

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/03346/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for the erection of up to 290 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.
NAME OF APPLICANT:	Gladman Developments Ltd
ADDRESS:	Land to The South West And East Of Hustledown, Rescue Station, Hustledown Road, South Stanley, DH9 6AA
ELECTORAL DIVISION:	Craghead and South Moor
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of two irregular shaped parcels of land located to the southern edge of Stanley to the north of the County. The site extends to approximately 22.3 hectares (ha) in area and comprises agricultural fields divided by a Public Byway. There is a level change across the site, with the land rising approximately 15m in a south westerly direction. The site is bound by the highway Hustledown Road and the Middles Road to the north and east and, beyond, lies the residential developments of 'the Middles' and South Stanley. Agricultural fields are located to the west and south while South Moor golf club is located to the south. Existing vehicular access points taken off Middles Road and Hustledown Road serve the site.
2. The Site is located approximately 700m to the north east of Green Croft and Langley Moor SSSI, Chapmans Well Local Nature Reserve and Morrow Edge Heath and Quaking Houses Fell Local Wildlife Site. South Stanley Woods Local Nature Reserve and Local Wildlife Site is located approximately 100m to the north west of the site. Ousterley Wood Local Wildlife Site is located approximately 620m to the South East of the Site. The site is divided north to south by a Public Byway (no.19 Stanley) whilst on the southern boundary of the site lie Public Bridleway no. 25 and Public Footpath no. 28 (Stanley).

The Proposal

3. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 290 dwellings and the provision of open space, landscaping and sustainable drainage system (SuDS). An indicative site layout has been submitted identifying that the development parcels consisting of 8.42ha of the site would be sited centrally and to the east of the site with access and circulation roads crossing the existing PROW (no. 19) centrally through the site. Landscape planting, open space and SuDS Drainage would be provided to the west and south of the site. A pump station is indicatively sited in east of the site close to Middles Road. Vehicular access to the site would be provided off two access points off The Middles Road along with three pedestrian access points. 10% of the dwellings would be offered on an affordable basis.
4. An appeal for non-determination of the application has been submitted to the planning inspector, following the passing of the statutory time period for a decision on the application. A resolution is therefore required from members to establish how they would have determined the planning application to provide a framework to respond to the appeal to be heard by public inquiry. However, it is important to note that Members are not being asked to actually determine the application. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

5. There is no relevant planning history to the site

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. 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.
8. 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.

9. 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.
10. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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>

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

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

LOCAL PLAN POLICY:

Derwentside District Local Plan (1997) (DDLDP)

20. *Policy GDP1 – General Development Principles.* This policy aims to ensure that all developments incorporate a high standard of design, are energy efficient, protect landscape, natural and historic features, protect and manage ecology, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity and provide adequate drainage.
21. *Policy EN1 – Development in the Countryside.* States that development will only be permitted where it benefits the rural economy or helps maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
22. *Policy EN2 – Preventing Urban Sprawl.* Advises that development outside existing built up areas will not be permitted if it results in; the merging or coalescence of neighbouring settlements; or ribbon development; or an encroachment into the surrounding countryside.
23. *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.
24. *Policy EN19 – Protection of Ancient Monuments and Archaeological Features.* Where nationally important archaeological remains, whether scheduled ancient monuments or not, and their settings, would be affected by a proposed development, there will be a presumption in favour of their physical preservation in situ. Other known

archaeological remains of more local importance will be protected from damage to their features of archaeological interest. Appropriate assessments are carried out on sites that could affect a site of archaeological interest.

25. *Policy EN22 – Protection of Sites of Nature Conservation Importance* – Sets out that development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation importance.
26. *Policy EN25 – Development Affected by Pollution*. States that residential or other sensitive development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses.
27. *Policy EN26 – Control of Development Causing Pollution*. States that planning 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.
28. *Policy H05 – Development on Small Sites* – Sets out that housing development on small sites will only be permitted in specific settlements where the development is appropriate to the existing pattern of development, does not extend beyond the existing built up area and represents acceptable back land or tandem development and does not exceed 0.4ha in size.
29. *Policy AG1 – Protection of Better Quality Agricultural Land* – Sets out that development of grades 2 or 3A agricultural quality land will only be permitted if it is demonstrated that there is no irreversible loss of agricultural land or no other site on lower grade land exists which the development could be reasonably be located.
30. *Policy HO22 – Recreational Public Open Space within Housing Sites*. Requires new housing developments to include public open space and play areas, in appropriate locations. Approval may be subject to condition or planning obligation to ensure that the area(s) will be set out and then maintained; or the developer agrees to make a financial payment in lieu of provision, where provision cannot be made on site.
31. *Policy TR2 – Development and Highways Safety*. Requires developments to make satisfactory and safe provision for access to the site, road and public transport network and parking provision in compliance with car parking standards.
32. *Policy TR3 – Cycling*. States that when considering proposals for new developments, the Council will ensure that the needs of cyclists are taken into account.
33. *Policy RE4 – Protection of Public Footpaths*. States that development directly affecting a public right of way, or other recreational route, will only be permitted if an acceptable route is provided.

RELEVANT EMERGING POLICY:

The County Durham Plan

34. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. 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 16th 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.

Stanley Neighbourhood Plan

35. Stanley Town Council applied for the designation of the Stanley Neighbourhood Plan Area on the 16th October 2015 and following consultation was approved as a Neighbourhood Area on the 6th April 2016. Since This Date there has been no further progression on the Neighbourhood Plan. No weight can therefore be afforded to the Neighbourhood Plan in the decision-making process at this time.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highways Authority* – It is advised that while the failure to utilise the recently constructed roundabout on The Middles Road/ Hustledown Road to access the site is disappointing, from a purely highway safety point of view the proposed vehicular and pedestrian access arrangements into the site are acceptable. This includes the two priority T junctions created on Hustledown road and the formation of a new pedestrian footway on the southern side of The Middle Road.
37. In terms of the developments impact on the wider highway network, it is identified that there are existing capacity issues at the B6532 Wear Road/Tyne Road Crossroads, to the north of the site, with queuing extending back onto the A693. It is considered that additional loading on this junction would make the situation worse leading to a severe impact on the highway network. A Transport Assessment has been submitted which concludes that the junction would operate within capacity, however the baseline modelling is not considered acceptable and therefore the conclusions of the TA are not considered sound. Objections are raised to the application on the grounds of highways safety.
38. *Drainage and Costal Protection* – Advise that the Councils Adopted SuDS Adoption Guide, sets out that development proposals should include a preliminary layout plan identifying surface water drainage runs and locations of swales, basis, filter strips and drains. Whilst a detailed flood risk assessment has been submitted which indicates the adoption of SuDs the level of submitted detail does not comply with the Councils Adopted policy.
39. *Environment Agency* – Raise objections to the application, advising that modelling assumptions of the flood risk assessment need to be provided for review.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – Advise that DDLP Policies EN1 and EN2, alongside housing policy HO5, indicate that the scheme should be resisted. While officers consider that a five-year housing land supply can be demonstrated, it is nevertheless considered that the housing policy framework in the LP is out of date, as it was based upon allocations and a housing strategy period which has now expired. A conservative approach informs that Paragraph 11 of the NPPF comes into play. This directs the decision-maker to consider whether there are policies in the Framework which provide a clear

