

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/18/02937/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline planning application for up to 105 dwellings (97 shown on indicative plan) with all matters reserved except access (amended description 20/12/2018)</b>
<b>NAME OF APPLICANT:</b>	<b>iMpeC Real Estate Ltd</b>
<b>ADDRESS:</b>	<b>Land To The South East Of Fieldfare Court, Crookgate Bank</b>
<b>ELECTORAL DIVISION:</b>	<b>Burnopfield and Dipton</b>
<b>CASE OFFICER:</b>	<b>Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a roughly rectangular shaped parcel of land located immediately to the south east of Fieldfare Court and lies within Crookgate Bank. The site extends to approximately 4.9ha and comprises of a single agricultural field. There are hedgerows, albeit with gaps, to the north-east, south-east and south-west boundaries. An area of mature woodland, protected through a Tree Preservation Order (DER-145), extends along the western and south western boundaries. Land levels across the site are relatively even (approx. 4 metres variation across the site) with the site sitting on an elevated ridge therefore occupying higher ground in comparison to surrounding areas.
2. Immediately to the north of the site lies Barusclose Lane which provides highway connections to Burnopfield to the north-west and Tanfield to the south. The site is bordered to the north-west by residential properties with the A692 and Burnopfield lying beyond. Hobson Golf Club lies to the south, agricultural fields and open countryside lie to all other sides.
3. Two Public Rights of Way (PROW) lie within the site. Footpath no.80 (Stanley) roughly crosses the middle of the site (N/S) and connects onto Footpath no. 79 (Stanley) which runs alongside and within the majority of the site's southern boundary. A number of unrecorded desire lines also cross the site, most notably through the woodland area connecting Barusclose Lane to footpath no.79.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. A number of Local Wildlife Sites (LWS) lie close to the development site including Burnopfield Meadow (approx. 700m to the west), Beckley Wood (approx.700m to the north-east/east) and Causey Burn Wood (approx.1.3km to the east/south-east). The site lies approximately 1.5km to the north west of Tanfield Lea

March Local Nature Reserve (LNR) and 1.8km to the west of Causey Bank Mires Site of Special Scientific Interest (SSSI). Approximately 500m to the south of the site lies the northern edge of Tanfield Conservation Area (CA) which includes a number of Grade I, II\* and II listed buildings. Burnopfield Conservation Area, containing Grade II\* and II listed buildings, lies approximately 720m to the north west of the site.

## The Proposal

5. The application seeks outline planning permission for up to 105 dwellings (originally proposed 110) with all matters reserved except access. Access into the site would be taken from Barcusclose Lane via a new priority T-junction and ghost island facility. The scheme also includes proposals to reduce the speed limit to 40mph along the site frontage as well as incorporating traffic calming measures such as painted road markings, village welcome and please drive carefully signage. The proposals also include extending the existing footpath along Barcusclose Lane in addition to two new pedestrian refuge islands linking the site to the surrounding PROW network and the relocation of the existing south bound bus stop.
6. The application is accompanied by indicative site layout plans for 97 units although consent is sought for up to 105 units. Being an outline application there is no defined mix at this stage however the indicative plan suggests a mixture of detached, semi-detached and terraced properties are proposed including 2-5 bed homes and bungalows. The plan indicates that amenity open space would be provided around the site's boundaries including SuDs features. Supporting reports outline that existing hedgerows, trees and PROWs are sought to be maintained and enhanced however the hedgerow along Barcusclose Lane would require removal to accommodate highway works. Landscape planting is proposed in the form of a 10m wide buffer to the eastern and partially along the southern boundary with new hedgerow and tree planting along Barcusclose Lane.
7. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal on a site in excess of 4ha.

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## **PLANNING HISTORY**

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8. There is no relevant site history relating to application site. The residential development immediately to the north west was consented in the late 80's.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section

of the report. The following elements of the NPPF are considered relevant to this proposal.

11. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
14. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions,

minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

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

The Derwentside District Local Plan (DDLPL) 1997

23. *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.
24. *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.
25. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging/coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.

26. *Policy EN9 – Works to Trees Covered By Preservation Orders* - Only allows the cutting down, loping, pruning, topping or uprooting of protected trees if the work is necessary because of good arboricultural reasons or the survival or growth prospect of other protected trees is threatened, or if the tree is causing structural damage and no other remedial action is possible, or the tree is a danger to life or limb.
27. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
28. *Policy EN19 - Protection of Sites and Settings of Ancient Monuments and Archaeological Features* – seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
29. *Policy EN26 - Control of Development Causing Pollution* - permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
30. *Policy HO5 - Housing Development on Small Sites* - Lists settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
31. *Policy HO22 – Recreational Public Open Space within Housing Layouts* - states planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development.
32. *Policy AG1 - Protection Of Better Quality Agricultural Land* – Development of Grade 2 of 3a agricultural quality will only be permitted provided there is no irreversible loss of agricultural land or no other sites of lower grade land exists where the development could reasonably be sited.
33. *Policy RE4 - Protection of Public Footpaths* - Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
34. *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.
35. *Policy TR3 – Cycling* – Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

#### **EMERGING PLAN:**

##### The County Durham Plan

36. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to

which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16<sup>th</sup> January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

37. *Highway Authority* – The Transport Assessment shows that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network. The site access arrangements and highway improvement works are considered to be acceptable in principle however a condition is required to secure the full engineering details and its full implementation on site.
38. *Northumbrian Water Limited* – Raise no objection provided that a condition relating to foul and surface water drainage is imposed.
39. *Drainage and Coastal Protection* – Advise a conditional approach to deal with the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design, maintenance regime and subsequent delivery of the scheme prior to submission of any reserved matters application.

