development attributed by the local community have been examined in detail by the specialist consultees who advise on those areas. Of principal concern, issues of drainage and highways have been redesigned to meet national and local guidance and policies, where, subject to being ensured in detail through conditions, have been found acceptable.
92. Likewise, the implications from development for biodiversity and archaeology are considered capable of mitigation to an acceptable degree.
93. That the scheme results in the loss of some publically accessible open space does not make provision for the full expectations of replacement open space and expectations of play provision is considered in the balance to count against it, but not to such degree where it fails the paragraph 14 test. The applicant's justification for this lies in their expectations for viability from the development.
94. Officer's assessment of the planning balance is that the development does constitute 'sustainable development', and therefore benefits from the presumption in favour of such, with no issues identified that, 'significantly and demonstrably' outweigh the contribution it would make to housing supply and economic regeneration.

CONCLUSION

95. The Northern Area Planning Committee in 2013 resolved the proposals were acceptable, subject to a legal agreement to secure specific needs. This application considers of the current proposals in so far as they have been revised. Where different, the issues raised have been considered and addressed in detail.
96. Application of the planning balance has concluded that the development is 'sustainable', and benefits from the 'presumption in favour' of such.
97. Taking advice from the Spatial Policy Viability Officer, it is accepted that the inclusion of affordable housing within the scheme would render it unviable, and the County must add to its housing supply. With no formal identified need for education provision, the formerly identified shortfall having been met, there is no basis to ask for a sum towards education. This alters the planning balance, but it has been concluded that assessing the application, 'against the Policies in this (the) Framework as a whole', still leads to the conclusion that the scheme is acceptable, there being no policies that indicate development should be restricted, and where 'adverse impacts' have been identified, they do not, 'significantly and demonstrably' outweigh the benefits of the contribution to housing supply and economic activity.
98. On this basis Officers conclude that the revised scheme, considered against the planning policy context in 2017 is acceptable.

RECOMMENDATION

99. That the application be APPROVED subject to the developer entering into a legal agreement to secure a financial contribution of £8,500 to mitigate the effects on the natural environment from development works and ensure the proposals result in a net bio-diversity gain, and 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.

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:

External Materials: Dipton QDL 000 XX DR D 744-300-01

Enclosures: Dipton QDL 000 XX DR A 744-300-02

Garage Plans and elevations QDL 000 XX DR D 744-399-01

Planning Drawing QDL 000 XX A 744-1054-01 – 1054HT

Planning Drawing QDL 000 XX A 744-1178-01 – 1178HT

Planning Drawing QDL 000 XX A 744-651-01 – 651HT

Planning Drawing QDL 000 XX A 744-851-01 – 851HT

Planning Drawing QDL 000 XX A 744-867-01 – 867HT

Planning Drawing QDL 000 XX A 744-955-01 – 955HT

Updated Site layout reflecting drainage changes

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

3. The development must be completed in full and detailed compliance with the 'Flood Risk Assessment and Drainage Strategy' QD744, Feb 2013, submitted in support of the application, including in particular the stated restricted foul and surface discharge rates into the existing formal drainage network. Prior to the commencement of development specific written confirmation that the restricted surface water discharge of 10l/sec will be achieved at the connection to the surface water sewer at manhole 8108 must be submitted to, and approved in writing by the Local planning authority, thereafter implemented in full accordance with said approval.

Reason: In order that the drainage implications of the development are properly addressed, in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

4. Before development is commenced an appropriate programme of further intrusive site investigation works must be undertaken to confirm coal mining conditions at the application site prior to the commencement of development. This document must ensure that in the event that the site investigation works confirm the need for the treatment of any areas of shallow mine workings and/or the mine entry for stability purposes, and/or any other mitigation measures (e.g. foundation precautions, gas protection measures etc.) to ensure the safety and stability of the proposed development, these works are undertaken prior to commencement of development. The document must include details and timings for these additional identified works, and an assessment of the effect of the works on site drainage. The site must be developed wholly in accordance with said document with confirmation of its completion in full being provided at the completion of the development.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site.

5. No development shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document to be approved in writing by the LPA, with the investigation and development carried out in full accordance with the approved details.

Reason: To comply with paras 135 and 141 of the NPPF as the site and remains upon it are of historic interest.

6. Prior to any of the 54no. units on the development being occupied a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para 141 of the NPPF which ensures information gathered becomes publically accessible.

7. In the areas of the site surrounding the playing pitch, the developer must provide a detailed specification of planting, management and maintenance for the creation of high quality biodiversity areas that complement and enhance the adjacent Local Wildlife Site. This document must be submitted to, and approved in writing by the Local Planning Authority before the commencement of development. Said specification must include details of planting species and specification and timing. Planting must be carried out in the first available identified period following the commencement of the development.

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009) and part 11 of the NPPF

8. For the full course of development works on the site, site works, deliveries and the operation of materials, plant and machinery (including generators) must be carried out only during the following hours: Monday - Friday 08:00 to 18:00 hours inclusive, Saturday 09:00 to 14:00 hours inclusive, with no works on Sundays and Bank Holidays

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been 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.

