

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/03622/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline Planning Application for up to 350 dwellings including means of access (all other matters reserved)
<b>NAME OF APPLICANT:</b>	John & Bertha Elizabeth Rawe & Future Habitat Ltd
<b>ADDRESS:</b>	Land To The North West Of High Beechburn Farm, Crook DL15 8JE
<b>ELECTORAL DIVISION:</b>	Crook
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of an irregular shaped parcel of land, located to the southern edge of Crook, to the South West of the County. The site extends to approximately 14.56 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 40m in an easterly direction. The site is bound by the existing residential development of Crook to the north, and agricultural field to the western, southern boundaries. Further agricultural fields and Beechburn Industrial Estate are located to the eastern site boundary. Existing vehicular access to the site is provided through surrounding agricultural fields in the east. Mature trees and hedgerows are present along the northern boundary of the site and centrally within the site.
2. A Public right of way (Footpath No.52, Crook) runs through the site in a North-South direction. Crook Conservation Area, containing a number of listed buildings, is located approximately 900m to the north east of the site. Low Woodfield Farm House, a Grade II listed building is located approximately 280 to the north west of the site. Further to the west (approx. 540m from the development site) the Grade II Listed Buildings of High Woodfield Farm House East and West are located. No designated sites of ecological interest are located within a close proximity of the site.

#### The Proposal

3. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 350 dwellings. An indicative site

layout has been submitted identifying that the development would be arranged around an east-west circulation road, with areas of open space located centrally and to the western boundary. A SUDS feature is proposed in the south eastern portion of the site, with the sole vehicular access taken of Beechburn Industrial Estate to the north eastern site boundary. Pedestrian access links are proposed along the northern site boundary, while the route of the current public right of way would be maintained. The layout indicates that the route of the Public Footpath which passes through the western part of the site would be maintained. The supporting information sets out that 15% of the dwellings would be offered on an affordable basis.

4. 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.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **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>

21. 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; flood risk; land stability; light pollution; natural environment; 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:**

Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy ENV1 – Protection of the Countryside.* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
24. *Policy ENV10 -Sites of Special Scientific Interest –* Sets out that development which will affect the conservation value of Special Scientific Interest (SSSI) will only be permitted if the development is of overriding national importance and the development cannot be located elsewhere.
25. *Policy ENV11- Sites of Nature Conservation importance and Local Nature Reserves –* Sets out that development which will adversely affect sites of Nature Conservation Importance or Local Nature Reserves will only be allowed if the development is of overriding local importance and it can be demonstrated that there are no alternative development site. The policy also sets out that developments should include measures to conserve and enhance nature conservation interest and where practicable provide replacement habitats and features.
26. *Policy BE1 – Protection of Historic Heritage –* Sets out that the Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features of and areas of particular historic architectural or archaeological interest.
27. *Policy BE4 – Setting of a Listed Building –* Sets out that development which impacts on the setting of a listed building and adversely affects its special architectural, historic or landscape character will not be allowed.
28. *Policy BE8 – Setting of a Conservation Area –* Sets out that development which impacts upon the setting of a Conservation Area and which adversely affects townscape qualities, landscape or historical character will not be allowed.

29. *Policy BE23 – Provision of Public Art* - In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
30. *Policy H3 – Distribution of Development*. New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
31. *Policy H15 – Affordable Housing*. The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
32. *Policy H16 – Exceptions Policy* – Sets out that as an exception to H3 small scale housing scheme may be permitted on suitable sites outside the defined settlement limits where it is clearly demonstrated that there is an overriding need for affordable housing that cannot be reasonably provided elsewhere. Developments should not have an adverse impact on the character or appearance of settlements, their setting, the surrounding countryside and satisfies general development criteria.
33. *Policy H24 – Residential Design Criteria*. New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
34. *Policy RL5 – Sport and Recreation Target*. For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
35. *Policy T1 – General Policy – Highways*. All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

#### **RELEVANT EMERGING POLICY:**

##### 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.

*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> (Wear Valley District Local Plan)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

37. *Highways Authority* – Advise that the scope of the submitted TA and its assessment of relevant junction is unacceptable, at this time the developments impact on the wider highway network remains unproven. In terms of the proposed vehicular access, concerns are raised regarding the conflict of the users of the industrial estate and residential traffic, including pedestrian and cyclists. In order to address this, a 1.8m wide footway would need to be erected either side of the current access road, to be secured by condition. It is also advised that in order to ensure highway safety is maintained it is likely that waiting restrictions would need to be put in place to prevent commercial/industrial vehicles parking on the highway, which currently occurs. This potentially could create displacement issues elsewhere. In order to facilitate an acceptable access and due to onsite topography changes, it is likely that retaining structures would be needed. At this stage the applicant has not demonstrated that adequate sight visibility could be achieved in this location, and from the commercial access serving Units 9a to 9d. Any approval of the application should be withheld until an amended TA is submitted and that adequate sightlines could be achieved.
38. *Northumbrian Water* – Advise a conditional approach to deal with the management of foul and surface water from the development site.
39. *Drainage and Coastal Protection* – Advise that whilst the Flood Risk Assessment (FRA) is relatively comprehensive, a layout plan showing drainage runs and land identified for a surface water management train with SuDS features such as swales infiltration drains, filter strips etc. should be provided in support of the application. The FRA refers to the mining report and dismisses the use of some SuDS methods due to contamination however shallow swales and filter strips could be used without the risk of contamination to transmit water through the site and improve water quality as required. There also appears to be a 4m level change across the SuDS storage area, deliverability of this element (due to proximity of proposed highway and land conditions) is questioned.

### INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy* – Advise that the WVDLP 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. WVDLP policy EV1 sets out that in order to protect and enhance the countryside development beyond settlement limits should be strictly controlled. This approach is replicated in policy H3.
41. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced.

42. The application should therefore be considered in the context of the planning balance test contained in paragraph 11 d) of the NPPF. It is advised that the Council can presently demonstrate in excess of a 5 year housing land supply.
43. *Landscape* – Advise that the site is not within a locally or nationally designated landscape. It is, nevertheless, attractive, rolling, pastoral countryside with a largely intact network of hedgerows and many mature hedgerow trees. It contributes positively to the setting of Crook, particularly so because the northern edge of the site, which borders the existing settlement boundary, features many trees that soften and give a feeling of maturity to this edge of the settlement. In summary it is advised that the proposal would have significant, negative, landscape and visual effects.
44. *Landscape (Arboriculture)* – Advise that the indicative layout is likely to place pressure on the existing trees both during and post construction unless redesigned with a greater buffer between the trees and the properties. The trees make a significant impact on the landscape and damage to them that will result in their decline and/or ultimate removal.
45. *School Places and Admissions Manager* – Advise that a development of 350 houses could produce an additional 105 primary pupils and 42 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, in relation to primary school pupils it is advised that there would not be sufficient capacity within existing primary schools to accommodate the development while maintaining an appropriate buffer. In line with the Councils Policy in securing developer contributions as the development exceeds 300 dwellings a feasibility study should be carried out to establish whether existing primary schools could be expanded and the resultant cost. It is likely that 4 classrooms plus other supporting facilities would be required.
46. *Housing Delivery* – Advise that the proposed 15% (53 units) affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 80% affordable rent and 20% intermediate tenure would be desirable. It is also advised that 10% of the housing should be for the elderly/accessible homes.
47. *Ecology* – Advise that the submitted Preliminary Ecological Appraisal identifies the need for further survey for bats and breeding birds. These have not been undertaken and are required prior to determination. It is also advised that no assessment of likely losses in biodiversity by the proposals, has been undertaken. Considering the numbers of houses proposed, there is likely to be an overall net loss, and as a result, at this stage the proposed development is likely to be against the requirements of the NPPF. Depending on the results of the calculator, the priority would be for compensation/mitigation to be provided on site, however where this is deemed to not be feasible, a combination of on and offsite mitigation may be achievable.
48. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality would be below the national air quality objectives and subject to the submission of a construction management plan and preparation of a travel plan to encourage sustainable travel by condition.
49. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure additional survey work and mitigation where required.

50. *Environmental Health and Consumer Protection (Pollution Control)* – advise that a noise impact assessment has been submitted in support of the application setting out predicted internal and external noise levels based on the existing noise levels within the area, along with noise mitigation measures in the form of glazing and ventilation. However, it is advised that the monitoring locations were to the west and east of the development area and that there are existing commercial uses; foundry and a vehicle repair site in closer proximity of the site. These uses could create commercial//industrial type noise as well as noise from plant/machinery. This type of noise has not been specifically assessed within the assessment and details of the type of industrial noise and the duration of industrial noise has not been provided. Further survey work and analysis of these noise sources should be considered.
51. *Archaeology* – Advise that the applicant has submitted a geophysical survey report and this has identified a significant archaeological resource within the proposed development area. The exact nature of this needs to be confirmed through trial trenching which should take place in support of the application. This is to ensure that the potential implications of this resource are fully understood early and any further mitigation can be incorporated into the development's timescales.
52. *Access and Rights of Way* – Advise that public footpath no.52 Crook is indicated to be incorporated within the proposed site layout. This footpath should be brought up to an adoptable standard. There is a network of Public Footpaths located to the south of the proposed development which will likely be accessed for recreation, exercise, dog walking etc the development should mitigate its impact in respect additional use of these routes.
53. *Design and Conservation* – Advise that with the submitted application is for outline planning permission, a site of this size should demonstrate, within the supporting information, that a residential area with a sense of place and distinctive character can be created whilst providing the maximum number of units proposed. It is questionable if this can be achieved given the level and detail of the information submitted for assessment. It is advised that there is limited intervisibility between the proposed development site and Low Woodfield Farm due to the existing vegetation around the south/south-east boundary of the farm and therefore there will be limited impact on the setting of the designated heritage asset. Whilst there is some intervisibility between the proposed development site and High Woodfield East, recent large footprint farm buildings have altered the setting of the designated heritage assets.
54. *Sustainable Transport* – Advise that the site is outside of the generally accepted 400 metres walk distance to nearest served bus stops. To improve the accessibility of the site the developer should ensure that a bus service operates around Thistleflat Road, stopping at suitably located formal bus stop locations on the route. This will require one additional bus in the local network (Mon – Sat 08:00 – 18:00). The estimated net cost of such a service would require developer funding of approximately £60,000 per annum. There are a number of PROW in the vicinity of the site which would be affected by the development from increased use. It is suggested that improvements are made to mitigate additional demand. The main access into the estate is through an industrial estate which does not provide a safe or attractive walking and cycling route. The footway is constantly intersected by sideroads which interrupts flow and creates more potential for conflict.
55. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.