### **INTERNAL CONSULTEE RESPONSES:**

40. *Spatial Policy* – DDLP Policies EN1 and EN2 seek to protect the countryside from inappropriate development and preventing urban sprawl therefore would indicate that the scheme should be resisted. The site has also been assessed through the SHLAA and was deemed unsuitable (amber) on account it would result in significant adverse landscape and visual impacts and would be poorly contained within the existing settlement layout. The application should be subject to the planning balance exercise outlined in Paragraph 11d of the NPPF. Whilst recognising there are some benefits associated with the scheme, the potential impacts to the countryside and whether this site represents a sustainable location for new housing development will also be a key consideration in the planning balance exercise.
41. *Landscape* – Effects on the landscape of the site and the immediate local landscape would be substantial and transformative. Development would entail a conspicuous incursion of built form into open countryside beyond a well-defined and mature settlement edge. Although landscaping is proposed to mitigate this impact it would take 15-20 years for this to fully develop and soften the appearance of the development however it would essentially remain suburban in character.
42. *Arboriculture* – The submitted arboricultural report outlines work to retain existing trees however that there are a number that require further diagnostic tests. The street trees shown within the indicative plan require further thought to ensure their long-term survival and consideration should be given to the use of tree pits. A tree protection plan (TPP) condition is required to be imposed.
43. *Archaeology* – The geophysical survey notes archaeological potential on the site and recommends trial trenching evaluation. No objection is raised subject to a condition to secure this work in advance of a Reserved Matters submission.

44. *Design and Conservation* – Accepted that the proposed development will have limited impact on the setting of the heritage assets within close proximity of the site.
45. *Ecology* – Raise no objections subject to a S106 agreement to secure financial contributions and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity therefore a contribution of £10,728.20 is required to deliver 0.7ha of offsite species rich grassland. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required at this stage. Conditions are required to secure a Mitigation Strategy prior to works commencing as per Part E of the report in addition to a management plan for the habitats to be created on site including an appropriate monitoring programme.
46. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised subject to a condition relating to a dust action plan. The development will not have a significant effect on air quality and there is no requirement to undertake further assessment.
47. *Environment, Health and Consumer Protection (Pollution Control)* – No objections subject to a condition to secure a construction management plan.
48. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
49. *Housing Delivery* – Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable (social) rent and intermediate tenure. There is also a requirement for 10% of all the private and intermediate properties to be for older people.
50. *Public Rights of Way* – There are registered rights of way crossing and adjacent to the development site as well as a number of unrecorded desire lines. Any deviation of either of the two registered public footpaths away from the definitive routes to accommodate the development will require a diversion application under the relevant legislation. The development will place additional pressure on the network therefore a contribution of £45,000 is sought.
51. *School Places Manager* – It is considered that the development is likely to produce 32 primary pupils and 13 secondary pupils. There are sufficient secondary places available, but insufficient places at the nearest primary school. Consequently, a contribution of £470,496 would be required for the provision of additional teaching accommodation.
52. *Sustainable Travel* – A contribution of £101,400 is sought to strengthen the existing M8 bus service through providing extra journeys at peak times and extending the afternoon/evening operation to cater for worktime travel and provide a more robust daytime operation (Mon-Sat). The submitted Travel Plan (TP) does not meet DCC standards therefore conditions are recommended to ensure the TP is agreed and implemented.

#### **EXTERNAL CONSULTEE RESPONSES:**

53. *North Durham Clinical Commissioning Group* – Based on a standard approach to costing the impact of additional housing growth a financial contribution of £7,245 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective.

54. *Police Architectural Liaison Officer* – The crime risk assessment for the proposed development is low. From a ‘Design out Crime’ perspective the layout is very good therefore the final design should not deviate from this.

#### **PUBLIC RESPONSES:**

55. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

#### Objection

56. 18 letters have been received from neighbouring properties objecting to the proposal. The main concerns are summarised as follows:

#### *Principle of development*

- The site has been assessed in the SHLAA and has an unfavourable (amber) classification. Nothing has changed since this assessment was undertaken which would allow for a more positive outcome.
- Represents an unnecessary expansion to the village extending it beyond the current, natural, physical boundary of the woodland area to the east of Fieldfare Court.
- New homes are not required especially given the consented mixed-use development including residential at the former Ever Ready Industrial Estate at Tanfield Lea, Stanley. Affordable housing was also secured as part of this development. Development has also been approved for 14 new homes on the site of Pickering Lodge Nursing Home and also near Lobley Hill, Gateshead.
- There are more preferable and suitable brownfield sites to develop before greenfield sites such as this are considered.
- Whilst noting the relative proximity of the site to Burnopfield, Crookgate is a separate settlement detached from Burnopfield by the A692. Crookgate is considered to be a small hamlet and the proposal represents a significant increase to its size. It is questioned whether the site therefore represents a sustainable location for new development.

#### *Highway safety*

- Concerns regarding the additional volume of traffic that will use Barusclose Lane especially at the junction with the A692 which already suffers from significant queuing at peak times
- Additional volumes of traffic will go through Tanfield Village where there are already concerns with parking, speeding traffic and road traffic accidents.
- Motorised trips from the site into Burnopfield would most likely involve a sharp left hand turn off the A692. This is far from a satisfactory road junction therefore question whether it is suitable for further traffic. The safer, light controlled access into Burnopfield is noticeably further away from the site.
- The proposed alterations to the speed limit are inadequate and consideration should be given to changing the speed limit to 30mph along Barusclose Lane and also the use of signals at the A692/Barusclose Lane junction.
- The A692 is already busy, the development would add to this, however there are no crossing points. Given the volume and speed of traffic this is considered to be dangerous and a concern.
- Barusclose Lane is damaged in areas with uneven surfaces and potholes.