reason for refusal. Footnote 6 identifies specific policies of restriction (in principle) in the Framework.

41. Should this test be passed, the second criteria under 11d requires a planning balance assessment to weigh up any 'adverse impacts' and 'benefits'. Compliance or otherwise with 'Saved' local plan policies may be included within the planning balance assessment. The Local Plan clearly aims to avoid development in locations outside of the built up settlement area in accordance with Policies EN1 and EN2 in particular. While it is for the decision taker to determine the level of weight that should be afforded to these policies, in accordance with their status, they remain relevant to the consideration of this scheme (as highlighted). Consultation with relevant specialist teams will identify whether there are any additional concerns to consider under the second limb of the NPPF Paragraph 11 test in addition to those highlighted in this report.
42. In relation to potential benefits, these may include economic gains linked to the delivery of new dwellings, both during their construction and in terms of new residents supporting local services (albeit this is likely to be limited given the isolated nature of the site). If the scheme provides affordable and specialist dwellings, these could also be added into the benefit column.
43. *Landscape* – Advise that whilst there are no landscape designations on or around the site, the site has considerable scenic value, as part of a broader entirely rural landscape, in particular as seen at distance from South Stanley and to the north. The site is prominently visible from numerous nearby and distant viewpoints. These views are adequately identified and analysed in the LVIA. The site and its immediate surroundings would be of moderate to high sensitivity to the effects of built development on such scale. Sandy Lane, a historic byway that divides the site into east and west parts, would sustain significant damage as a valued landscape feature. The effect of up to 290 dwellings on the landscape character of the immediate locality would be transformative and summarised as being one of significant harm in a local context.
44. *Landscape (Arboriculture)* – Provide advice regarding the planting of trees in proximity to development proposals whilst setting out that protective fencing should be installed to trees to be retained.
45. *Design and Conservation* – With regard to designated heritage assets, the Middles Farmhouse (Grade II) is located 100m to the north. Approximately 360m west of the site lies the Church of St George (Grade II) and War Memorial (Grade II). To the east of the site the Former Miners Hall and Institute (Grade II) is located. It is advised that there will be limited inter-visibility between the site and the assets due to recent developments and existing vegetation. Therefore, there will be limited impact on the setting of the designated heritage assets. However, the proposed vehicular route crossing the historic byway in two places would impact on the strong linear nature of the non-designated heritage asset and impact on its communal value.
46. *School Places and Admissions Manager* – Advise that a development of 290 houses could produce an additional 87 primary pupils and 35 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient secondary school places to accommodate the development however a contribution of £558,714 would be required to provide an additional 38 primary school spaces, to mitigate the impact of the development.

47. *Housing Delivery* – The council's Strategic Housing Market Assessment is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the SHMA outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented : intermediate tenure).
48. The site falls within a low viability area, this means that 10% of properties on the scheme would need to be affordable, this equates to 29 units if the site delivered 290 units. It is indicated that 10% would be delivered on site. There is a requirement to provide 10% of the private and intermediate properties for older people. Where the affordable housing is secured via a Section 106 agreement consideration should be given to the eligibility of people in relation to their local connection, income and ability to secure property on the open market.
49. *Ecology* – Advise that the development would meet the requirements of the NPPF through a combination of onsite ecology enhancements and financial contribution towards off site compensation.
50. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment (as amended) has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality are below the national air quality objectives and therefore no objections to the application are made. It is advised that a dust action management plan would be necessary under condition for the construction phase of the development.
51. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
52. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the submitted noise assessment has been carried out to appropriate methodologies. Mitigation measures will be required to be adopted in relation to adjacent road noise, this would not however prevent development of any specific area of the site. A conditional approach requiring the submission of a construction methodology and restricting working hours on site is recommended.
53. *Archaeology* – Advise that a geophysical survey has been submitted in support of the application which clearly identifies potential archaeological features including a Roman fortlet. This area in particular needs to be further evaluated by trial trenching prior to determination of the application as this may be a candidate for preservation in situ, impacting on the site layout.
54. *Access and Rights of Way* – Advise a byway (no.19 Stanley) passes through the centre of the development site, the development of the site would significantly impact on the byway and fundamentally change its character. The byway is a very popular recreational route for horse riders, cyclists, pedestrians and off-road motor cyclists. The byway is not suitable for other motor vehicles due to the restricted culvert crossing at the golf course, the narrow width and lack of passing places. The outline plan shows 2 new roads crossing the byway, which will conflict with public use of the byway. There is a high likelihood that residents will attempt to drive down the byway to access Middles Road, particularly if they intend to turn left on to the road. In a legal sense the only way to prevent this would be to 'downgrade' the byway or subject it to a TRO,

both of which would almost certainly be strongly challenged by user groups. The byway is one of the few (off road, so to speak) routes in this part of the County which can be legally used by motor cyclists. Support is therefore not offered to the proposed accommodation of the byway on the basis of the submissions made so far.

55. *Sustainable Transport* – Advise that where parts of the site are marginal in terms of access to bus services, the developer should consider the location of housing type. Affordable housing usually equates to lower private car ownership and therefore more reliance on public transport services. These houses should be located closest to public transport routes. The submitted framework travel plan is considered acceptable.
56. *Employability Section* – Request that targeted recruitment and training clauses are secured via a S106 agreement or planning condition.
57. *Outdoor Facilities Coordinator* – Advise that the site is of an appropriate scale to include fixed play equipment, a single fenced play area with equipment for all ages up to 12 supported with a small size MUGA to provide activities for older children.