## **NON-STATUTORY RESPONSES:**

56. *NHS* – Advise that a contribution of £24,150 is sought to increase the capacity of existing health care facilities in the area.
57. *Sport England* – Advise that the occupiers of new development, especially residential, will generate demand for sporting provision. No detail is included within the application which suggests that the applicant intends to make investment in the local sports infrastructure to meet the needs arising from the development. In the event that no onsite provision a contribution of £311,250 for investment to increase the capacity of the local sporting infrastructure is sought. Objections to the application are therefore raised.
58. *Coal Authority* – Advise that a mine entry is present within the site and a further three off site mine entries are present adjacent to the site boundary. Given the likely requirements for no build zones around these mine entries, and the limited scope for amending the site layout due to the density proposed, further investigations should be undertaken. A conditional approach is recommended to secure further survey work and to identify if any mitigation is required in advance of the submission of any reserved matters application. This may influence the resultant site layout.

## **PUBLIC RESPONSES:**

59. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents and businesses.
60. 48 letters of objection from local residents have been received in relation to the development as summarised below.

### ***Principle/Sustainability of development***

- Although the need for new housing is recognised, this should be delivered on suitable sites
- The scale of the development is excessive
- The development of the site would conflict with policy H3 representing development outside of the established settlement limits
- Concerns in relation to the capacity of doctor's surgeries
- Capacity of local schools and other infrastructure
- Redundant properties and brownfield land should be utilised first
- Future residents would need to travel to other towns for employment
- The development is a significant distance from bus routes
- The development in combination with additional homes proposed in Crook is excessive
- The CDP should be given weight in the decision making process
- The deliverability and viability of the site is brought into question
- The development should be considered EIA development
- The need and market for new housing at this scale is highlighted

### ***Highways***

- Concerns on the impact of increased traffic on the highway network
- Concerns on the visibility achievable out of the proposed junction
- The access through the industrial estate is inappropriate, there will be a conflict with other users of the access increasing the risk of accidents
- Increase in pollution from extra vehicles
- Concerns of impact during construction works

- The plans suggest that additional highway access could be created onto Chaucer Drive, this would involve the loss of play space

### ***Residential Amenity***

- Impact on residential amenity through construction
- Loss of privacy and amenity from overlooking due to the proximity of the dwellings.

### ***Other Issues***

- Green Spaces will be lost, destroying an open, wild area.
- The scheme would result in encroachment into the surrounding countryside
- Loss of view, devaluation of property
- Impact on local wildlife, including the loss of hedgerows
- Potential flooding issues associated with the development
- Impacts on air quality
- Concerns of mine shafts on site and land stability
- The development would conflict with policy GD1 and EV1 due to the landscape and visual impact of the scheme
- The development would impact on the current PROW passing the site.
- Impact on the setting and character of the rural feel of the town
- Impact on existing trees on site
- The presence of bats and nesting birds on site is highlighted
- Evidence of archaeological remains are evident on site
- The proposal would represent an over development of the site and would represent poor design
- The lack of consultation held by the applicant is highlighted

61. Cllr Anne Reed – Objects to the development, highlighting that while housing developments may be considered acceptable in Crook these should be in suitable locations. The application has generated a significant amount of public interest, resident’s concerns on the development are considered justified. The presence of historic coal mining on the site is highlighted, concerns are raised regarding the type of material used to back fill works and the stability of the site.
62. CPRE – Consider that the development is contrary to policy ENV1 of the WVDLP representing development outside of the settlement boundaries of Cook. In line with case law it is considered that this policy is not out of date and the paragraph 11 of the NPPF tilted balance should not be engaged. The presence of an alternative site in the CDP for housing is highlighted. Notwithstanding the above policy conflict, the application should also be refused on prematurity grounds in line with paragraph 50 of the NPPF.

### **APPLICANTS STATEMENT:**

63. The proposed development is in general compliance with the NPPF and the saved policies of the local plan. It is acknowledged that the proposed development is located outside the defined development limits of Crook and potentially therefore conflicts with the Local Plan Policies regarding development in the open countryside.
64. However, in this case the NPPF, a significant material consideration, sets out that based on the out of date nature of the councils plan policies, that the presumption in favour of the sustainable development is engaged, and the development is required to be considered in the context of Paragraph 11 of the NPPF.
65. The land is not designated at a local or national level and all landscape and visual effects would be within a local context. There would be substantial benefits as outlined

in the Planning Statement including the provision of affordable housing, on site open space, creation of jobs, and financial contributions towards local sports infrastructure, local NHS provision; improvements to local public transport facilities and additional primary school places.