#### *Other matters*

- The proposal would change the character and appearance of the village.
- The widening of the road would destroy the rural aspect



- The loss of countryside and the impact that this will have on wildlife including protected species
- The site is valued by locals for recreation and walking. Development of the site would diminish this.
- Queuing traffic will have a severe negative impact on the environment from increased emissions.
- Concerns that existing drainage problems on the site will be made worse through the development of the site.
- Fear of crime and anti-social behaviour taking play in the proposed adventure play area especially given the proximity to existing housing. As there are existing play facilities within close proximity of the development it would be better to upgrade existing infrastructure. If the play area goes ahead how will it be maintained? Motorcycle barriers should be placed at the site entrances to try minimise potential disorder.
- Potential impact to TPO trees as a result of the proposed adventure play area also need to be considered.
- Query whether affordable homes will be proposed.
- The highways works would involve extending the street lighting beyond what is already there causing light pollution.
- That 2 ½ dwellings/townhouses are not in keeping with the surrounding area
- Concerns regarding the extent of the public consultation exercise undertaken by the developer and that they have not responded to queries when raised

57. A letter of objection has also been received from the Campaign for the Protection of Rural England (CPRE) who are objecting to the development on the grounds that;

- The development is contrary to a number of policies within the Derwentside District Local Plan so should be refused unless material considerations indicate otherwise.
- The development represents encroachment into the countryside resulting in urban sprawl contrary to DDLP Policies EN1 and EN2. These policies are not considered to be housing supply policies therefore they are not out of date and can be given weight in the determination process.
- DDLP Policy H5 permits small developments in certain locations including Crookgate however as this proposal relates to 100+ houses it draws no support from the policy. Policy HO5 is considered to be housing supply policy however it doesn't necessarily follow that weight cannot be attributed to it.
- Recent committee reports indicate that there is in excess of a 5 year housing land supply therefore additional housing is not required.
- There are no material planning considerations to justify a decision contrary to Policies EN1, EN2 and HO5 of the Derwentside District Local Plan.
- Crookgate is a hamlet separated from Burnopfield by a busy road which is a material consideration in determining whether this is a sustainable location for development.

## Support

58. 17 letters of support have been received outlining;

- The development would be a fantastic addition to Burnopfield with safe streets for children, it appears to provide a spacious development and areas to encourage walking and wildlife.
- There are a lack of suitable homes in the area. The proposals indicate a range of homes would be available including affordable and the potential for bungalows.
- It would allow people to move closer to their place of work.

- New housing would support local businesses and sports facilities.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFO774GDFME00>

## **APPLICANTS STATEMENT:**

59. An applicant's statement was submitted on 13/02/2019 and is available to view in full on public access. It includes an executive summary which is provided below;

- The proposed development will provide up to 105, much needed, new homes for the 'Local Service Centre' of Burnopfield.
- 16 homes (15%) will be 'Affordable Homes'.
- A **minimum** of 10% of the new homes will be bungalows for older people, responding to significant local demand.
- **£938,654** will be contributed to the local area via S106 payments. It should be noted this is up to £400,000 more than the DCC Local Plan Viability Testing Report (June, 2018) concludes is appropriate for a site in this location.
- The new homes will support local businesses retain and attract employees by providing a choice of new homes, such as those businesses within the Hobson Industrial Estate which is a 20-minute walk from the proposed development.
- The occupants of the new homes will provide a much needed increase in local spending helping to support nearby services and facilities, such as the Cricket and Golf Clubs.
- The development will deliver a new improved local highway solution which will reduce the speed of cars travelling along Barcusclosure Lane (a Significant concern expressed by local residents). This solution is fully supported by the DCC Highway Officer.
- Through the construction and delivery phase, the development will support the employment of 341 people.
- The local woodland (currently private ownership) will be retained, enhanced and opened up to local residents for their enjoyment. Furthermore, there will be improvements made to the existing local footpath network and new footpaths delivered on site and on the adjacent highway.
- The new homes will deliver approximately £163,020 per annum of Council Tax Revenue, this is in addition to approximately £912,912 of New Homes Bonus.
- The site is within close proximity to public transport, local services and employment and thus is highly sustainable.
- The Applicants Statement demonstrates that the development is acceptable in principle when taking into account NPPF and the appropriate weight afforded to saved policies GD1, EN1, EN2, EN11, HO5 and TR2.
- This Applicant Statement outlines, that with the sole exception of the effect on the Local Landscape, there is an agreed position with the Planning Authority on all other planning aspects.

### Local Landscape:

- The settlement of Burnopfield is not subject to any specific development limits or settlement boundary as defined within the Development Plan which would restrict development in this location.
- It has been confirmed by all parties that the site bears no local or national designated landscape status which would require significant protection within the development plan.
- The development is in keeping with the local landscape character, as defined by the 'West Durham Coalfield County Character Area', which identifies existing settlements scattered along ridge tops.

- The development will not result in the merging of any settlements.
- The layout and landscape proposals have been developed with an accelerated mitigation planting technique to both minimise the potential landscape impact on the local area and significantly enhance the local landscape structure. The proposed new planting, including groupings of trees, is in keeping with the local landscape character. These measures are in excess of what would be expected for such a site with no protected landscape status.
- The proposed scheme is low density with only 8.5 new homes per acre, thus delivering a development of appropriate scale and in keeping with the sites 'urban fridge' status.

#### Summary:

- The Applicants Statement evidences that the application benefits from the presumption in favour of sustainable development as outlined in NPPF.
- The site when considered against the NPPF economic, environmental and social dimensions represents 'Sustainable Development'.
- It is demonstrated the site is available for development, achievable in the short-medium term and deliverable.
- There is demand now for a range of housing in **quality** locations, such as this site, within Burnopfield.
- It is demonstrated that the development proposals would not result in any adverse impacts that would significantly or demonstrably outweigh the benefits when taken as a whole and as such should receive planning approval.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, impact on the character and appearance of the surrounding area, ecology, infrastructure and open space provision, affordable and accessible/adapted Housing residential amenity, flooding and drainage, heritage and archaeology and other matters.

### The Principle of the Development

#### The Development Plan

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan (DDLDP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
62. The DDLDP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.

63. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
64. No saved policies within the housing chapter of the DDLP are directly applicable to the site and development which directs upon the principle of housing at this site. Policy H05 is a saved policy and provides advice in regards to housing development on small sites. However, the application site does not constitute a small site as discussed under Policy H05 and therefore is not strictly applicable.
65. Policies EN1 and EN2 of the DDLP which relate to protection of the countryside and preventing urban sprawl are applicable to the development proposal and are policies most important to the determination of the application. More detailed discussion on the assessment of the proposals against these key policies is provided elsewhere in the report. The general thrust of the advice to protect the countryside and prevent harmful incursions into the countryside are considered to be consistent with advice within the NPPF and substantial weight to the policies can therefore be afforded. However, the policies are informed by evidence of significant age and in this sense cannot be considered fully up to date. As a result the application must be considered in the context of the planning balance at NPPF paragraph 11d.