NON-STATUTORY RESPONSES:

58. *Police Architectural Liaison Officer* – Advises that the crime risk assessment for this proposed development is high with anti-social behaviour and nuisance from off road vehicles being of particular concern. Although the site is on the outskirts of the town young people tend to congregate together in large groups in the local parks and the cycle route and roam the area. Careful consideration will need to be given to the design of the public open space to mitigate intrusion by off road vehicles otherwise the new development could be blighted.
59. *NHS* – No response received.
60. *The Coal Authority* – Advise that there past Coal Mining Activity which poses a risk to the development site, therefore in order to verify the ground, intrusive ground investigation works, including a gas monitoring programme are required in order to determine the exact situation in respect of coal mining legacy issues within the site. A conditional approach is recommended.
61. *Northumbrian Water* – Advise that the disposal of foul and surface water should be undertaken in accordance with the submitted flood risk assessment and foul drainage analysis and ensured via condition. It is highlighted that there is a strategic water main which crosses the site which may impact on the layout of the development.

PUBLIC RESPONSES:

62. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. Six letters of objection has been submitted highlighting concerns around the volume of traffic air pollution, impact of surface water, impact on countryside, expanse of built up area, lack of car parking in the town centre, impact of building works, capacity of local schools and the low value of houses in the area.
63. *CPRE* – Consider that although the site has no designation under the Derwentside District Local Plan, it is an intrusion into the open countryside contrary to policy EN1. The development would surround a Byway passing through the site which has some historical interest and detrimentally affect the enjoyment of this trail contrary to paragraphs 98 and 180(b) of the NPPF. Concerns are raised regarding the

conclusions of the Noise Assessment in relation to the noise levels generated from the Golf Club. Consideration should be given to the noise impact of the Holmside Wind Farm. It is highlighted that where a policy to protect the countryside is in place it should be considered up to date, irrespective of the date of the Local Plan. It is represented that the Council can demonstrate a five supply of housing land which would not engage paragraph 11d of the NPPF.

64. *St Mary's Roman Catholic School* – Raises concerns about the impact on increased pressure on school admissions and ability of schools to accommodate the pupils generated. It is questioned whether the proposed recreational land would be accessible by the school, while highlighting that there are drainage issues on the school field and that Tyne Road is extremely busy and traffic calming measures should be implemented.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

65. 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/Location of the development, Housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, heritage impact, residential amenity and pollution, ecology, flooding and drainage, ground conditions, planning obligations and other issues.

Principle of Development

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local (DDLDP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
67. The DDLDP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
68. DDLDP Policy EN1 sets out that development within the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character setting out that proposals should be sensitively related to the existing settlement pattern. DDLDP Policy EN2 sets out that except where specific provision has been made in the DDLDP, development outside existing built up areas

will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF. However, it is considered that the definition of the countryside is based on the development needs of the time and is, therefore, time limited. By reason of the out of date evidence base which informs, policies EN1 and EN2 they are considered out of date. The development would conflict with policies EN1 and EN2 of the DDLP representing an encroachment and development into the countryside and beyond existing built up area.

69. In addition to the above policies, Policy GD1 of the DDLP sets overarching principles that all development should comply with, including locational characteristics to ensure that development relates well to existing settlement patterns and is located to reduce the need for additional car journeys. Policy GD1 is considered consistent with the NPPF in this respect and up to date, as it is not based on time-limited information.
70. Saved DDLP Policy H05 specifically relates to development of small housing sites (less than 0.4ha) and is not, therefore, applicable to this application.
71. 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.
72. As set out above it is considered that there are saved policies within the DDLP which provide a framework to assess the principle of the development, to which the development would conflict with. For the purposes of Paragraph 11(d), Policies EN1 and EN2 are considered policies most important for determining the application. However, these policies are considered to be out of date and, therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF, as above. However, although out of date, these policies are consistent with the NPPF and weight can still be afforded to them, this is discussed in more detail later in this report.

Housing Land Supply

73. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

74. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) 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). At this time, the Council is able to demonstrate 5.9 years supply (8,404 dwellings) of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.
75. 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. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
76. 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 of 5.96 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
77. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and be achievable with a realistic prospect that housing will be delivered within 5 years. In particular, where a site has outline planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the applicant has provided no evidence that the site is deliverable, particularly around developer interest. Significant concerns are raised regarding the costs of the development arising from: site remediation requirements in relation to previous coal mining activity, costs associated with the onsite open space provision, biodiversity mitigation requirements, education contributions, potential off site highway improvement works, archaeological mitigation, extensive SUDS and, complexities around the Byway and delivering highway access and, how this would impact on the viability and attractiveness of the site in a challenging housing market area.

Locational Sustainability of the Site

78. 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

consistent with the NPPF, which also seeks to promote accessibility by a range of methods, and accordingly, they can be given full weight in considering the application. Specifically, the NPPF at Paragraph 103, sets out that the planning system should actively manage patterns of growth including, to promote walking, cycling and public transport use. Significant development should be focused in locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this, Paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements and facilitate access to high quality public transport. Decisions should address the connections between people and places and the integration of new development into the natural and built environment.

79. 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. South Stanley, South Moor and Quaking Houses, to which the development site is located in close proximity, are all located within the Stanley Cluster where, although historically settlements in their own right, they all effectively function as part of Stanley. The Stanley Cluster is ranked 7th within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
80. However, although the Stanley Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
81. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
82. In this respect, it is noted that there are some facilities located within South Moor, New Kyo and South Stanley, such as convenience stores and primary schools that would be accessible by foot. However, the majority of services and amenities needed to sustain a development of this size are located within the centre of Stanley, including larger supermarkets, health facilities and employment sites. In general, the site would be within a walking distance of approximately 2000m to the services within the centre of Stanley, however, there is a significant topographical change from the site to the centre of Stanley. The A693 provides a formidable barrier, while existing underpasses would not, it is considered, provide an attractive option. It is considered likely that given the nature of the routes, it would discourage future residents from accessing the town centre by foot.
83. In terms of access by bus, Hustledown Road and The Middles Road are served by a frequent service to Stanley and Durham and beyond, particularly in peak periods. It is, however, recognised that there are elements of the site that would be marginal in terms of access to bus stops due to walking distances of more than 450m. The site is considered reasonably accessible by cycle, however, this relies on utilising the adopted highway with no existing dedicated cycle routes or lanes serving the development.