Reason

To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

In relation to the scheme of Archaeological work, prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.
Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

For Contaminated Land, The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required 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 to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Derwentside District Local Plan 1997 (saved Policies 2009)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/17/01683/FPA
FULL APPLICATION DESCRIPTION:	Construction of 16 new build bungalows and associated footway and landscaping
NAME OF APPLICANT:	Karbon Homes Ltd
ADDRESS:	Site Of Former Ouston County Infant School Cromarty Ouston
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France, Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.55 hectares in size, and consists of the former school site surrounded by the streets of Cromarty and Ross in the village of Ouston, 2 miles north of the centre of Chester-le-Street. The Infant school has been demolished and the site cleared. The surrounding development is modern 1960's housing, evenly split between one and two storey dwellings, with most extended in some form. There is a single vehicular access into the site on its south side, and a pedestrian access between bungalows on the north side. The boundaries of the site are formed of the rear garden fences of the surrounding dwellings. The land slopes west to east. Some semi-mature trees remain on site boundaries.

The Proposal

2. The application proposes construction of 16 two-bedroomed bungalows and associated footways and landscaping. The properties are proposed built for Karbon Homes Ltd, who are a Registered Provider.
3. The application is reported to Committee as a 'major' proposal.

PLANNING HISTORY

4. There is no relevant planning history associated with the site.

PLANNING POLICY

NATIONAL POLICY

5. 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.
6. 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’.
7. 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
10. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a 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. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
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 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. 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.
13. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change.* Applicants for energy development need not demonstrate the overall need

for renewable or low-carbon energy. Small scale projects provide a valuable contribution to cutting green-house gas emissions. Applications should be approved if the impacts are considered acceptable.

14. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
16. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
17. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
18. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
19. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
20. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
21. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and

kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

22. The following are those saved policies in the Chester-le-Street Local Plan relevant to the consideration of this application:
23. *Policy HP6 – Residential within settlement boundaries* – Proposals for residential development will be permitted within the defined settlement boundaries of a number of listed settlements, including Ouston, providing it is classed as previously developed land and meets the general criteria of Policy HP9.
24. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
25. *Policy HP10 – Backland Development* – will only be permitted where; a separate and satisfactory access can be provided, the amenity of new and existing properties is safeguarded; the proposal is in scale and character with the locale; the proposals are compliant with relevant policies and HP9 in particular.
26. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
27. *Policy HP15 – Community Provision* – On developments of more than 10 units a contribution will be sought for the provision and subsequent maintenance of social, infrastructure and/or recreational and leisure facilities in the locality where directly related to the development being proposed.
28. *Policy T15 – Access and Safety Considerations in Design* – requires a safe access, capacity in the existing road network, consideration for pedestrians and cyclists and effective emergency vehicle access.
29. *Policy T17 – General Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.

RELEVANT EMERGING POLICY:

30. 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 15 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highways* – County Highways Engineers have assisted in a redesign of the highways layout to achieve a layout capable of adoption. All required standards are met.

INTERNAL CONSULTEE RESPONSES:

32. *Drainage and Coastal Protection* – confirm that agreement has been reached on a scheme of drainage for the site, requesting that the formal details be submitted for formal agreement.
33. *Landscape* – Whilst acknowledging the demand for bungalows, Landscape Officers note the minimal rear gardens proposed. The proposed landscaping scheme is criticised in terms of the size available for proposed planted specimens and their chances of attaining maturity.
34. *Sustainability* - confirm that as previously developed land in an existing residential area the site has locational sustainability, and with the applicant proposing embedded sustainability, no objections to the application area offered.

PUBLIC RESPONSES:

35. 39 neighbours have been consulted, a site notice was posted at the site entrance, and a press notice was published in The Northern Echo. No objections or comments have been received.

APPLICANT'S STATEMENT:

36. The development of this site will create good quality, much needed housing on a derelict brown field site in the heart of this residential area. The site has been unused now for a number of years and is now just a deteriorating piece of infill scrub land bounded by properties on all sides.
37. Further to discussions throughout the tender purchase process with DCC planning department & assets it was deemed the best use of the land would be for a bungalow scheme. This is due to the high demand and low supply of such properties in modern times and also the fact that due to the sites topography houses would be over bearing on the neighbouring properties. From these discussions and site investigations we have come up with this well designed scheme of attractive two bedroom bungalows which provide a variance in accommodation.
38. We have undertaken detailed discussions with the Highways officer during the planning process in order to create a well thought out scheme and road layout with adequate parking for all dwellings. This has resulted in a slight variance from the initial scheme and is now suitable. Further to this we also propose a suitable drainage system which will prevent any flooding to be caused by the development.

39. We have undertaken public consultation with the surrounding neighbours, local ward and parish members along with an open forum discussion at the village hall. Following this consultation we believe the scheme has support from all consulted.
40. All in all, we feel that this site will provide much needed, sympathetically designed housing on this derelict and deteriorating site.
41. The homes will be provided by the local housing provider Karbon Homes as either Shared Ownership Housing or Rent to Buy.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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, layout and design, impact upon its surroundings, landscape and ecology, and highway safety and the loss of playing fields.