#### Five Year Housing Land Supply

66. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
67. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
68. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement

on 5 YHLS until April 2019 at the earliest. It was therefore impossible for the Council to have such an annual position statement in place at the time of the appeal.

69. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.

#### Locational Sustainability of the Site

70. DDLP Policy GDP1 amongst its advice states that the form of development should be appropriate to the sites location and located to conserve energy. The justification to the policy states that development should be carefully located to reduce the need for additional car journeys and should be easily accessible and capable of being served by public transport. DDLP Policy TR2 requires that development proposals would have satisfactory access to the public transport network. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments and Policy RE4 seeks the protection of public footpaths. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport.
71. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Whilst Crookgate Bank is not specifically listed, the settlements closest to it to are including Burnopfield which is rated as having a settlement score of 49.8, the Pickering Cluster (Pickering Nook and Hobson) as scoring 15 and Tanfield as scoring 4.5. Given the relative lack of services within the Pickering Cluster and Tanfield as evidenced by the low settlement scores, it would appear that future residents would be more likely to look towards Burnopfield as the nearest settlement to meet their living needs.
72. Burnopfield benefits from a range of facilities including a primary school, community centres, social clubs, GP surgery, public houses, places of worship and local convenience stores/supermarket therefore is relatively well serviced. Nevertheless, the application site is significantly detached from these services. Burnopfield Primary School is located approximately 1.7km from the closest part of the application site and the GP's surgery is around 2.1km away. The nearest convenience store lies around 1km from the site boundary. All of these are either at the very upper limits or exceed the preferred maximum walking distance (1200/2000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". Walking therefore isn't considered to be an attractive prospect not only in light of the distances involved but given the route involves crossing a busy section of the A692, cutting through a heavily wooded area albeit partially lit or alternatively extending your journey length quite considerably by continuing along the A692 and then cutting back on yourself along the B6310. Regardless of the route taken it involves sections with steep gradients. For similar reasons cycling is also unlikely to be a viable alternative.

73. Two Public Rights of Way (PROW) lie within the site. Footpath no.80 (Stanley) roughly crosses the middle of the site (N/S) and connects onto Footpath no. 79 (Stanley) which runs alongside and within the majority of the site's southern boundary. There are also a number of unrecorded desire lines which cross the site most notably through the woodland area connecting Barusclose Lane to footpath no.79.
74. The shortest pedestrian routes from the site into Burnopfield involve walking through the woodland where users have the option of utilising three public footpaths (no.s 189, 190 and 192) depending at which point they want to exit onto the B6310 Front Street. Not all routes are fully lit. The Transport Assessment acknowledges that the walking route to Burnopfield Primary School includes some sections that are relatively steep therefore offers a contribution of up to £20,000 to secure improvements to it. There are however a number of public rights of way in the vicinity of the site and given the level of development proposed it is anticipated that there would be a considerable increase in footfall arising as a result. Public Rights of Way officers therefore consider that a contribution of £45,000 would be more appropriate to mitigate the impact to and secure improvements towards the local public rights of way network. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. The contribution sought would accord with the intentions of the NPPF and could be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
75. The indicative plans and supporting statements suggest that the two public rights of way (no.79 and 80 Stanley) directly affected by the proposal would be accommodated within the scheme and the desire line through the woodland area is proposed to be formalised. Any deviation to either of the two registered footpaths would require a diversion application under the relevant legislation. The proposal therefore has the potential to comply with DDLP Policy R4 and paragraph 98 of the NPPF. No objection is raised from the PROW team subject to the securing the financial contribution.
76. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments. The TA outlines that Barusclose Lane can be used as an on-road cycle route to Burnopfield for those who are confident with vehicular traffic and that there are connections points onto a National Cycle Route within the wider Burnopfield area. The response from the Sustainable Travel team offered no comments in relation to potential improvements for cyclists.
77. New footways and a refuge island are proposed as part of the scheme to connect the site with the existing pedestrian infrastructure and to provide links to the existing bus stops. These are located on Barusclose Lane near to the entrance with Plover Drive and to the north of the site. Whilst a large proportion of the site would lie within the recommended 400m walking distance criteria to bus stops more eastern parts of the site would not. The M8 service that operates from these stops is relatively weak being a daytime service, running Monday to Saturday on roughly an hourly basis between Stanley and the MetroCentre. Whilst other services operate along the A692 these stops are a considerable distance away and well outside of the recommended distances.
78. The Sustainable Travel team consider there is an opportunity to strengthen existing public transport provision and have been in contact with Go North East regarding extending the scope of the M8 service to include additional journeys at peak times, extending the afternoon/evening operation and provide a more robust daytime operation. The estimated cost of this would be £390 per week/£20,280 per annum. The contribution would be required over a period of 5 years to allow the service time to become established, increase patronage and ultimately move towards commercial sustainability. This requirement can be met by a planning obligation secured through

S106 of the Town and Country Planning Act 1990. Although the contribution would help to improve some aspects of the service other concerns remain including that only this one service operates from the local bus stops and there is no direct bus route from the site into Burnopfield. Such circumstances would make reliance on public transport unappealing meaning future occupiers would be much more likely to rely on private car journeys to access employment, amenities and service opportunities.

79. Whilst a Travel Plan (TP) has been submitted in support of the application it does not currently meet the required DCC standards. Conditions would therefore be required to secure a suitable TP and its implementation thereafter. In practice however, sustainable transport aspirations are unlikely to be fulfilled placing a reliance of the private motor vehicle. This is considered to conflict with advice on promoted within both the NPPF and DDLP Policy GDP1.
80. Furthermore, any development which takes place should be commensurate with the role and function of the settlement. Crookgate Bank is physically detached from Burnopfield and essentially comprises of a couple of hundred houses with the only facilities of note being a café off the A692 and a children's play area. It is not considered that the addition of up to 105 dwellings at land off Barusclose Lane would be appropriate especially considering the scale, form and location of existing development.
81. Local residents have written in to express concerns that there are more favourable brownfield sites to develop out before considering greenfield sites such as this and there is sufficient new development consented in the surrounding area. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land. However, any adverse impacts of development on greenfield land should be considered in the planning balance.
82. Further detailed discussion on the highways and access implications of the development is made in the below section. However, the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It highlights the overarching economic, social and environmental objectives which are interdependent. Significant development should be focused on locations which are or can be made sustainable in location and accessibility terms. The site is considered to score poorly in terms of locational sustainability and as such would be contrary to advice contained within DDLP Policies GDP1 and TR2 and relevant sections of Part 9 of the NPPF in this regard.