84. Taken in the round, it is recognised that the site is located on a frequent bus route and would be within the maximum distances to services and amenities. However, the nature of walking routes to the centre of Stanley and distances to bus stops from the extremes of the site are such that it is unlikely that the development would promote accessibility by a range of methods contrary to policies GDP1 and TR2 of the DDLP and Paragraphs 103 and 110 of the NPPF. This is considered to represent an adverse impact of the development to be weighed in the planning balance.

Landscape and Visual Appraisal

85. As set out above DDLP Policy EN1 seeks to prevent encroachment of development into the open countryside, except where it benefits the rural economy or helps to maintain or enhance landscape character, setting out that proposals should be sensitively related to the existing settlement pattern. DDLP Policy EN2 sets out that development outside the existing built up area will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF. Whilst Policies EN1 and EN2 are considered out of date for the reasons outlined earlier in this report, they can still both be attributed significant weight in the decision-making process due to their content having significant resonance with the content of the NPPF and therefore consistent on this basis. Policy GDP1 also sets out that general development principles including, that development proposals should be well related to the existing environment and take account of the presence of natural features, requiring the protection of the existing landscape. This policy is considered consistent with the NPPF. Paragraph 170 (b) also recognises the intrinsic character and beauty of the countryside whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting.
86. The application site is identified within the adopted Durham County Council Landscape Strategy as a Conservation Priority Area, where the landscape spatial strategy is to Conserve and Enhance. The Landscape Officer advises that the land is in moderate condition, with hedges and field boundaries are intermittent. Peripheral site boundaries contain mature trees, while most of the internal field boundaries do not. However, the Kate's Gill woodland boundary (identified in the Ancient Woodland Inventory) to the north is abundant whilst West Ousterley Road Byway, which crosses the site, is a significant and rewarding landscape and recreational feature.
87. The site is principally and most significantly visible from the highways Middles and Hustledown Road and the Byway West Ousterley Road which divides two sites. Ready views and appreciation of the site is achievable from these visual receptors and also on higher up land within South Stanley, where the site forms part of a broader, entirely rural landscape. It is advised that the site considered to have considerable scenic value in the locality and in the wider landscape and that the site and its immediate surroundings would be of moderate to high sensitivity to the effects of built development on such scale.
88. It is also advised that the effect of the erection up to 290 dwellings on the landscape character of the immediate locality would be transformative being of significant harm in the local context. The proposed mitigation would not fully mitigate the impact of the development which would be read as an incursion into the countryside beyond a well-defined boundary to the edge of the existing built environment. West Ousterley Road a well-used Byway would sustain significant damage as a valued landscape feature.

89. Overall, having regard to the advice of the Council's Landscape Officer, the development would represent a significant encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features in conflict with Policies EN1, EN2 and GDP1 of the DDLP in this respect, and Paragraphs 170 and 127 of the NPPF, representing a significant adverse impact that needs to be taken into account in the planning balance.

Layout and Design

90. DDLP Policy GDP1 (A) sets out that development proposals should achieve a high standard of design which is in keeping with the character and appearance for the area and take into account of the sites natural and built features. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to its consistency with the NPPF, significant weight should be afforded to DDLP Policy GDP1 (A) in this respect.
91. The illustrative masterplan includes the concept of perimeter blocks of outward facing development, which would address streets and the wider landscaping around the north, west and southern boundaries of the site. This would, in general, allow for natural surveillance of public open space and children's play facilities. However, concerns are a raised regarding the relationship between the use of the byway by motor bikes and the conflict with the development. The Police Architectural Liaison Officer advises that the crime risk assessment for this proposed development is high with anti-social behavior and nuisance from off road vehicles being of particular concern. It is advised that although the site is on the outskirts of the town, young people tend to congregate together in large groups in the local parks and the cycle route and roam the area. Careful consideration will need to be given to the design of the public open space to mitigate against intrusion by off road vehicles, otherwise the development could be blighted.
92. The submitted Design and Access Statement includes information on the detail of any future reserved matters application. The applicant considers that 2 storey dwellings would reflect the built form of the existing settlement. The Design and Conservation Officer advises that character areas would be proposed, however, the detail of those relate more to street type than built form. Whilst street type would be important, a site of this size should introduce defined areas of built character to give visual interest and aid legibility.
93. Overall, subject to the consideration of any future reserved matters application, the development could achieve a standard of design that would meet the aims of Policy GD1 (A) and paragraphs 127 and 170 of the NPPF in this regard. It is noted, however, that the crossing of the Byway would adversely affect an important natural feature of the site, whilst concerns are raised in relation to anti-social behaviour associated with the use of the Byway.

Highway Safety and Access

94. DDLP Policy TR2 sets out that planning permission for development will only be granted where the scheme incorporates a clearly defined and safe vehicle access and exit, satisfactory access onto the public transport network and satisfactory access onto the adopted highway. The supporting text of policy TR2 also sets out that a proposal will not be granted unless adequate traffic flows can be maintained. Policy TR2 is

considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, it can be given full weight in considering the application. The NPPF, at Paragraphs 108 and 109, also sets out that when considering development proposals, it should be ensured any significant impacts from the development on the transport network (in terms of capacity and congestion), can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