Principle of the Development

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant Development Plan is the Chester-le-Street District Local Plan adopted in 2003 and remains the starting point for determining applications as set out at paragraph 12 of the NPPF.
44. 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. The most relevant Local Plan Policy which deal with housing development in this instance is saved Policy HP6. This policy allows for housing developments on previously developed sites.
45. The NPPF advises further that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. The Council, at present, are unable to demonstrate a 5 year supply of housing and as a consequence the policies for the supply of housing are out-of-date. In a recent appeal decision (for 14 dwellings), the Council's housing land supply situation was accepted, with the Inspector agreeing with the assessment that 'any shortfall is unlikely to be significant'. Of a comparable scale, that this development would provide 16 dwellings towards housing delivery would count in that Inspector's language, in 'moderate weight in support of the proposals'. It was also acknowledged in that instance that economic benefits would accrue from the development and lifetime of a residential scheme. That conclusion was given material weight in that decision, and should be given such in consideration of these proposals. With the proposals required considered in the first instance against the Development Plan, the paragraph 14 implications of this issue will be discussed in the planning balance.

46. For the purposes of the planning assessment, the proposals are considered compliant with up-to-date parts of the development plan, and therefore the principle is acceptable subject to consideration of the detailed impacts of the scheme.

Highway Safety

47. The application has been discussed pre-submission, with revisions to the layout that satisfy County Highways Engineers that the proposed layout is to an adoptable standard. The proposals are therefore Policy T15 compliant in terms of highway design, the sustainable location of the site, ensuring compliance with Policy T17.

Drainage

48. A detailed approach to sustainable drainage has been agreed with Council Engineers ensuring advice for sustainable drainage and flooding set out in the NPPF and NPPG is adhered to.

Scale, Character and Design

49. Against HP9, the proposed development is considered to relate well to the surrounding area in form, density and layout, with the single storey nature of the development proposed ensuring respect for the amenities of adjoining properties. Despite the concerns of landscape officers, proposed curtilage is generally comparable to properties surrounding, but the extent of which will ultimately be a matter of choice for prospective residents. Open space is proposed addressed through off-site contribution, set at the usual level of £1000 per dwelling, that would be used to enhance open space in the surrounding area. As far as the Policy is NPPF compliant, the proposals are acceptable.

Affordable housing

50. Policy HP13 of the plan requires provision of affordable housing on schemes of more than 15 units, with a 15% provision the usual expectation. The proposed dwellings do not meet the strict definition of affordable housing in the Framework. The homes will be provided by the local housing provider Karbon Homes, utilising an allocation of Homes and Communities Agency Rent to Buy Grant funding which both the County Council and Karbon Homes have secured for this settlement, thus making it possible to create a supply of Rent to Buy homes. This does not meet the requirements of the Policy, however the proposals provide a form of low cost, accessible homes, consistent with recent Committee decisions in Langley Park and Sacriston. Noting the Council having an additional level of control as current landowner, the proposals are considered acceptable in widening the choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities, as per Part 6 of the Framework.

Other considerations

Open Space

51. In line with Policy HP15 of the development Plan, as the site is larger than 10 units, in lieu of on-site provision, the proposals provide for an off-site contribution for such. This is considered to meet the tests set out in the Community Infrastructure Levy 2010 and the advice in the NPPF and NPPG in being, 'necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'.

The Planning Balance

52. With the assessment in the first instance Development Plan led, that the proposals comply with Policy HP6 is considered significant in considering the application. The site is situated in an accessible and sustainable location for new development, and would make a positive social contribution and give an extra dimension to the local housing market through the provision of additional housing.
53. The proposed development would also have some limited economic benefits related to the construction and future occupation.
54. However with the lack of an up-to-date housing supply requiring due regard to the balancing exercise in paragraph 14, it is concluded the development does constitute 'sustainable development', and therefore benefits from the presumption in favour of such, with no issues identified that, 'significantly and demonstrably' outweigh the contribution it would make to housing supply and economic regeneration.

CONCLUSION

55. For the purposes of considering this application the relevant policies in the development plan are considered in large degree up to date, and the proposals are compliant with the weighted requirements.
56. The balancing exercise has concluded that the development is 'sustainable', and therefore benefits from the 'presumption in favour'.
57. Subject to a legal agreement to secure the off-site open space / play provision monies, and appropriate technical conditions, the proposals are considered acceptable.

RECOMMENDATION

58. That the application be **APPROVED** subject to:
1. That the application be APPROVED subject to the developer entering into a legal agreement to secure a financial payment for the provision/enhancement of open space and/or play space and 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.

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:

Bungalow Type A Floor Plans and Elevations 925-01

Bungalow Type B Floor Plans and Elevations (Plot 7) 925-02

Bungalow Type B Floor Plans and Elevations (Plots 5 & 14) 925-03

Bungalow Type C Floor Plans and Elevations 925-04

Bungalow Type D Floor Plans and Elevations (Plot 7) 925-05

Proposed Bungalow Block Plan 1 925-06

Proposed Bungalow Block Plan 2 925-07

Proposed Bungalow Block Plan 3 925-08

Proposed Bungalow Block Plan 4 & 5 925-09

Proposed Site Plan 925-013

Engineers Site Plan 925-014

Boundary Enclosure Details 925-15

Proposed Site Sections 925-16

Landscape Plan N577-ONE-00-XX-DR-L-0201A

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP10, HP13, HP15, T15 and T17 of the Chester-le-Street Local Plan 2003 (saved Policies 2007).

3. Development must be carried out in full accordance with the submitted drainage scheme as set out on BDN Drainage Report 4588 (rev. 12.07.2017), and BDN Plan R4588-200

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF Part 10.