#### Highway Safety and Access

83. DDLP Policy TR2 requires that development proposals achieve a satisfactory means of access onto the wider highway network This policy is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraphs 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety including the capacity of the road network to accommodate additional flows have been raised by local residents.
84. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The TA demonstrates that the traffic flows associated with the proposed development will be satisfactorily accommodated on the local road network and no mitigation is required. The Highways Authority is satisfied with the submitted TA including the

modelling undertaken and conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network.

85. The means of access to the development is a matter for consideration in this application and the developer has put forward a comprehensive scheme of works. Access into the site would be taken from Barusclose Lane via a new priority T-junction and ghost island facility. Although the existing speed limit along the site frontage with Barusclose Lane is 60mph changing to 30mph just prior to the junction with Plover Drive speed survey results have demonstrated that a number of vehicles are travelling above the speed limit within the 30mph zone. The proposal therefore includes plans to reduce the speed limit along the site frontage to 40mph with traffic calming features including painted road markings, village welcome and please drive carefully signage. A new 2m wide footway link is also proposed along the vast proportion of the site frontage with Barusclose Lane linking the site to the existing pedestrian network. Two new pedestrian refuge islands are proposed to be introduced to aid pedestrian movements from the site to footpath no.80 that runs north towards Crookgate Farm and to accommodate pedestrians crossing to arrive/depart from the south bound bus service. The latter would involve relocating the existing bus stop slightly to the south-east to accommodate the island and also a new footpath to it. The onsite layout and parking provisions partially detailed on the indicative plans are noted although such details would need to be the subject of any future reserved matters application.
86. The Highway Authority consider that the proposed arrangements offer the opportunity for the delivery of a safe and suitable access for all users. A condition would be required to secure the detailed design and its implementation within certain timescales thereafter. Subject to this condition the Highway Authority raise no objection to the development.
87. Overall, the highways impact of the proposed development are considered to be acceptable, subject to the imposition of a condition, in accordance with DDLP Policy TR2 and Part 9 of the NPPF. Notwithstanding this, concerns regarding the locational sustainability of the site still persist.

#### Impact on the character and appearance of the surrounding area

88. DDLP Policies EN1 and EN2 seek to protect the countryside and prevent urban sprawl including through only allowing developments which maintain or enhance landscape character, are sensitively related to existing settlement patterns and don't encroach into the surrounding countryside. DDLP Policy GDP1 expects developments to achieve a high standard of design which is in keeping with the character and appearance of the area, the protection of existing landscaping and the provision of adequate landscaping within the design and layout of the site. Policies EN9 and EN11 of the DDLP outline that trees covered by preservation orders should be protected and retained with removal only to be permitted on specific grounds. The aforementioned policies are reflected in Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. It is therefore considered that substantial weight can be afforded to DDLP Policies EN1, EN2, EN9, EN11 and GDP1 due to their compliance with the NPPF in this respect. Albeit policies EN1 and EN2 are nevertheless not fully up to date. The key policy considerations therefore are whether the site reads as an appropriate natural extension to the settlement or appears as an incursion into the open countryside and whether it represents good design. The application site has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/BU/08) has an unsuitable (amber) classification on account that development would result in significant



adverse landscape and visual impacts and would be poorly contained within the settlement layout.

89. The site lies in the *West Durham Coalfield* Character Area which forms part of the larger *Durham Coalfield Pennine Fringe* National Character Area (NCA 16). It lies in the *Northern Coalfield Uplands* Broad Character Area which belongs to the *Coalfield Upland Fringe* Broad Landscape Type. The site lies on the ridge between the Derwent Valley to the west, the Kyo Burn Valley to the south and the Beamish and Causey Burn Valleys to the north and east. The site is made up of a single arable field on the relatively flat ridgetop. There are hedgerows, albeit containing gaps in areas, to the north-east, south-east and south-west boundaries. A copse of broadleaved mature woodland, protected through a Tree Preservation Order (DER-145), extends along the western and south western boundaries. The site does not lie within a locally or nationally designated landscape. The application is accompanied by a Landscape Appraisal which provides a broad overview of the surrounding site context, the potential landscape and visual effects which may arise as a result of the development and possible mitigation measures to address the potential effects.
90. Given the site occupies an elevated position on a ridgetop it is visually open to the north, south and east and therefore visible from a number of general and some greater distance views including those in much of the surrounding footpath network. It is generally well screened in views to the west by intervening housing in the locality and the existing landscaping within the golf course. The existing woodland copse to the south east of Fieldfare Court creates a strong and effective settlement edge and largely screens the development beyond. The site lies within the open countryside where the surrounding area is strongly rural in character.
91. Development in this location would have a substantial and transformative impact on the immediate local landscape. It would form a spur extending southwards entailing an element of ribbon development. Development of the site would not form a natural extension to the existing pattern of development but represent a significant incursion into the countryside and an attractive landscape beyond a well-defined and mature settlement edge. It would introduce an urban element which is largely missing at present due to existing development being barely visible through the mature vegetation. Whilst landscape mitigation in the form of 10m structural planting is proposed along the SE and SW edges of development these measures would not be sufficient to help mitigate the landscape impact until such time as they are fully matured (15/20 years). In the interim the effect on the landscape would remain substantial. The proposed hedging, swales and tree groups along Barcusclose Lane in addition to any enhancements to existing hedgerows around the site perimeters would also sit in a suburban rather than rural setting.
92. In the wider local landscape and within around a 2km range the development would be read as a relatively conspicuous incursion of the built form on a prominent ridgeline. This change in character would involve a more noticeable change in views from the south-west and from the north to a lesser degree. Overall the proposals are considered to be harmful to the character of the local landscape, with its most significant effects being in the immediate locality.
93. The layout, appearance, scale and landscaping arrangements of the proposed development is not under consideration at this stage but an illustrative site plan showing an indicative site layout for 97 units (although it should be noted that up to 105 units have been applied for) has been submitted. This suggests that the development would be arranged in an informal grid pattern and outlines the proposed landscape strategy. An objection has been received from a local resident concerned that 2.5 storey dwellings would not be appropriate to the character and appearance of the area. Such

matters are not under consideration at this stage as there is no defined mix given this is an outline application.