95. Paragraph 111 sets out that all developments that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In this respect, the application is accompanied by a Transport Assessment, which assesses the impacts of the development, concluding that there would be no impact on the capacity of the wider highway network.
96. It is proposed that the main vehicular access to the site would be taken off the Middles Road in the form of two priority T-junctions to the east of the existing roundabout. It is indicated that the internal road layout would cross over the public byway in two places, to provide access to the most westerly portion of land, whilst it is also indicated that there would be additional pedestrian crossing points. Pedestrian access points are indicated to be provided along Hustledown Road and the Middles Road.
97. In reviewing the proposals, following amendments, the Highway Authority advise that it is regrettable that the existing roundabout is not utilised to serve the development. However, the proposed access into the site would be acceptable from a highway safety perspective, subject to the implementation of mitigation, including the installation of speed cushions along the Middles Road. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application, however concerns are a raised regarding how access would be achieved over the byway given that this area lies outside of the red line application boundary. This area of land is unregistered which the applicant appears to have no control over. This brings into question the deliverability of the development.
98. In relation to the impact on the wider highway network, the Highway Authority advise that the assumptions and subsequent conclusions of the submitted Transport Assessment are not sound. This is because the junction of the B6532 Wear Road / Tyne Road Crossroads currently experiences queuing, which is not reflected in the submitted Transport Assessment modelling. It is advised that the current queues would increase at this junction as a result of the development and queue back onto the adjacent roundabout junction restricting the movement on the A693 leading to an adverse impact upon highway safety. It is advised that this impact would be at a severe level. No amended Transport Assessment has been submitted to reflect the current observed traffic movements, model the anticipated development impacts or consider mitigation where appropriate.
99. Overall, it is considered that the proposed development could be served by an appropriate means of vehicular access in accordance with Policy TR2 of the DDLP subject to resolving land ownership issues. However, the development would have a severe impact on the traffic flows and operation of the A693 Roundabout leading to an adverse impact on highway safety. This adverse impact would be severe in NPPF terms and contrary to Paragraphs 108 and 109 of the NPPF and policy TR2 of the DDLP. This adverse impact needs to be weighed in the planning balance.

Heritage Impact

100. DDLP Policy GDP1 (C) sets out that development proposals should protect existing historic features. This policy is considered broadly consistent with the NPPF in this respect, which seeks to protect heritage assets in proportion to their significance allowing in certain instances harm to be outweighed in the planning balance and against public benefits. Policy GDP1 (C) is, therefore, to be afforded significant weight in this respect.
101. To the northern boundary of the site lies a Miners Rescue Station, constructed in approximately 1912. This building, along with the Byway on the site, shown on the first edition OS circa 1860, are located on the South Moor Heritage Trail and are considered non-designated heritage assets. Paragraph 197 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determining of the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
102. In this respect, it is considered that any impact of the development on the significance of the Miners Rescue Station would likely be minimal due to the proposed standoff suggested in the submitted Masterplan. In relation to the Byway, the Design and Conservation Officer advises that the proposed vehicular route crossing the historic byway in two places would impact on the strong linear nature of the route and impact on its community value. This adverse impact is required to be weighed in the planning balance.
103. With regards to designated heritage assets, including the Grade II listed Church of St George and Former Miner's Hall and Institute located approximately 350m to the west, there would be limited inter-visibility due to recent developments and existing vegetation. The impact on designated heritage assets is therefore considered neutral and the development would not have any adverse impact on relevant buildings setting or special historic interest and having regards to the statutory duty imposed upon the LPA under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
104. In terms of Archaeology, DDLP Policy EN19 sets out that where nationally important archaeological remains, whether scheduled monuments or not, and their settings, would be affected by a proposed development, there will be a presumption in favour of their physical preservation in situ. Other known archaeological remains of more local importance will be protected from damage to their features of archaeological interest. Where a proposed development is likely to affect a site of archaeological interest or its setting, the Council may request an archaeological assessment and evaluation, prior to determining an application. Adequate provision may need to be made for the excavation and recording of the remains before development commences. This work would normally be a condition of planning permission, if required. This policy is considered consistent with Paragraph 189 of the NPPF which sets out that, where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Policy EN19 should be afforded full weight in this respect.
105. The applicant has submitted a geophysical survey which, as advised by the Archaeology Officer clearly identifies potential archaeological features including a potential Roman Fortlet. It is advised that further evaluation by trial trenching is required, as this may be a candidate for preservation in situ or require significant excavation. To date, such trial trench evaluation has not been undertaken.

106. Footnote 63 of the NPPF sets out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. In general terms, this would equate to archaeological findings of national significance and could include a requirement to retain in situ or protect the setting of such assets. This could affect the quantum of development that could be accommodated on site in this respect. On balance, it is considered that there is relatively small risk that the potential Roman Fortlet would be of national / high regional significance, however, a precautionary approach must be taken at this stage and it is, therefore, assumed that the potential archaeological interests of the site are significant.
107. Overall, it is considered that the development would have an adverse impact on the character and form of the historic Sandy Lane Byway, in conflict with Policy GDP1 (C) of the DDLP. This adverse impact is required to be weighed in the planning balance. Based on the submitted investigations to date, and adopting a precautionary approach, it is assumed that the potential archaeological interests of the site are significant. Archaeology have advised that further evaluation by trial trenching is required. To date trial trench evaluation has not been undertaken and as a result the application submissions have failed to fully describe the significance of the archaeological interest of the site thereby in conflict with DDLP Policy EN19 and NPPF paragraph 189. Having regard to Paragraph 194 the NPPF and its associated footnote, should the archaeological interest on the site be of the highest significance then this engages specific tests applicable to designated heritage assets within the NPPF against which the application would need to be assessed. These policies also constitute policies that protect assets of particular importance as listed in footnote 6 of the NPPF paragraph 11(d) planning balance test. However, on the basis of the information submitted by the Applicant, it is unclear whether paragraph 11(d)(i) of the NPPF would be engaged.

Residential Amenity / Pollution

108. DDLP Policy GDP1 requires development to protect the amenities of neighbouring occupiers and land users. DDLP pPolicy EN25 require that residential development will not be permitted on sites affected by unacceptable levels of pollution of adjoining land uses. DDLP Policy EN26 requires that developments protect the environment in terms of likely levels of air, noise, soil or water pollution. These policies are considered consistent with parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
109. The submitted masterplan sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved, which would prevent any loss of amenity/overlooking in this respect. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
110. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It is concluded that consideration should be to positioning dwellings away from The Middles and Hustledown Road, in circumstances adopt acoustic ventilation in order to achieve appropriate internal and external noise levels. Although objections have been raised regarding the impact of existing wind turbines further to the south of the site, the submitted report has not identified this as a significant noise source during surveys.

111. Environmental Health and Consumer Protection (Pollution) Officers with the conclusions of the Noise Impact Assessment and, subject to the imposition of a condition, offers no objections to the scheme in this respect. It is recognised that the development would increase traffic and movement along The Middles and Hustledown Road and adjacent streets. However, it is considered that the development would not give rise to significantly increased noise levels from increased use of these roads given their relatively heavy use.
112. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection Officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
113. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site. However, further site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.
114. The Environmental Health and Consumer Protection (Air Quality) Officers advise the site is not in close proximity of any Air Quality Management Areas. However, an Air Quality Assessment has been submitted, assessing the impact of the development. It concludes that the modelled levels of air quality are below the national air quality objectives and, therefore, no objections to the application are made. The Environmental Health and Consumer Protection (Air Quality) Officer agrees with the conclusions of the report and raises no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition.
115. Overall, the scheme would comply with DDLP Policies GDP1, EN25 and EN26 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions.