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

Reason: to protect the reasonable expectations of residential amenity from surrounding dwellings as required by Policy GDP1(h) of the Derwentside District Local Plan, 1997 (saved 2009).

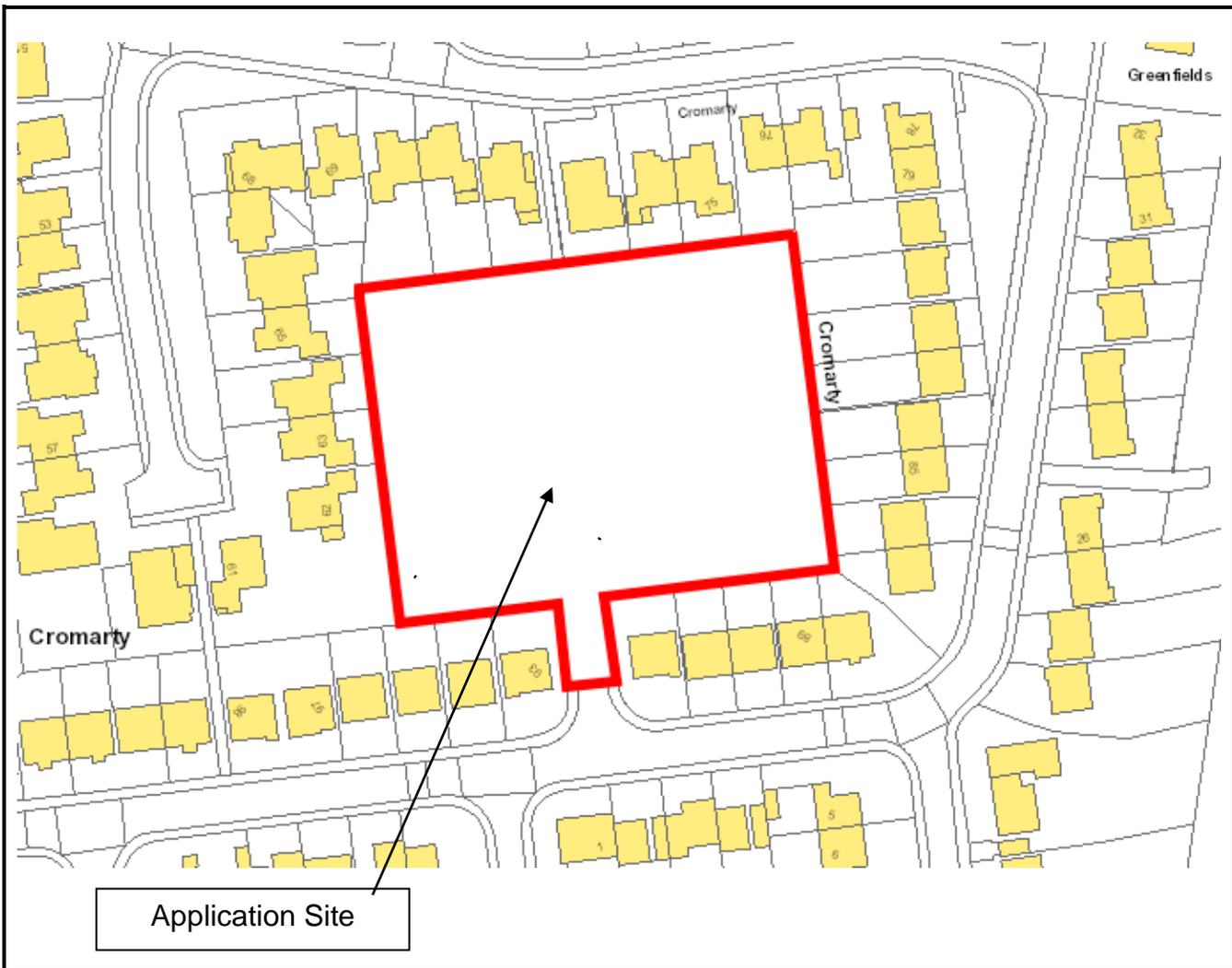
STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes

- Chester-le-Street Local Plan (saved policies 2007)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



Application Site



Planning Services

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Construction of 16 new build bungalows and associated footway and landscaping

Application Number DM/17/01683/FPA

Comments

Date 27th July 2017

Scale NTS

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/17/01128/FPA
FULL APPLICATION DESCRIPTION:	Erection of 65 bedroom hotel with function suite, Managers Flat, parking and landscaping.
NAME OF APPLICANT:	Project Genesis Ltd.
ADDRESS:	Ponds Court Genesis Way Consett
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Steve France, Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a currently open derelict area of land, 0.32 hectares in size fronting Genesis Way at the edge of the centre of Consett. The site is on a small business park, situated between The Consett Innovation Centre and a McDonald's restaurant, facing the new Tesco's supermarket across the main road. To the rear of the proposed hotel is a County Council run supported-living facility for young people. A residential development, The Green, of 41 two and three storey mid-linked dwellings is located beyond the commercial area, accessed from the same road as proposed for the hotel.

The Proposal

2. The application proposes the erection of a 65 bedroom hotel with function suite, an ancillary Managers Flat, parking and landscaping. The 'L' shaped building is two and three storeys in height and sits along the northern boundary of the land, with a car park and service area between the hotel and a strip of existing landscaping that separates the site from the main road.
3. The application is reported to Committee as a 'major' development proposal.