94. Access is a matter for consideration and as previously outlined within the report a comprehensive package of works is proposed. This essentially involves widening the carriageway from two to three lanes, a new 2m wide pedestrian footway running along almost the entire site frontage with Barcusclose Lane, pedestrian refuge islands, street lighting in addition to gateway entrance features in the form of signing and lining. This would also result in the removal of the existing north eastern boundary hedge in its entirety. It is considered that these works would have a highly transformative and urbanising effect on what is currently an attractive rural approach into Crookgate Bank.
95. There are various trees and hedgerows on the site which contribute positively to the character of the local area including trees covered by means of TPO. The Council's Arboriculture Officer raised no objection to the scheme provided conditions are imposed to secure protection measures to the trees and hedgerows to be retained. They also note further consideration is required with regards to the proposed street trees to ensure their longevity.
96. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP and Part 12 and 15 of the NPPF particularly paragraphs 127 and 170 which promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

## Ecology

97. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. DDLP Policy GDP1 requires the protection of designated sites, those species protected by the Wildlife and Countryside Act and that there is no harmful impact on the ecology of the District.
98. An ecology survey has been submitted in support of the proposal which outlines that there are no statutorily or non-statutorily designated sites on the proposed development site or in close proximity of it. No rare or unusual plants were found within the site boundary and none of the hedgerows are protected under the Hedgerows Regulations 1997. The preliminary appraisal concluded that badgers, roosting, foraging and commuting bats, breeding birds, common frogs and common toads, brown hares and West European hedgehogs were likely to be present or potentially present on and within the vicinity of the site, particularly around the field boundaries. There is also a chance, albeit unlikely, of individual or low numbers of great crested newts and wall butterflies using peripheral site habitats. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992.
99. Having regard to this information and based on the likely impacts of the development upon ecological interests Section E of the report recommends that a detailed mitigation strategy is prepared in advance of works commencing on site. As a minimum the mitigation measures would include the carrying out of works at times of the year where disturbance will be minimised, undertaking pre-commencement development checks, implementation of a sensitive lighting scheme, covering foundations and service

trenches at night, the installation of bat and bird nesting boxes and additional planting. The mitigation strategy can be secured by condition.

100. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £10,728 to be used towards offsite species rich grassland creation which would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). On-site improvement works in addition to a management plan for the habitats to be created on site including an appropriate monitoring programme could be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF.
101. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. Therefore, subject to securing a financial contribution to deliver biodiversity offsetting and conditions relating to securing a mitigation strategy and a management plan for habitats to be created including an appropriate monitoring programme the proposal would comply with DDLP Policy GDP1 and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

#### Infrastructure and Open Space Provision

102. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 32 primary age school pupils and 13 secondary age school pupils and there is insufficient capacity at the local primary school (Burnopfield Primary) to accommodate this need. A total contribution of £470,496 towards education provision is therefore required, secured as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
103. DDLP Policy HO22 seeks to ensure residential proposals provide sufficient public open space and play areas within the development to meet the needs of the residents or a contribution in lieu. This policy is considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA 2018) which is now considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
104. Having regard to the scale of the development it is considered that play space (children's), amenity open space and natural green space should be provided on-site. Given the scale of the development the children's play space would comprise of a non-equipped play area. As there is an existing play area in close proximity of the development on land adjacent to The Sycamores, (approximately 150m to the north west of the site) and the Council would not be prepared to adopt a new play area officers suggested that it may be more appropriate to secure an off-site contribution towards the enhancement of existing facilities. The developer has however outlined their intention to provide non-equipped facilities likely comprising of more natural and imaginative play items (e.g. logs to balance on, willow structures etc.) along the woodland edge. Planning conditions can secure the 3,465sqm of relevant on-site amenity open space

and natural green space in addition to the informal play area as well as their future management and maintenance. The development would generate a required contribution of £310,926 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.

105. Local residents have expressed a number of concerns in relation to the inclusion of a play area within the site including fear of crime and the potential for anti-social behaviour, the likely proximity of it to existing housing and resulting impact to amenity, that it would be better to upgrade existing facilities and the potential impact to protected trees. The inclusion of a non-equipped play area within a scheme of this size would be in compliance with the requirements of the OSNA. The detailed design and location of the play facilities would be fully considered if a reserved matters application came forward.
106. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The North Durham Clinical Commissioning Group (ND CCG) has advised that based on a standard approach to costing the impact of additional housing growth a financial contribution of £7,245 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. Further information has been requested from the CCG to justify the contribution sought and a verbal update will be provided to Members at Committee in this regard. Should the contribution be fully justified, to mitigate the impacts of the development a contribution would be sought to improve access to healthcare provision within the Burnopfield area which would be secured through via Section 106 Agreement.

#### Affordable and Accessible/Adapted Housing

107. In order to widen the choice of high quality homes and opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. DDLP Policy HO8 also encourages developers to provide an element of affordable housing on specific allocated sites. This site is not identified as being one of those sites and as a result the policy is not strictly applicable to this proposal.
108. The evidence base has now been updated within the Council's Strategic Housing Market Assessment (SMHA) which defines the type, tenure and quantity of housing required including that for affordable purposes and older people. It suggests that a proportion of affordable housing of 15% would be required on this site, amounting to 16 units in this case, with a tenure mix of 80% affordable rent and 20% intermediate tenure. It also demonstrates a need to provide 10% of the private or intermediate properties for older persons. It is considered that such provision could comprise of bungalows or suitably accessible/adapted homes. These requirements can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and then delivered via through reserved matters in the event planning permission is granted.