Ecology

116. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. DDLP Policy GDP1 requires the protection of designated sites, those species protected by the Wildlife and Countryside Act and that there is no harmful impact on the ecology of the District. This advice is considered consistent with the NPPF. Policy EN22 applies to a number of Sites of Nature Conservation Importance across the former Derwentside District and advises that development should only be permitted where it would not lead to the loss of, or significant harm to, said sites. The advice contained within Policy EN22 is considered consistent with that within the NPPF. However, it is noted that the justification to the policy considers potential further ecological site designations which have now occurred, and in that sense, the policy is not fully up to date and therefore weight afforded to the policy should be reduced. The Site is located approximately 700m to the north east of Green Croft and Langley Moor SSSI, Chapmans Well Local Nature Reserve and Morrow Edge Heath and Quaking Houses Fell Local Wildlife Site. South Stanley Woods Local Nature Reserve and Local Wildlife Site is located to the

approximately 100m to the north west of the site. Ousterley Wood Local Wildlife Site is located approximately 620m to the South East of the Site

117. An ecological impact assessment has been submitted in support of the planning application. The submitted report concludes that subject to mitigation measures including the provision of onsite green space, including tree planting, wildflower meadow creation, formation of new water bodies and appropriate future management and maintenance the impacts of the development in large would be mitigated and compensated for. It is identified that residual adverse effects significant at the local level are anticipated to a single ecological feature, the local population of farmland specialist birds. However, an off-site contribution of £17,768 is proposed to deliver compensatory habitats would result in a net biodiversity gain. No harm is identified to local or statutory designated ecological sites.
118. Subject to delivering this mitigation and subject to further review at reserved matters stage, the Ecology Officer raises no objections to the application. No objections or concerns are raised in regard to the above listed statutory and locally designated sites. The development is, therefore, considered to comply with DDLP Policies GDP1 (D) and EN22, and Part 15 of the NPPF in this respect.

Flooding and Drainage

119. Policy GDP1 (I) of the DDLP sets out that developments should make adequate provision for surface water and protect areas liable to flood from development. This element of the policy is considered broadly consistent with national advice within the NPPF and NPPG with regard to flood risk and management of surface water and can be afforded significant weight in the decision-making process. It is, however, recognised that national guidance promotes a sequential criteria-based approach to site selection which is not specifically referenced within Policy GDP1.
120. The application is accompanied by a flood risk assessment (FRA), which highlights that the majority of the application site is within flood zone 1 with a low flood risk probability. However, a portion of the development site lies within flood zones 2, 3a and 3b and experiences flooding along the line of a culverted stream in extreme events and in the event of a blockage of the culvert. The submitted FRA modelled the site and takes into account specific site topography and other mitigating factors, which refines the boundaries of Flood Zone 2. The submitted site masterplan set out that residential development would not encroach into Flood Zone 2, and the remaining land would be set aside for public open space, including formal play space and landscape planting. The submitted FRA sets out that SuDS would be utilised with surface water attenuated on site before being discharged at a greenfield run off rate.
121. The Environment Agency raise objections to the application, advising that modelling assumptions set out in the flood risk assessment need to be provided for review.
122. In reviewing the submitted FRA and Drainage Strategy, Drainage and Coastal Protection Officers advise that the Council's adopted SuDS Adoption Guide, sets out that development proposals should include a preliminary layout plan identifying surface water drainage runs and locations of swales, basins, filter strips and drains. Whilst a detailed flood risk assessment has been submitted, which indicates the adoption of SuDs, the level of submitted detail does not comply with the Council's adopted policy for outline planning applications. Northumbrian Water advise that any final details for the disposal of foul and surface water based on the submitted flood risk assessment should be developed and agreed by condition. It is highlighted that there is a strategic water main which crosses the site which may affect the layout of the development.

123. In considering these matters, and recognising the outline nature of the application, it is considered that a final site layout could potentially be developed to ensure that all development is located out of Flood Zone 2 and therefore potentially remove the objection from the Environment Agency and comply with the NPPF requirement at Paragraph 163 to steer development to areas of the lowest flood risk, including locating development within those areas of the site of the lowest flood risk. However, at this stage the applicant has neither submitted a sequential test, demonstrated that the development would not be located on land within Flood Zone 2 or provided the information to the Environment Agency in respects to their modelling assumptions. The objection from the Environment Agency to the development, therefore, currently stands.
124. A final site layout could include SuDS features recognising that a final detailed design may impact on the quantum of development achievable. The submitted masterplan reflects the position of a Northumbrian Water strategic water main.
125. In relation to foul water, it is proposed to connect to the existing sewerage network, to via a pumping station Northumbrian Water raise no objection to this approach or in relation to the capacity of existing sewerage infrastructure.
126. Given the Environment Agency object to the development in its current form and given that it has not been demonstrated that the proposal would not result in development on land at a higher risk of flooding, it is considered that the application is contrary to DDLP Policy GDP1 (I) and relevant paragraphs within Part 14 of the NPPF in this respect.

Ground conditions

127. Paragraph 170 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance, the application site lies with the Coal Authority's Coalfield Area of high risk. A coal mining risk assessment, considering unstable land, has been submitted in support of the application setting out that intrusive ground investigation works, including a gas monitoring programme are required in order to determine the exact situation in respect of coal mining legacy issues (shallow mine workings and exact location / condition of mine entry). The report sets out that if workings and or mine entries are found, stabilisation works would need to be considered. The Coal Authority raise no objections to this strategy further to reviewing and securing the detailed site investigations and proposed mitigation by condition prior to the commencement of development.