66. Whilst there would be some conflict with the out of date local plan policies the associated harm would be outweighed by the substantial benefits.

*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>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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67. 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, housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, heritage issues, open space/recreation provision, ecology, residential amenity, flooding and drainage, ground conditions, planning obligations and other issues.

### Principle of Development

68. 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 Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
69. The WVDLP 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).
70. WVDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in policy H3 of the WVDLP, which sets out that new development will be directed to those towns and villages best able to support it, recognising that other than infill developments or small extensions, development outside of defined settlement limits would not be acceptable. The development of the application site would conflict with WVDLP Policies ENV1 and H3, representing a substantial encroachment into the countryside. Policy H16 is a housing exceptions policy that does accept housing development on suitable sites outside settlement boundaries. However, it only applies

to small scale sites and is not applicable to this application nor does the proposal draw any support from the policy.

71. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to policies ENV1 and H3 is reduced.
72. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- 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
73. As set out above it is considered that there are policies within the Local Plan most important for determining the application that are out of date (policies ENV1 and H3), by reason of the out of date evidence which informed them. Therefore, the acceptability of the development must, therefore be considered in the context of Paragraph 11(d) of the NPPF as set out above.

#### Housing Land Supply

74. 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.
75. 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 in excess of 5 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.

76. Although in a recent written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied paragraph 74, as it was impossible for the Council to have 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.
77. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
78. 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 5 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.
79. 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 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 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

80. Policies GD1, H24 and T1 of the WVDLP jointly seek to promote that adequate and safe pedestrian and cycle routes are provided to facilitate access to services and amenities, prioritising pedestrian and cycle links. The policies also seek to ensure that adequate links and access to public transport are incorporated within the layout of the site, while large sites are required to provide access for public transport networks.
81. These policies are considered consistent in this respect with paragraph 103 of the NPPF which 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 on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF also sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public

transport, address the connections between people and places and the integration of new development into the natural and built environment. Policies GD1, H24 and T1 of the WVDLP should therefore be afforded full weight in the decision-making process.

82. Crook 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.
83. 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.
84. In this respect, the majority of services and amenities needed to sustain a development of this size are located within the centre of Crook, including larger supermarkets, health facilities. A proportion of the site would be within this walking distance/time however, the extremes of the site would not. The site also relies on a limited number of pedestrian and cycle connections onto Thistleflat Road, which appear to include land outside the applicants control or involve undesirable convoluted pedestrian footpaths which are not overlooked. The proposed vehicular access through an industrial estate would not provide for a safe and attractive environment to encourage pedestrian and cycle access. It is considered likely that given the nature of the routes and distances to the town centre, it would discourage future residents from accessing the town centre by foot.
85. In terms of access by bus, Thistleflat Road is served by an hourly local bus service (0825-1625 Monday to Friday and 0825-1125 Saturdays) to Crook. The service is therefore not particularly frequent and the service ceases at relatively early times of the day. Furthermore, 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. Additional bus services are located on the B6298 / New Road, however, these routes are entirely beyond the 450m recommended walking distance, extending up to 1500m to the extremes of the site.
86. The Council's Sustainable Transport Section advise that in order to improve the accessibility of the site an additional bus in the local network (Mon – Sat 08:00 – 18:00) could be funded. The estimated net cost of such a service would be 60,000 per annum for five years. There would be no opportunities to redirect bus services through the site in its currently proposed layout.
87. The site is considered relatively accessible by cycle, however, this relies on utilising the proposed vehicular access, through the industrial estate and proposed pedestrian links onto Thistleflat Road with no existing dedicated cycle routes or lanes serving the development.
88. It is recognised that a proportion of the site would be within acceptable walking distances to services in the centre of Crook, and within proximity of a local bus service. However, taken in the round, given limited frequency of this bus service, even if the service was improved, the distance of extremes the site from this service and facilities

in the town centre and the nature of pedestrian routes proposed it is unlikely that the development would promote accessibility by a range of methods contrary to Policies GD1, H24 and T1 of the WVDLP 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 Impact

89. WVDLP Policy GD1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside as permitted by Local Plan policies. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However, it is recognised the strategy of Policy ENV1 of the WVDLP in restricting development proposals for agricultural or other compatible uses in the countryside is only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to its consistency with the NPPF, policy GD1 can be afforded full weight in the decision-making process.
90. The site is not within a locally or nationally designated landscape, however, as advised by the Council's Landscape Officer, it does form part of an attractive, rolling, pastoral countryside with a largely intact network of hedgerows and many mature hedgerow trees. The site is visible from the existing south western settlement edge of Crook, Thistleflat Road and from the surrounding countryside, including the adjacent public rights of way network, passing through and adjacent to the site. It is advised that the site contributes positively to the setting of Crook, particularly so because the northern edge of the site, which borders the existing settlement boundary, features many trees that soften and give a feeling of maturity to this edge of the settlement.
91. It is also advised that the effect of the erection up to 350 dwellings on the landscape character of the immediate locality would be transformative being of significant harm in the local context. No structural planting is proposed around the periphery of the site and the limited planting indicated would not fully mitigate the impact of the development, which would be read as a significant incursion into the countryside beyond a well-defined boundary to the edge of the existing built environment.
92. 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 GD1 and ENV1 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

93. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and

layout, to its location. 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 WVDLP Policies GD1 and H24 in this respect.