#### Residential Amenity

109. DDLP Policy GDP1 requires that new development proposals protect the amenities of neighbouring occupiers and land users. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to

secure a good standard of amenity for existing and future occupants of land and buildings therefore can be afforded full weight. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.

110. Based on the indicative layout and relationship with existing properties, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve acceptable separation distances between dwellings.
111. Environment, Health and Consumer Protection officers have not raised any objection to the development however note the potential for disturbance during the construction period. It is considered that conditions relating to a Construction Management Plan and hours of working would provide sufficient mitigation in this case. Similarly, they do not consider that the development will have a significant effect on air quality and there is no requirement to undertake further assessment. The proposal would therefore not conflict with DDLP Policy EN26 as there would not be an adverse impact on the environment having regard to the likely levels of air pollution. This policy is considered to be compliant with paragraph 181 of the NPPF and can be afforded full weight.
112. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured through the imposition of conditions. The development is therefore considered compliant with DDLP Policy GPD1 in this respect and Parts 8 and 15 of the NPPF.

#### Flooding and drainage

113. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. DDLP Policy GDP1 requires that development proposals provide adequate provision for surface water drainage and the protection of areas liable to flood from development. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision-making process.
114. The application is accompanied by a Flood Risk Assessment and Drainage Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including swales and detention basins to treat and attenuate surface water runoff. The scheme also proposes the implementation of permeable paving. Subject to securing the finer detail of this approach if a reserved matters application was to come forward Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk
115. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so that they can fully assess their capacity to treat the flows from the development.

116. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to DDLP Policy GDP1 or Part 14 of the NPPF.

#### Heritage and Archaeology

117. A geophysical survey has been submitted, including some desk-based assessment work, highlighting there is some archaeological potential on the site and recommends trial trenching elevation. The Council's Archaeologist has raised no objection to the scheme subject to a condition to secure trial trenching prior to the submission of Reserved Matters. The proposal is therefore considered to comply with DDLP Policy EN19 and Paragraph 189 of the NPPF which set out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. This policy is considered to be partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.
118. The northern edge of Tanfield Conservation Area (CA) lies approximately 500m to the south of the site lies and is the nearest designated heritage asset. It includes a number of Grade I, II\* and II listed buildings. Burnopfield Conservation Area, containing Grade II\* and II listed buildings, lies approximately 720m to the north west of the site. A heritage statement has been submitted in support of the proposal which utilises the Landscape Appraisal and Zone of Theoretical Visibility (ZTV) analysis to test the potential intervisibility between the site and the potential impact to heritage assets within the surrounding area. The ZTV Study was commissioned at test heights of 8.3m and 9.53m representing the general and proposed maximum height of dwellings. Based on the submitted information it indicates there would be no intervisibility between the site and the heritage assets within Burnopfield however there is the potential for some intervisibility between western and southern parts of the Tanfield Conservation Area although not in relation to the listed building buildings within it. In any event due to the distance between the two sites, the intervening topography and existing landscaping including boundary hedges, individual trees and groupings it is not considered there would be a direct visual relationship between the sites. The proposal is not considered to adversely impact on the setting of the conservation area. Design and Conservation officers have raised no objections to the proposal. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. This approach reflects the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
119. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site. The proposals would therefore accord with Part 16 of the NPPF.

#### Other Issues

120. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this will ensure that the site is suitable for its intended use taking account of any risks arising from contamination the proposal would accord with Paragraph 178 of the NPPF.

121. The site lies entirely within the coal mining high risk area. The Coal Authority records indicate that there is a recorded mine entry on the site. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth. The application is supported by a number of desk-based assessments and intrusive site investigations have been undertaken. Despite extensive excavations of the site no evidence of the mine entry, disturbed ground or colliery spoil was encountered. The Coal Mining Review outlines a series of recommendations including further intrusive investigations to establish if shallow coal mine workings are present beneath the surface and that a watching brief is observed. The Coal Authority has recommended that such works are conditioned to establish the exact situation regarding ground conditions and to enable appropriate remediation measures to be identified if necessary. Subject to the condition being imposed the proposal would meet the requirements of Part 15 of the NPPF in demonstrating that the application site can be made safe and stable and as such the Coal Authority raise no objection to the scheme on this basis.
122. The proposal has generated some public interest, with a number of letters of objection having been received. The majority of the objections and concerns raised by local residents and the Campaign for the Protection of Rural England have been taken account and addressed within the report. Some local residents have expressed concerns regarding the extent of the public consultation exercise undertaken by the developer and that they have not responded to queries when raised. Whilst pre-application public engagement is recommended it is not a mandatory requirement and locals have had the opportunity to comment on the planning application submission.
123. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The approach to DDLP Policy AG1 is consistent with the NPPF as it also seeks to protect better quality agricultural land (grades 2 or 3a) therefore can be afforded full weight.
124. The development would result in the loss of approximately 4.9ha of Grade 4 (poor) agricultural land therefore the proposals would not constitute significant development and would not relate to the loss of the best and most versatile agricultural land which are classified by the NPPF as grades 1, 2 or 3a.

#### Planning Obligations

125. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to public rights of ways, biodiversity off-setting, improved access to health care provision (provided it is fully justified by the CCG) off-site open space provision, additional teaching accommodation and strengthening the public transport network are considered to be in accordance with these tests, as is the securing of affordable housing and older person provision.

#### Planning Balance

126. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and

therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

### *Benefits*

127. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
128. This boost to housing supply would extend to the delivery of affordable homes as the development proposes 15% affordable housing provision and that 10% of all the private or intermediate properties to be for older people in accordance with the Strategic Housing Market Assessment (SHMA). These requirements can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
129. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
130. Overall, based upon the ecological works proposed, it is considered that the development would lead to net gain in terms of biodiversity.
131. The Highway Authority consider that the proposed access arrangements represent a preferable solution from a highway safety perspective through the creation of a new priority T-junction and ghost island facility including proposals to reduce the speed limit on entering the village. A financial contribution would also be secured which would help mitigate the impacts of the development and provide improvements to the surrounding PROW network.