Planning Obligations

128. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The council's Strategic Housing Market Assessment is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the SHMA outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).
129. The site falls within a low viability area, this means that 10% of properties on the scheme would need to be affordable, this equates to 29 units if the site delivered 290

units. It is indicated that 10% would be delivered on site. There is a requirement to provide 10% of the private and intermediate properties for older people. The applicant has indicated that this level of provision would be delivered, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

130. DDLP Policy HO22 sets out that planning permission for new housing developments will be granted if the proposals include sufficient public open space and play areas in appropriate locations in accordance with specific targets or the developer agrees to make a financial payment in lieu of direct provision, where sufficient provision cannot be made on site. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policy H022 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.
131. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 290 houses this equates to 0.57 ha of allotment space, 0.89ha parks and recreation typologies, 0.057ha of child and youth play space and 0.96ha of amenity/natural green space. The OSNA sets out that these typologies should normally be provided on site and provides a bench-marked cost of £1,056,528 with the addition of maintenance.
132. The masterplan sets out that provision would be made for areas of public open space, including informal multi-use play space, equipped play areas with proposed recreation routes through SUDS areas. Although the total provision would exceed the minimum targets sets out in the OSNA the masterplan would not make provision for all typologies. It is considered, however, that this matter could be dealt with by condition or through a S106 legal agreement to make adequate provision in the undeveloped areas of the site.
133. The School Places and Admissions Manager advises that a development of 290 houses could produce an additional 87 primary pupils and 35 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient secondary school places to accommodate the development. However, a contribution of £558,714 would be required to provide an additional 38 primary school spaces, to mitigate the impact of the development.
134. The Council's Employability Officer requests that targeted recruitment and training clauses are included within a S106 planning obligation or via condition in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement.
135. No response has been received from the NHS in relation to GP capacity within existing facilities in the area.

Other Issues

136. 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 development would result in the loss of approximately 21.5ha of

agricultural land. A site-specific investigation into the land classification accompanies the application, setting out that the land is classed a subgrade 3b and, therefore, would not be classed as best and most versatile. The loss of this agricultural land is not, therefore, considered significant. DDLP Policy AG1, though relating to the protection of agricultural land, only relates to Grades 2 and 3a and is not, therefore, strictly applicable to the application.

137. Policy RE4 of the DDLP sets out that development which would directly affect a Public Right of Way or other recognised recreational path will only be permitted if an acceptable and equivalent alternative route is provided. Policy 98 of the NPPF sets out that decisions should protect and enhance public rights of way and access, policy RE4 is therefore considered consistent with the NPPF advice. As advised above, Public Byway no. 19 Stanley passes between the two development sites, harm to the setting and character of this historic byway has been identified. However further to this, the Council's Public Rights of Way Officer advises that that the byway extends for a considerable distance south of the development site to Wagtail Lane and is a very popular recreational route for horse riders, cyclists, pedestrians and off-road motor cyclists. The byway is not suitable for other motor vehicles due to the restricted culvert crossing at the golf course, the narrow width and lack of passing places.
138. It is advised that the two new access roads identified on the masterplan crossing the byway, have the potential to conflict with public use of the byway as there is a high likelihood that residents will attempt to drive down the byway to access Middles Road, particularly if they intend to turn left on to the road. In a legal sense the only way to prevent this would be to 'downgrade' the byway or subject it to a TRO, both of which would almost certainly be strongly challenged by user groups. Given the considerable equestrian use of the byway it is advised that any resurfacing would not likely be supported. The byway is one of the few off road routes in this part of the County which can be legally used by motor cyclists, this established use would likely conflict with a residential use of the site.
139. These matters are partly considered legal issues that the applicant would need to resolve, potentially impacting on the delivery of the scheme. However due to the developments impact on the current unrestricted use of the byway it is considered that there would likely be an adverse impact on the current function of the Byway as a valued recreational resource in the area in conflict with policy RE4 of the DDLP, and paragraph 98 of the NPPF as the development would neither protect or enhance the route. This is adverse impact required to be weighed in the planning balance.
140. South Moor Golf Course is located to the south of the site. The applicant has undertaken a Golf Course Risk Assessment which concludes that there is conflict between play on the 11th hole and the south western portion of the development site. However, this conflict is restricted to the proposed landscaping area and not to any area which is proposed for housing itself. The presence of the golf course is therefore not considered to adversely impact on the development site.

CONCLUSION

141. 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. Furthermore, the development is considered to have an adverse impact on the setting, character and function of the historic byway West

Ousterley Road contrary to policy GDP1(a and c). The NPPF is a material planning consideration capable of outweighing conflict with the development plan.

142. NPPF paragraph 194 and its associated footnote 63, sets out that if non-designated heritage assets of archaeological interest of demonstrable equivalent significance to scheduled monuments would be affected by development then this must be considered against the NPPF policies for designated heritage assets at paragraphs 195 and 196. Should substantial harm or loss of significance of archaeological interest of such significance occur then this should be wholly exceptional. The advice contained within paragraphs 195 and 196 of the NPPF constitute policies that protect assets of particular importance as listed in footnote 6 of the paragraph 11d planning balance test and accordingly, there is potential for paragraph 11(d)(i) to be engaged. At this stage the applicant has failed to fully describe and assess the significance of the archaeological interest of the site. However, the applicant intends to carry out further evaluation of the potential archaeological feature in advance of the public inquiry. At this stage it cannot be determined whether paragraphs 195 or 196 of the NPPF apply to the development.
143. Paragraph 163 of the NPPF sets out that development shall only be allowed in areas at risk of flooding where it can be demonstrated that within a site the most vulnerable development is in the areas of lowest flood risk. Policy 163, relating to areas at risk of flooding, is listed in footnote 6 as an area that paragraph 11d (i) seeks to protect, disengaging the presumption of sustainable development. At this stage as the appellant has not undertaken a sequential test, has not demonstrated that the residential element of the development would not be located on land within Flood Zone 2, or submitted information to the Environment Agency to validate modelling assumptions, then there is conflict with NPPF paragraph 163.
144. Notwithstanding this, in the event that the appellant addressed the above issues around flooding and archaeology consideration would need to be given to the balance set out in paragraph 11(d) of the NPPF. This requires that planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the NPPF taken as a whole.

Benefits

- The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate 5.96 years of deliverable housing land supply (8,404 dwellings) against an objectively assessed need and a further 15,946 committed dwellings beyond the five-year period. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced particularly taking into account the nature of the application and uncertainties over deliverability.
- Typical of any residential housing development, 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 longer-term expenditure benefits to the area.
- The development would provide an increased range of house types including 10% affordable housing units which would meet an identified short fall within the County.

- There would be a residual amount of publicly accessible open space over and above the minimum targets of the 2018 OSNA, to mitigate the impact of the development, subject to delivering the required typologies on site.
- Based upon the ecological works proposed and off-site contribution, it is considered that the development would lead to net gain in terms of biodiversity.
- The provision of SUDS would reduce runoff rates on the developed portion of the site to below current greenfield run off rates.