94. The NPPF at paragraph 129 also encourages the use of assessment frameworks based on Building for Life 12 (BfL12). In this respect the application has been considered by the Councils Design Review Workshop which, utilising BfL12 as an assessment framework, scored the site poorly. It is considered that significant amendments would be required to the indicative masterplan, to demonstrate that the quantum of development proposed could be satisfactorily accommodated on the site and integrate itself into the surrounding area, particularly around the quantum of open space, connections to the existing developments, incorporation of landscape features and providing adequate structural landscaping to the site boundaries. Such amendments would be necessary to ensure a development comprising of good design but the aforementioned visual and landscape harm due to the incursion into the countryside would still result.
95. These concerns are replicated in separate comments from the Councils Design and Conservation Officer, who advises that while acknowledging the outline nature of the application, the supporting information does not demonstrate that a development with a sense of place and distinctive character could be created. Concerns are raised whether this would be achievable given the quantum of development proposed, the site area and constraints of the site and a significant reduction in the number of dwellings would be required.
96. Overall, based on the submitted information, it is considered that the development would relate poorly to the surrounding area in character, in terms of density and layout and would not achieve a high-quality inclusive development contrary to policies GD1 and H24 of the WVDLP and Part 12 of the NPPF.

#### Highway Safety and Access

97. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent 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 these policies can be given full weight in in this respect. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.
98. The proposed sole vehicle access to the site would be taken via Beechburn Industrial Estate, through the formation of a new vehicle access road. The access road would be routed in-between commercial units 9a and 9b and 75 Dickens Way, and would involve the regrading of the land and forming of retaining walls to both the residential dwellings and commercial units.
99. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network. In reviewing the proposals, the Highway Authority advise that the submitted TA does not adequately assess the developments impact on the wider highway network, both in terms of junctions analysed and the nature of the

assessment. On this basis, objections are raised to the development. The applicant has agreed a scope of a new TA, however a revised assessment has not been forthcoming.

100. In terms of the proposed vehicular access, the Highways Authority raise concerns regarding the conflict of the users of the industrial estate and residential traffic, including pedestrian and cyclists. In order to address this, it is advised a 1.8m wide footway would need to be erected either side of the current access road, to be secured by condition. It is also advised that in order to ensure highway safety is maintained it is likely that waiting restrictions would need to be put in place to prevent commercial/industrial vehicles parking on the highway, which currently occurs. This potentially could create displacement issues elsewhere.
101. Due to onsite topography changes, it is likely that retaining structures would need to be erected to facilitate the proposed access. The Highways Authority advise at this stage the applicant has not demonstrated that adequate sight visibility could be achieved in this location, and from the commercial access serving Units 9a to 9d.
102. Overall, on the advice of the Highway Authority, it is considered that insufficient information has been submitted, to demonstrate that a satisfactory means of access could be created, and to demonstrate that the development would have an acceptable impact on the wider highway network. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with WVDLP Policies GD1, H24 and T1 in this respect and paragraphs 108 and 109 of the NPPF.

#### Heritage Issues

103. Crook Conservation Area, containing a number of listed buildings, is located approximately 900m to the north east of the site. Low Woodfield Farm House, a Grade II listed building is located approximately 280 to the north west of the site. Further to the west (approx. 540m from the development site) the Grade II Listed Buildings of High Woodfield Farm House East and West are located.
104. However, it is advised by the Councils Design and Conservation Section that there is limited intervisibility between the proposed development site and Low Woodfield Farm due to the existing vegetation around the south/south-east boundary of the farm and therefore there will be limited impact on the setting of the designated heritage asset. Whilst there is some intervisibility between the proposed development site and High Woodfield East, recent large footprint farm buildings have altered the setting of the designated heritage assets and therefore the development would not have a negative impact in this respect. There is no intervisibility between the site and Crook Conservation Area. The development would therefore comply with WVDLP policies BE1 (consistent with the NPPF), BE4 (partially consistent with the NPPF) and BE8 (partially consistent with the NPPF) and with part 15 of the NPPF in this respect.
105. In relation to Archaeology, policy BE1 seeks to conserve the historic heritage of the District by the maintenance, protection and enhancement of areas of particular archaeological interest. 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 BE1 should be afforded full weight in this respect.
106. The applicant has submitted a geophysical survey which, as advised by the Archaeology Officer clearly identifies potential archaeological features. The Councils

Archeological Officer advises that the significance of these features is unknown, and that further evaluation by trial trenching is required, as these may be candidates for preservation in situ or require significant excavation. To date, such trial trench evaluation has not been undertaken.