PLANNING HISTORY

4. There is no relevant planning history that relates directly to this site.

PLANNING POLICY

NATIONAL POLICY

5. 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.
6. 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'.
7. 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – 'significant weight' is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
10. *NPPF Part 2 – Ensuring the Vitality of Town Centres*, advises that planning policies should be positive, aiming to promote competitive town centre environments which should form the heart of their communities with policies to secure viability and vitality.
11. *NPPF Part 4 – Promoting Sustainable Transport*. Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
12. *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.
13. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs.

14. *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 and associated infrastructure.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

LOCAL PLAN POLICY:

16. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
17. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
18. *Policy IN2 – Development within Business Parks*. Directs the majority of development within identified Business Parks to a B1 (Offices / Research and Development / Light Industry).
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
20. *Policy TR3 – Cycling* – requires the needs of cyclists to be taken into account, with convenient access for cyclists and cycle parking included within development schemes.

RELEVANT EMERGING POLICY:

21. 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 15 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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Highways* – County Highways Engineers have worked with the applicants through a number of revisions to the scheme and have agreed that the current layout now meets all their requirements for customer and staff parking, and further addresses all servicing implications within the site boundary.
23. *Northumbrian Water* – note that whilst they have had an enquiry from the developer, a detailed scheme has not been assessed, and therefore a standard ‘prior commencement’ is required to ensure an acceptable drainage scheme.

INTERNAL CONSULTEE RESPONSES:

24. *Visit County Durham* – indicate they have been engaged with the developer for some time, and set out in their response the value of visitors to the County’s economy, and the small percentage of visitors who stay overnight, and the consequences for their expenditure in the local economy. This is in the context that in 2015 the visitor economy delivered an economic benefit of £777.5 million from 18.67m visitors and supporting 10,800 jobs (2015 figures). The ‘knock-on’ benefits for employment and suppliers for servicing the facility are referenced. It is the consultee’s view that, ‘Consett has been going through a transformation recently and the growth in the retail and housing sectors in the town. This can only add to the potential market demand for both business and contractor visitors and for those visiting friends and relatives accommodation provision’. ‘The hotel will provide a new facility for the town, providing bespoke hotel accommodation near the town centre, with a range of additional facilities, including a restaurant and function room, which will also be available for use by the general public’. Visit County Durham are working with the local Area Action Partnership (AAP) on a ‘destination development plan’, ‘to identify how the town can play to its strengths and what it needs to do to improve the experience of its visitors’. They conclude they, ‘support the proposal as it could deliver considerable economic benefits to the town and much needed facilities for visitors’.
25. *Drainage and Coastal Protection* – Confirm that the drainage layout submitted is generally acceptable, asking for additional detail to be included in the submitted calculations and conclusions.
26. *Environmental Protection (Noise)* - The information submitted in relation to odour control demonstrates that the application complies with the thresholds stated within the TANS (Technical Advice Notes). This would indicate that the development will not lead to an adverse impact. However the information submitted in relation to noise is not sufficient to allow full consideration against the thresholds stated in the TANS. The applicant has provided details of the noise from plant/machinery however noise from the use of the building for functions has not been considered. Therefore it is recommended that the application is granted with a condition that requires the applicant to carry out a full noise survey in terms of the plant/machinery associated with the use and noise breakout from the building when functions are in operation.
27. *Environmental Protection (Contaminated Land)* - the site investigation concludes that remediation works are required in terms of contaminants in soils as well as within leachate samples. A remediation strategy is required and a condition to ensure this and set its parameters suggested.

28. *Durham Police* – have sent through a detailed document to show how the proposed building can be made secure through the Building Regulation process.

PUBLIC RESPONSES:

29. 76 consultation letters were sent out, including to all 41 dwellings in the nearby housing estate, and to the nearby residential institution. A site notice was posted at the site entrance and a press notice was published in *The Northern Echo*.

30. Two representations have been received from the residential estate. Concerns are raised as to the nature of the hotel – whether budget or not. The commercial development of the surrounding area including Tesco's, and McDonalds has increased late night traffic and noise pollution which the hotel may add to and has resulted in vandalism to residential properties. There may be increased footfall through the estate, with visitors accessing the town centre through the residential estate, and this may increase litter. The access road is considered dangerous. The potential for the proposed function room to conflict with residential amenity is raised. It is contended the hotel will be short-lived, abandoned, and will affect property prices. There is no demand for such a hotel, with Consett a growing residential area – but not a growing business area.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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, layout and design, impact upon its surroundings, landscape and ecology, and highway safety and potential effects on residential amenity.

Principle of the Development

32. There are no policies relating specifically to the principle of this form of development in the Development Plan. The surrounding area is in mixed use, reflecting its designation in the 1997 plan for Commerce, Community and Business uses. The NPPF recognises hotels as a 'main town centre' use, but other than recognising the benefits for economic activity in the 'Ensuring the vitality of town centres' chapter, provides no direct advice for decision making. Part 1 of the NPPF, 'Building a strong, competitive economy', advises Local Planning Authorities to 'support existing business sectors'... 'and plan for new or emerging sectors likely to locate in their area'. Taking a lead from the response from Visit County Durham, the proposals are considered to have the potential to attract economic activity into the area, both from tourist and business customers. In terms of the necessary assessment against the Development Plan, there are no relevant policies that indicate the development should be restricted in principle – the area the site is within having been identified for a range of commercial activities. If there are no adverse impacts identified in the detailed assessment of the proposals, paragraph 14 of the NPPF then advises that planning permission should be granted.