### *Adverse Impacts*

132. The proposed development would amount to a substantial and inappropriate incursion into the countryside which would result in significant adverse harm to the character of the local landscape. Furthermore, it would not relate well to the existing pattern of development. The proposed access arrangements would lead to the removal of existing landscape features and would totally transform the existing rural approach into Crookgate Bank.
133. The site has poor accesses to facilities and services and therefore does not represent a sustainable location for development of this scale. Sustainable transport objectives are unlikely to be fulfilled as these modes of travel would not provide a realistic alternative to the private motor vehicles. The means to mitigate the accessibility of issues of the site such as through a financial contribution towards bus service improvements and public footpath improvements would aid in improving the locational sustainability credentials of the site but not the extent to remove objection on these grounds.

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## **CONCLUSION**

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134. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF.



135. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP and Part 12 and 15 of the NPPF. Furthermore, the site does not represent a sustainable location for the development on account of its poor accesses to facilities and services and sustainable modes of transport are unlikely to provide a realistic alternative to the private motor vehicles in this instance contrary to advice contained within Part 9 of the NPPF and DDLP Policies GDP1 and TR2.
136. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the application.
137. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme and the application is recommended for refusal as a result.
138. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reason;

The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1 and EN2 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF. The site also has poor access to services and facilities resulting in reliance upon private car movements and would represent a significant development proposal within a location is not sustainable thereby in conflict with advice contained within Part 9 of the NPPF. In the context of paragraph 11d of the National Planning Policy Framework, such adverse impacts are considered to substantially and demonstrably outweigh the benefits of the development.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

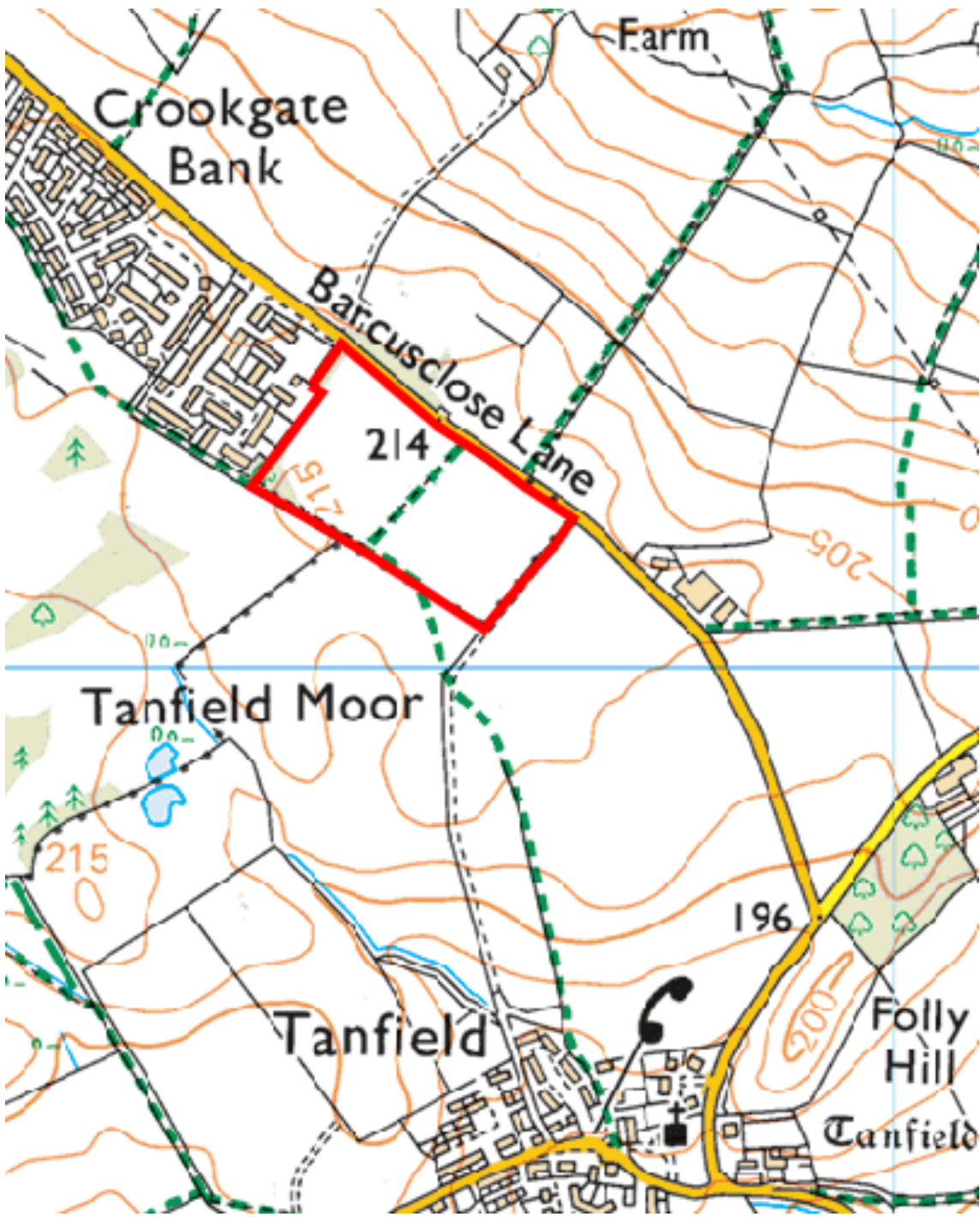
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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan

- Evidence Base Documents e.g. SHLAA, SHMA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



**Planning Services**

Ref: DM/18/02937/OUT

Outline planning application for up to 105 dwellings (97 shown on indicative plan) with all matters reserved except access (amended description 20/12/2018) iMpeC Real Estate Ltd  
Land To The South East Of Fieldfare Court, Crookgate Bank

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**Comments**

**Date** 5<sup>th</sup> March 2019

**Scale** Not to Scale