107. 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 archaeological features 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. The information is also insufficient to enable the LPA to assess compliance with relevant policy.
108. 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 WVDLP Policy BE1 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.

#### Open Space/ Recreation Provision

109. Policy GD1 of the WVDLP sets out that adequate open space is incorporated within the design and layout of the site. This is detailed further in WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development, or as an alternative, developers are expected to make a contribution to the provision of such facilities. This is replicated in WVDLP H24 also sets out that on developments of more than 10 dwellings, the Council will seek to negotiate a contribution, where appropriate, to the provision and subsequent maintenance of social, community and/or recreation facilities in the area. The policy identifies that there is a shortage of playing fields within the Crook Area. NPPF paragraph 96 highlights that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
110. The targets referred to in Policy RL5 and the background supporting information of the policies 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 Policies RL5 and H24 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.
111. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 350 houses this equates to 0.69 ha of allotment space,

1.07ha parks and recreation typologies, 0.69ha of child and youth play space and 1.15ha of amenity/natural green space. The OSNA sets out that on developments of this scale, these typologies should normally be provided on site. A bench-marked cost of £1,101,870 with the addition of maintenance is calculated.

112. Sport England have also provided comments on the application setting out that within the Crook area there is a shortage of playing fields and that a development of this scale would be required to mitigate its impact in this respect. A contribution of £311,250 is sought, the applicant has not advised whether they would be willing to meet this requirement, however this could be secured by a S106 legal agreement.
113. Overall, based on the submitted information, the submitted application and proposed masterplan does not make provision for the open space and recreation typologies required under the 2018 OSNA. The development is therefore considered to conflict with policies GD1 and RL5 of the WVDLP and paragraphs 96 and 127 of the NPPF.

## Ecology

114. WVDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy. This policy is considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains. Policies ENV10 and ENV11 provide advice in regards to Sites of Special Scientific Interest and local designated ecological sites and these are considered consistent with the NPPF.
115. A Preliminary Ecological Appraisal has been submitted in support of the application. The report identifies that there are no designated ecology sites within the immediate area, and that the site as a whole is considered to be of local ecological value. It is however identified that a breeding bird survey and a bat activity survey should be undertaken to inform the development proposals. To date no survey work has been undertaken.
116. The Council's Ecology Section advise in line with the submitted report, surveys for bats and breeding birds should be undertaken in advance of any approval of the application, in order to secure appropriate mitigation if required. It is also advised that no assessment of the likely losses in biodiversity, caused by the proposals has been undertaken. Given the number of houses proposed, it is advised that there is likely to be an overall net loss in biodiversity, and appropriate compensation would be required either on or off site in order to meet the requirements of the NPPF in this respect.
117. Overall, due to the lack of survey work in relation to the presence of bats and nesting birds on the site, and as no consideration as to whether or how the development would achieve a net biodiversity gain. It is considered that there is insufficient information to enable an assessment against WVDLP Policy GD1 and Part 15 (paragraphs 170 and 175) of the NPPF in this respect and also to enable the Council to discharge its obligations under the Conservation of Habitats and Species Regulations 2017 with regard to European protected species

## Residential Amenity

118. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. 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. Full weight can therefore be afforded to WVDLP Policies GD1 and H24.

119. 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, particularly having regard to the above discussion on open space that the required levels of such space have not been indicated on the layout.
120. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It concludes that the acoustic environment would not impact on the layout of the development and mitigation would not be required. In reviewing this matter, the Environmental Health and Consumer Protection (Pollution) Officers have sought clarification from the applicant regarding the positioning of commercial units and the impact of noises generated on the development site. No further information has been forthcoming on this matter.
121. In this respect, whilst it would be desirable that the concerns of Environmental Health and Consumer Protection (Pollution) Officers are clarified. It is considered that a conditional approach could be adopted requiring the submission of an amended assessment in support of any reserved matters application. This could require amendments to the site layout or mitigation measures. It is also recognised that the proximity of existing dwellings to existing businesses currently provide restrictions on how the businesses could operate.
122. 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.
123. In relation to land contamination, the applicant has submitted a 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 desk top study is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.
124. 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.

## Flooding and Drainage

125. 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.
126. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a detention basin to attenuate surface water in 1 and 100 year flood events before discharging to a water course.
127. The Councils Drainage and Coastal Protection officers advise that whilst the Flood Risk Assessment (FRA) is relatively comprehensive, a layout plan showing drainage runs and land identified for a surface water management train with SuDS features such as swales infiltration drains, filter strips etc. should be provided in support of the application. The application refers to the mining report and dismisses the use of some SuDS methods due to contamination, however shallow swales and filter strips could be used without the risk of contamination to transmit water through the site and improve water quality as required. It is further advised that there is a 4m level change across the SuDS storage area, deliverability of this element (due to proximity of proposed highway and land conditions) is questioned.
128. In considering this matter, and recognising the outline nature of the application, it is considered that a final site layout could potentially be developed to include SuDS features, recognising that a final detailed design may impact on the quantum of development achievable. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station, to which Northumbrian Water raise no objections to.
129. Subject to conditions requiring the implementation of the drainage strategy, including the submitted management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