Impact upon the Surrounding Area

33. The surrounding environment is mixed use and in terms of the surrounding commercial properties of various types there are no relationships that cause concern. Two neighbours were identified pre-submission that required particular care in the design of the building.
34. The closest of these is the adjacent assisted living institution. This is a building separated from the site by an estate access road, which presents its gable to the back of the proposed hotel – there therefore being no direct amenity relationships. The relationship between the two buildings and uses, and the effect on existing residents is considered acceptable considered against the requirements of Policy GDP1 (h).
35. The second relationship was that to the nearby housing estate. Two residents in The Green have raised concerns at the potential effects of the development on their estate, which is separated from the development by the aforementioned residential building and an office building. Residents appear to have been worried by reference in a Council report attached to the submission referring to a shortfall in budget hotels in the County. The extent of the planning consideration – and control over the use does not extend to the nature of the operation or the operator, noting this could change over the years to reflect market demand. The rear of the hotel is over 65m from the nearest dwelling on The Green with intervening development. A direct adverse impact on the dwellings from the hotel is unlikely with it noted that the proposed ‘function room’ has a solid wall to the elevation that faces towards the houses, however a condition is proposed to ensure the relationship is fully mitigated.
36. That the development has a direct route for pedestrian access on existing public footpaths towards the town centre is seen as a benefit, with both the Council and the Police having powers to address any issues of vandalism and anti-social behaviour – there is no reason to expect a new hotel should particularly generate these issues. The response from Durham Constabulary indicates that the security of the proposed building will be addressed through the Building Control process.

Design issues

37. The proposed hotel is a large modern structure with thought having gone into its design and appearance, reflecting it being architect designed, as opposed to a generic hotel-chain design. The surrounding environment has a range of different scale structures reflecting their different uses – the large hotel building proposed will therefore assimilate into this existing environment.
38. To this end the proposals are considered in accordance with both the design requirements of GDP1 (a) and part 7 of the NPPF, Requiring Good Design.

Highway Safety

39. The scheme has been redesigned in terms of its parking and servicing requirements to meet the standards required by County Highways Engineers. All parking and servicing will be accommodated within the site. The site is accessed from the main road, along with the other elements of the business estate and the dwellings in The Green from Genesis Way, a modern main road, with the turn in from the east via a protected right-hand turn. The front of the site features a protected pedestrian crossing, allowing safe access to the bus layby and large food-store opposite the

site. The proposal meets all the requirements of Policy TR2 of the Plan, with it noted that the NPPF advises that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Other considerations

40. The proposal has excellent footpath links to the town centre, and immediate access to bus stops on Genesis Way on its front boundary. The hotel has the potential to service the business community, with the Community College and a wide variety of employers all close at hand for business travellers. With the C2C passing close to the site, as a significant leisure use, the development has the opportunity to address the social strand of the 'golden thread' of sustainability that runs through the NPPF.
41. That the site proposes redevelopment of previously developed land ensures that the 'environmental' strand of sustainability is present in the scheme.
42. Both through its construction, and operation, the development will bring economic activity to the area, providing jobs and expenditure in the local economy, both through the supply train and from guests. This is a positive material consideration, with 'economic' the last of the three dimensions of sustainability as defined in the Framework.
43. The applicant has added bicycle racks to the parking areas at the request of Officers, adding to the 'sustainability' of the proposals in that hotel guests and staff do not have to rely on cars to get to the hotel, this of particular relevance in this location giving the opportunity for trade that the relationship to the long distance cycle paths that go through Consett offers.
44. Residents complain that if the development fails and is abandoned, there is the potential for house prices in the area to be detrimentally affected. The effect on house prices of development is not a material planning consideration, and the proposed scenario is such that it holds no merit as a planning argument.
45. Consultees have concluded that issues of drainage, noise pollution and noise pollution can be addressed by condition. The nature of some of these issues are such that it is considered justified that the conditions are required discharged pre-submission. The advice regarding this in the Development Management Procedure Order.
46. Durham County Council's corporate efforts and priorities to encourage regeneration and economic growth in the County are a material consideration in the assessment.
47. A condition is proposed to control working hours for the benefit of existing surrounding residents.

The Planning Balance

48. The application must be considered against 'the planning balance', which weighs whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. In this instance as the Local Plan policy context is considered 'silent or out-of-date', the decision making process is led by the presumption in favour of granting planning permission set out at paragraph 14 of the Framework.

49. That the proposals offer economic benefits that will result from business and visitor travel on a brownfield site on an edge of urban centre location weighs in significant favour of the development. Further benefits can be expected in the direct and supply chain employment that will result. The proposed scheme has been assessed against the relevant topic areas and concluded by Officers as 'sustainable' development.
50. Potential negative issues raised, such as effects on residential amenity and highway safety have been examined and weighted and are addressed to officers' satisfaction, in that they can either be resolved by condition, or they have been attributed material weight that in the planning balance is not significant.
51. To conclude the planning balance, the potential for the development to provide significant economic benefits has been identified. The two other strands that define sustainable development are also apparent in the proposals.
52. Where concerns and adverse impacts of the development have been identified, they are not such that they would significantly and demonstrably outweigh the benefits when assessed against the advice in the Framework as a whole.
53. No issues have been identified that would indicate development should be restricted.