Adverse Impacts

- The proposed development would represent a substantial encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect the existing natural and landscape features resulting in significant adverse harm to the character of the local landscape.
- The development would have adverse harm on the setting, character and function of the historic byway West Ousterley Road which is considered a non-designated heritage asset, a valued landscape feature and well used recreational route.
- The development would have a severe impact in terms of highway safety on the junction of the B6532 Wear Road/Tyne Road Crossroads without proposing adequate mitigation.
- The nature of walking routes to the centre of Stanley and distances to bus stops from extremes of the site is unlikely to promote accessibility by a range of methods.

137 Overall on balance, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development and would not outweigh the conflict with local plan policies.

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.

RECOMMENDATION

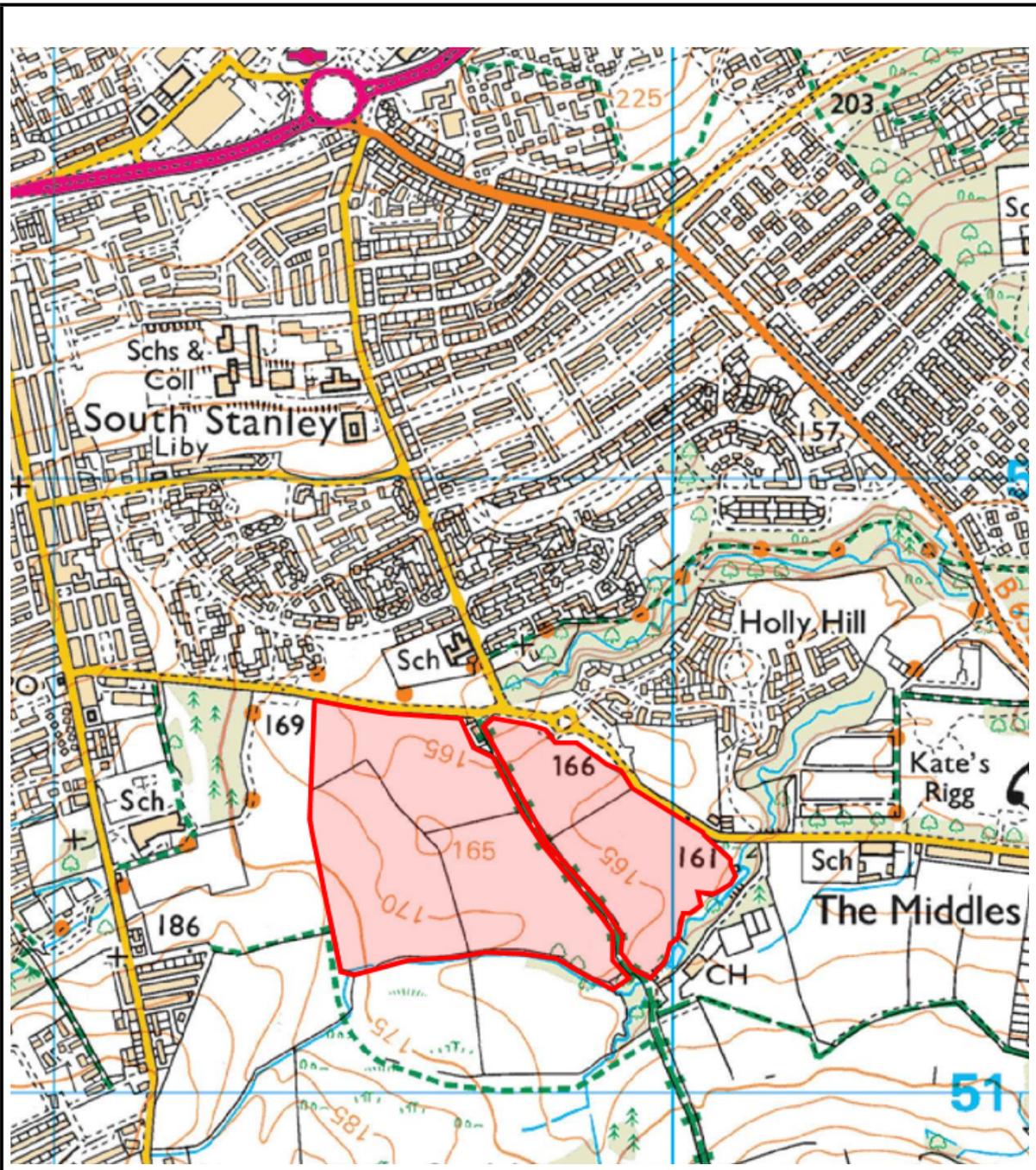
That members be minded to **Refuse** the application for the following reasons:

1. The Local Planning Authority considers that the development would represent a significant encroachment into the countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features and the landscape setting in conflict with Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the development would have a severe impact on the traffic flows and operation of the A693 Roundabout leading to an unacceptably adverse impact on highway safety contrary to policy TR2 of the Derwentside District Local Plan and failing to comply with Paragraph 108 and 109 of the National Planning Policy Framework.

3. The Local Planning Authority considers that the development would result in adverse impacts upon the setting, character and function of the historic byway West Ousterley Road which is considered a non-designated heritage asset, a valued landscape feature and well used recreational route. As a result, the development would be in conflict with Policies GDP1 and RE4 of the Derwentside District Local Plan and NPPF paragraph 98, with paragraph 197 relevant to the identified harm the non-designated heritage asset.
4. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to policies GDP1 and TR2 of the Derwentside District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
5. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate the significance of the archaeological interest of the site in conflict with Derwentside District Local Plan Policy EN19 and paragraph 189 of the National Planning Policy Framework.
6. The Local Planning Authority considers that insufficient evidence has been submitted to demonstrate that the proposal would not result in development on land at a higher risk of flooding, contrary to Policy GDP1 Derwentside District Local Plan and paragraph 163 National Planning Policy Framework.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan
- The County Durham Strategic Housing Market Assessment January 2019
- Local Plan Viability Testing, June 2018
- Statutory, internal and public consultation responses



Durham
County Council

Planning

Services

DM/18/03346/OUT Outline planning application for the erection of up to 290 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005

Comments

Date March 2019

Scale Not to scale