## Ground conditions

130. 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, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) 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.
131. Paragraph 170 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance, the application site lies within 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

132. Policy H15 of the WVDLP sets out that the Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. This policy is considered consistent with 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 most up to date 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).
133. The site falls within a low viability area, this means that 15% of properties on the scheme would need to be affordable, this equates to 53 units if the site delivered 350 units. It is indicated that 15% 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).
134. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. The School Places and Admissions Manager advises that a development of 350 houses could produce an additional 105 primary pupils and 42 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, in relation to primary school pupils it is advised that there would not be sufficient capacity within existing primary schools to accommodate the development while maintaining an appropriate buffer. In line with the Councils Policy in securing developer contributions as the development exceeds 300 dwellings a feasibility study should be carried out to establish whether existing primary schools could be expanded and the resultant cost. It is likely that 4 classrooms plus other supporting facilities would be required. Without this feasibility work, the minimum cost of providing additional primary school space is calculated at £1,543,815. Accordingly, the applicant has provided insufficient information to enable an assessment of this issue.
135. The NHS advise that a contribution of £24,150 is sought to increase the capacity of existing health care facilities in the electoral division.
136. The applicant has provided no confirmation that they would be willing to enter into a S106 agreement to secure the obligations for NHS and Education financial contributions.

## Other Issues

137. 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. A site-specific investigation into the land classification has been submitted identifying that the site does not contain best and most versatile agricultural land (grade 3b).

138. Policy BE23 of the WVDLP sets out that in appropriate cases, the Council will encourage the provision of works of art as part of development. A conditional approach could be adopted to secure this requirement.
139. Concerns have been raised regarding the potential loss of view from residential properties of the countryside and devaluation of properties, however there are not a material consideration.

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## **CONCLUSION**

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140. The development would result in development beyond the established settlement boundaries of Crook, impacting on the character and appearance of the countryside, in conflict with policies GD1, ENV1 and HP3 of the WVDLP. The development would not promote accessibility via a genuine choice of transport modes Furthermore based on the submitted information the development is considered to represent poor design and would not make adequate provision for future residents in terms of open space, sport and recreation provision contrary to WVDLP Policies GD1, RL5 and H24. Insufficient information has been submitted to establish whether the development could achieve a suitable means of access and would have an acceptable impact on the wider highway network, contrary to policies GD1 and T1. It is also considered that insufficient information has been submitted to establish whether the development would preserve the ecological interests of the site. The NPPF is a material planning consideration capable of outweighing conflict with the development plan.
141. 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. At this stage it cannot be determined whether paragraphs 195 or 196 of the NPPF apply to the development. development. However, on the assumption that paragraph 11(d) is not disengaged, then is it necessary to apply the titled balance test which requires the grant of planning permission unless the adverse impacts of so doing significantly and demonstrably outweigh the benefits.

### *Benefits*

142. 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

while recognising the detailed nature of this application and likely timings of housing deliveries.

143. 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 expenditure benefits to the area.
144. The development would provide an increased range of house types including 15% affordable housing units and 10% older persons housing, which would meet an identified short fall within the County.
145. The provision of SUDS has the potential to reduce runoff rates on the developed portion of the site below current greenfield run off rates.

#### *Adverse Impacts*

146. The proposed development would amount to a substantial incursion into the countryside which would result in adverse harm to the character of the local landscape and surrounding area.
147. Even taking into account potential improvements to the existing bus services, the distance and nature of walking routes to the centre of Crook, and the distances to bus stops from extremes of the site is unlikely to promote accessibility by a range of methods.
148. Based on the submitted information the development would relate poorly to the surrounding area in character, in terms of density and layout and would not achieve a high-quality inclusive development.
149. The development would not ensure that future residents would have access to high quality open spaces and opportunities for sport and recreation facilities.
150. Furthermore, there is insufficient information to enable a proper assessment of the wider highway impact, suitability of the proposed site access and ecological impact.
- 137 Overall on balance, in the event that paragraph 11d)ii of the NPPF is engaged, 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.

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## **RECOMMENDATION**

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That the application be **REFUSED** 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 result in a detrimental impact upon the landscape which would not respect existing natural and landscape features and the

landscape setting in conflict with Policies GD1, H3 and ENV1 of the Wear Valley District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.