CONCLUSION

54. The application represents economic development and another dimension to the 'offer' of the local economy, driving the ongoing regeneration of Consett. The facility has the potential to create demand from business and leisure users. It does that with a high quality building in an appropriate edge of central area location on 'brownfield' land. As such the proposals are considered to address the three elements that define sustainable development, and on this basis the scheme is recommended approved.

RECOMMENDATION

55. That the application be **APPROVED** subject to the following conditions/reasons:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
Proposed Site Layout incl. cycle store CH1-A
Ground Floor Plan CH2-E
First Floor Plan CH3-C
Second Floor Plan CH4-C
Elevations 1, CH5-D
Elevations 2, CH6-D
Building Sections CH8
Roof Plan CH9
Secure Bike Store CH11
Preliminary Drainage Layout, Ponds Court/01/001B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, IN2, TR2 and TR3 of the Derwentside District Local Plan 1997 (saved Policies 2007).

3. Notwithstanding any details of materials submitted with the application erection of the building hereby approved shall not commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan 1997 (saved Policies 2007).

4. Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme must include surface water design calculations for the 1 in 100 year plus 30% climate change, whilst being restricted to the QBAR green-field runoff rate included in an updated run-off report. The scheme must include a schedule for implementation. The approved scheme must thereafter be implemented in full and in full accordance with the agreed details.

Reason: to ensure matters of flooding and drainage are fully addressed by the development, as required by the NPPF.

5. Before the development hereby approved is brought into use the applicant must submit in writing to the Local Planning Authority for approval a full noise impact assessment carried out by appropriately qualified persons, in terms of the use and noise breakout from the building when functions are in operation. Any required mitigation agreed must be implemented in full before the hotel is brought into use, and adhered to thereafter. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The aim of the required assessment shall be to identify the potential noise breakout from the structure and its impact on noise sensitive receptors. Should the assessment find that the noise level from amplified music be above NR20 at noise sensitive receptors then a scheme of noise mitigation/management measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure any potential for residential disturbance from the use of the function room is fully addressed by the development, as required by the NPPF.

6. In view of the proximity of the proposed development to nearby residential premises the applicant shall prepare and submit a Construction Management Plan (CMP) to the local planning authority for approval. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance

taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- No works, other than site investigation works, shall be permitted to start on site until the CDMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: to ensure any potential for residential disturbance from the construction period is fully addressed by the development, as required by the NPPF.

7. For contaminated land, the development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b or c are not required. Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(b) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out and where necessary a Phase 3 Remediation Strategy shall be prepared. The development shall be completed in accordance with any amended specification of works.

(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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

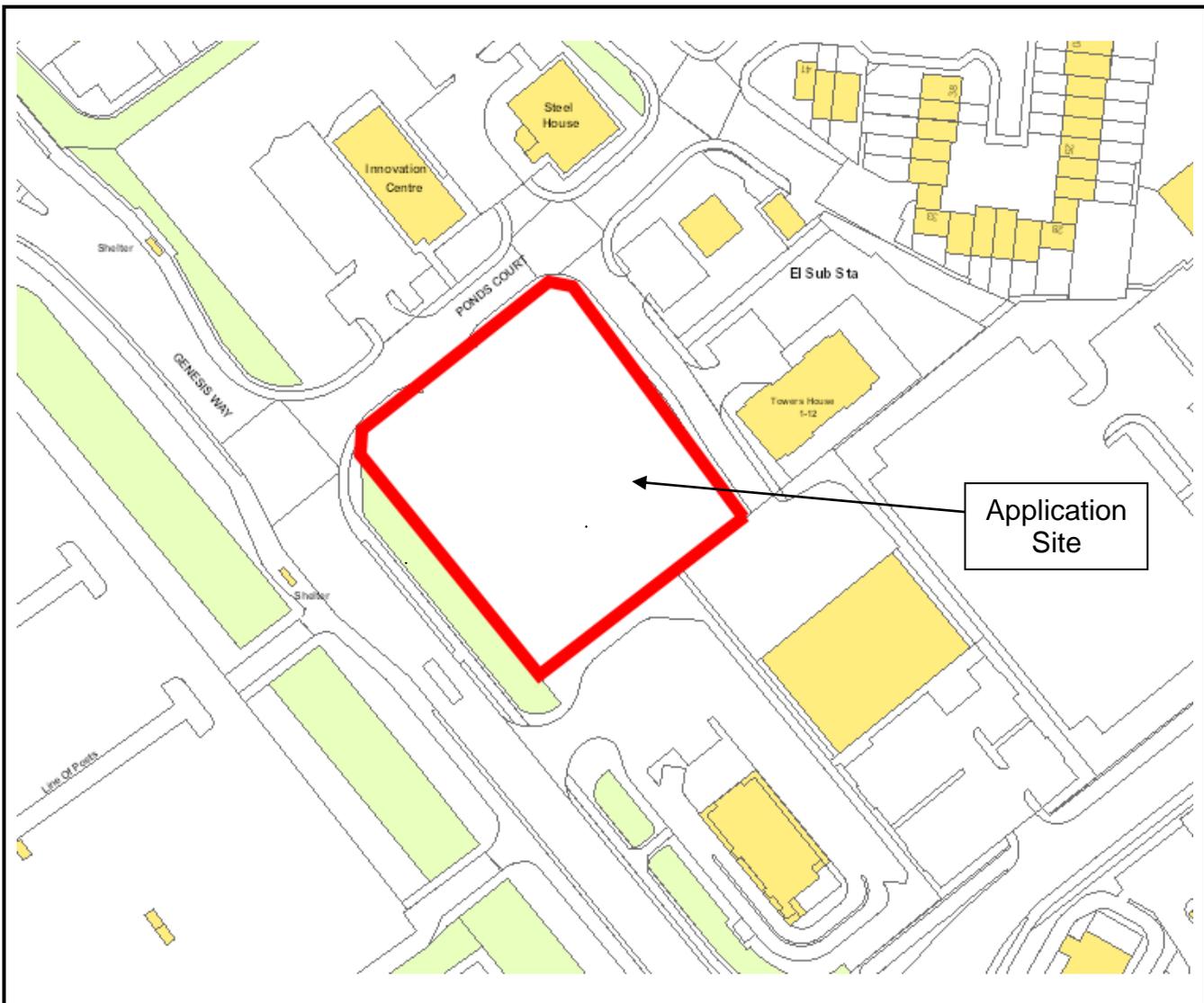
Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Derwentside District Local Plan (saved policies 2009)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



Planning Services

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Erection of 65 no. bedroom hotel with function suite, Managers Flat, parking and landscaping

Application Number DM/17/01128/FPA

Comments

Date 27th July 2017

Scale NTS



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 6

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of planning permission for outline planning permission for residential development (C3) (all matters reserved except access) including the demolition of No. 7 The Paddock at the Paddock, Lanchester, Durham, County Durham, DH7 0HW (DM/16/00871/OUT).

Reported to Committee in June 2016, this application was refused by Members for the following reason:

The proposal encroaches into the open countryside causing harm to the environment and protected trees contrary to policies EN1, EN2, and EN11 of the Derwentside Local Plan 1997.

The Inspector confirmed the main issue to be whether the proposal would have an adverse effect on the character and appearance of the area, having regard to its location within the countryside, and an adverse impact on protected trees.

The site was acknowledged as in open countryside, and that the existing evergreen tree belt screened The Paddock in views approaching Lanchester. It was accepted that the proposal would result in a permanent and adverse change to the character and appearance of the appeal site itself, and the development would therefore, to some extent, run contrary to The NPPF's core planning principle of recognising the intrinsic character and beauty of the countryside. Local Plan Policy EN6 and the Area of High Landscape Value designation which set out the need to protect and enhance valued landscapes were noted, *'However, although the land is pleasant, on the basis of the limited evidence from the Council and my observations of the site, there are no overall specific characteristics of the appeal site which have been drawn to my attention which would warrant its full protection over and above any other area of countryside'*.

The applicant's proposed landscape buffer was considered a 'reasonable approach' to mitigate the visual impact of the proposals, and it was concluded the *'development of the appeal site would, with appropriate detailing of planting and visual mitigation, be acceptable in the context of the wider overall character of the rural landscape. I accept that the development would amount to a change to the existing disposition of land use and an intrusion into the countryside immediately to the south of Lanchester, but not that the resultant effect would be the loss of the semi-rural character of the southern approach or an overall adverse effect on the AHLV'*.

As regards the effect of the new access through the TPO'ed tree belt, the Inspector concluded, *'I am satisfied that any loss would be limited in its scope compared to the overall visual contribution of the remaining mature tree belt'*.

Considering other possible harms, the Inspector noted he had not been provided with any conclusive evidence that existing schools, doctors' surgeries or retail would be adversely affected by the proposed development, or that there would be insufficient capacity to be able to accommodate the increased demand. The site was considered accessible to local services and facilities. That the Highways Authority was satisfied with the proposal and no technical evidence had been submitted to support concerns relating to highway safety led to the conclusion that this element of the proposals was acceptable. Likewise, whilst regard had been given to resident's testimony on matters of drainage and flooding, he had, *'not been provided with any compelling evidence why issues or matters related to the drainage of the appeal site could not be appropriately addressed and mitigated, as set out in the submitted Flood Risk Assessment and Surface Water Management Plan'*.

There was no reason found as to why issues of design, scale and layout, and effects on residential amenity and loss of view could not be addressed successfully at the reserved matters stage. The development was not expressly described for or restricted to self-build. There was no violation of the resident of 8 The Paddock's human rights.

The Council's lack of a formal 5 year housing land supply was acknowledged along with the assessment that, *'any shortfall is unlikely to be significant'*. That the development would provide up to 14 dwellings towards housing delivery would count in, *'moderate weight in support of the proposals'*. It was acknowledged that economic benefits would accrue from the proposals.

Working through the planning balance and conclusion, the site was considered in an accessible and sustainable location and make a positive social contribution to the local housing market, bringing associated economic benefits. There would be an adverse impact on the site, but the overall impact on the landscape character of the area would not result in an unacceptable overall impact. There would be limited visual harm to the protected trees on the site. *'Nevertheless, being mindful of paragraph 14 of the Framework, I am satisfied that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development. As a consequence, the scheme does represent sustainable development'*.

The appeal was allowed on this basis. No application for costs was made.

Report prepared by Steve France, Senior Planning Officer.

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