2. 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 GD1, H24 and T1 of the of the Wear Valley District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
3. The Local Planning Authority considers that, based on the submitted information, adequate open space would not be provided within the development, contrary to Policies GD1 and RL5 of the Wear Valley District Local Plan and paragraphs 96 and 127 of the National Planning Policy Framework.
4. The Local Planning Authority considers that, based on the submitted information, the development would relate poorly to the surrounding area in character, in terms of density and layout and would not achieve a high-quality inclusive development contrary to policies GD1 and H24 of the Wear Valley District Local Plan and Paragraph 127 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 Policy BE1 of the Wear Valley District Local Plan and paragraph 189 of the National Planning Policy Framework.
6. The Local Planning Authority considers that insufficient assessment has been undertaken to demonstrate that the development would have an acceptable impact on the wider highway network, while achieving a safe and satisfactory means of access, contrary to policies GD1, H24 and T1 of the Wear Valley District Local Plan and having regards to the advice at paragraphs 108 and 109 of the National Planning Policy Framework.
7. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate the ecological interest of the site and thereby whether impacts upon biodiversity including protected species would be acceptable in conflict with Wear Valley District Local Plan Policy GD1 and advice contained within paragraphs 170 and 175 of the National Planning Policy Framework.

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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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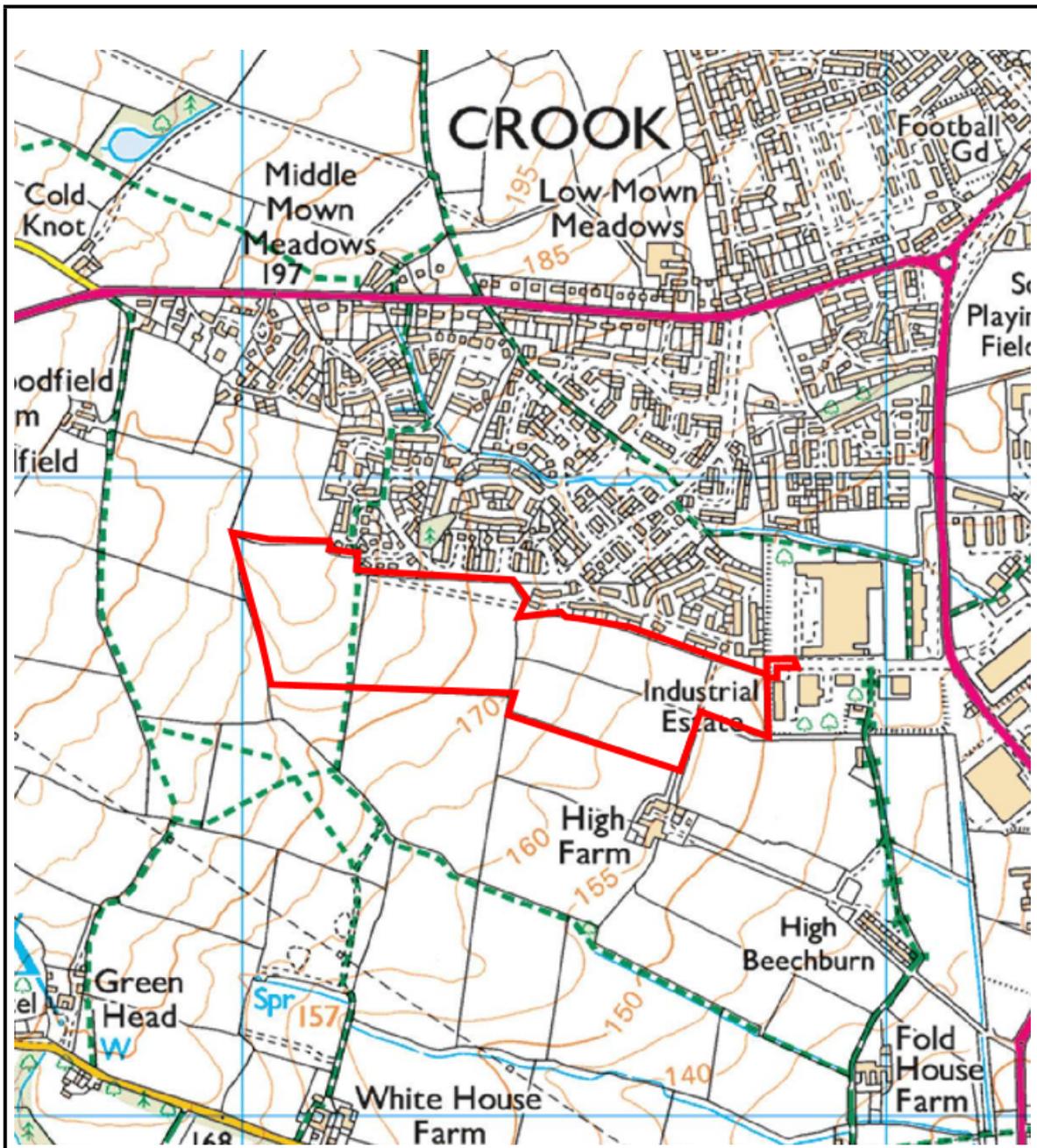
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Wear Valley District Local Plan

The County Durham Plan (Pre Submission Draft)  
The County Durham Strategic Housing Land Assessment  
The County Durham Strategic Housing Market Assessment  
Statutory, internal and public consultation responses



**Planning Services**

DM/18/03622/OUT

Outline Planning Application for up to 350 dwellings including means of access (all other matters reserved)

John & Bertha Elizabeth Rawe & Future Habitat Ltd

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**Comments**

**Date** June 2019

**Scale** Not to scale