

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01413/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for the erection of up to 260 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
ADDRESS:	Land To The South Of 2 Beamish View, Hill Top, East Stanley
ELECTORAL DIVISION:	Stanley
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises of an irregular shaped parcel of land on the eastern edge of Stanley, extending to approximately 12.59 hectares (ha) in area and consists of agricultural fields. There are level changes across the site, with the land falling approximately 27m in a south easterly direction. The site is bound to the north by both the A693 and the C128. There is an existing field access off the C128. Open countryside lies predominantly to the north of the A693 with a field and allotment gardens to the north of the C128. To the west (including NW and SW) lies existing residential development with Stanley town centre beyond. No Place is situated to the north east positioned between the A693 and C128. Agricultural fields are located to the south and east with open countryside beyond.
2. A Public Bridleway (Bridleway No. 36 Stanley) passes close to the site's southernmost point and leads on to No Place to the north. Trees and hedgerows are restricted to the site's northern and western boundaries.
3. Hellhole Wood Local Wildlife Site (LWS) lies approximately 400m to the north of the site. South Stanley Woods, a Local Nature Reserve (LNR) and LWS lies approximately 830m to the south. Beamish Burn Conservation Area lies approximately 1.13km to the north of the site and contains a number of Grade II* and II listed buildings. There are a number of Grade II listed buildings in the surrounding area including several buildings within Beamish to the north east (approximately 885m), Home Farm to the north (approximately 1.04km) and St Paul's Church to the west (approximately 1.5km). The

application site contains no watercourses, with the site lying entirely within Flood Zone 1.

The Proposal

4. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 260 dwellings and the provision of open space, landscaping and sustainable drainage system (SuDS). Access into the site would be taken from the C128 via a new priority junction and ghost island facility. The scheme also includes proposals for new bus stop infrastructure and connections, extending the existing footpath on the southern side of the C128 to the new vehicular access point, a pedestrian access point connection from the site onto an existing path which runs alongside the A693 and a pedestrian refuge island crossing facility on the C128. A section of hedgerow along the C128 would require removal to accommodate the highway works.
5. The application is accompanied by a development framework plan and illustrative masterplan. This identifies that of a total site area of 12.59ha, the proposed residential development area would extend to 6.85ha and could accommodate up to 260 dwellings. The remainder of the site is identified as being for open space including landscape planting, SuDs features and swales. The areas proposed for landscaping predominately lie to the east and south east of the site with built development proposed further to the west and existing development within Stanley.
6. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal on a site in excess of 4ha.

PLANNING HISTORY

7. There is no relevant planning history for this site.

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. 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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. *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.
20. *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; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

Derwentside District Local Plan (1997) (DDLDP)

22. *Policy GDP1 – General Development Principles*. Outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
23. *Policy EN1 – Development in the Countryside*. Development will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
24. *Policy EN2 – Preventing Urban Sprawl*. Except where specific provision has been made in the Plan development outside existing built-up areas will not be permitted if it results in: the merging of neighbouring settlements, ribbon development, or encroachment into the surrounding countryside.
25. *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.

26. *Policy EN12 – Development within the Great North Forest.* States that development within the Great North Forest will only be permitted if the proposals incorporate substantial amounts of woodland planting.
27. *Policy EN19 - Protection of Sites and Settings of Ancient Monuments and Archaeological Features.* Seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
28. *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.
29. *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.
30. *Policy EN26 - Control of Development Causing Pollution –* Permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
31. *Policy HO5 - Housing Development on Small Sites.* Lists settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
32. *Policy HO22 – Recreational Public Open Space within Housing Layouts.* States planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development.
33. *Policy AG1 - Protection Of Better Quality Agricultural Land.* Development of Grade 2 of 3a agricultural quality will only be permitted provided there is no irreversible loss of agricultural land or no other sites of lower grade land exists where the development could reasonably be sited.
34. *Policy RE4 - Protection of Public Footpaths.* Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
35. *Policy TR2 – Development and Highway Safety.* Relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
36. *Policy TR3 – Cycling.* Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

EMERGING PLAN:

The County Durham Plan

37. 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Stanley Neighbourhood Plan

38. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Stanley Town Council* – Object to the proposal on the grounds that; it will increase the burden on an already congested highway; further exacerbate safety issues for pedestrians trying to cross the busy A693; result in a substantial incursion into the countryside; will not be in keeping with the existing pattern of development; cause significant adverse harm to the character of the local landscape; result in the coalescence of No Place with Stanley; and will increase car usage as sustainable transports options are not a viable or attractive alternative. They note that there has been a significant amount of local opposition to the scheme.
40. *Highway Authority* – The submitted Transport Assessment (TA) is not accepted at this time therefore they would not support the development. One of the surveys used to inform the assessment was subject to background interruptions and junction modelling remains unresolved. Notwithstanding objections regarding the submitted TA, following amendments to the site layout plan a suitable means of access can be achieved. A condition would be required to secure full engineering details of the ghost island right turn lane arrangement with road widening, pedestrian refuge facility and bus stop infrastructure and timescales for implementation.
41. *Drainage and Coastal Protection* – Further information has been submitted to indicate that SuDs are to be included in the form of detention basins, permeable paving, filter strips and swales. Whilst this is generally acceptable for the purpose of an outline application the swales identified would not be in compliance with the Council's requirements. Notwithstanding this a conditional approach can be applied to secure a detailed surface water management scheme.
42. *Coal Authority* – Advise that there is a history of past coal mining activity which poses a risk to the development site, therefore in order to verify the ground, intrusive ground investigation works are required in order to determine the exact situation in respect of coal mining legacy issues within the site. A conditional approach is recommended.

INTERNAL CONSULTEE RESPONSES:

43. *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.
44. 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.
45. 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 or the site). If the scheme provides affordable and specialist dwellings, these could also be added into the benefit column.
46. *Archaeology* – Limited field investigation has been undertaken in the location of the site and as such it is not possible to properly characterise the archaeological resource in the large areas of the development site undisturbed by former mining activity. Field-based evaluation is the only way to adequately assess the archaeological impact of this development and ought to be carried out as per para. 189 of the NPPF. This should start with a geophysical survey with the results submitted in support of the outline application. The results of the survey can then inform any subsequent trial trenching and mitigation.
47. *Design and Conservation* – No objections are raised in relation to heritage impacts. The proposed development may result in the coalescence of settlements. It is also questionable whether the site can accommodate the number of units applied for given the site context, steeply sloping site topography and proposed housing density.
48. *Ecology* – Raise no objection subject to securing a financial contribution and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity. Therefore, a contribution of £11,137 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council’s Local Biodiversity Compensation Strategy document. Conditions relating to the adherence to the recommendations outlined within the ecology report, a detailed landscaping scheme and maintenance regime to be agreed.
49. *Employability Section* – Request that targeted recruitment and training clauses are secured via a S106 agreement or planning condition.

50. *Environment, Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. With regards to the operational phase of the development the modelled levels of air quality are below the national air quality objectives. Whilst the outcome of the assessment does not indicate mitigation measures are required the provision of electric charging points would be recommended. The screening of the impacts of the construction phase on air quality has not been completed at this stage. The outcome of this assessment would be used to determine applicable dust control/mitigation measures to be incorporated within a Dust Action Management Plan for the site.
51. *Environment, 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. No objections are therefore raised subject to a conditional approach requiring the submission of a scheme of noise mitigation, construction methodology and restricting working hours on site.
52. *Environment, 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.
53. *Housing Delivery* – Advise the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. There is an average demand for bungalow accommodation in comparison to the neighbouring area. This site is in an area which has an average demand for affordable rented properties in comparison to neighbouring areas. A third of those actively seeking affordable rented properties are aged over 65, therefore provision should be made which meets the demands of older persons. It is advised that affordable housing should be dispersed throughout the development to avoid a concentration in one area of the development. This should be in small clusters of housing rather than single units pepper potted through the development. Information will need to be provided on the open market value of all affordable properties for the price to be discounted to an affordable level. Further discussion with the team would be welcomed.
54. *Landscape* – Advise that there are no landscape designations on or around the site. The site at Stanley Hill Top is part of, and sits just below the apex of, the Pennine Spur. The site is open arable farmland that slopes away to the east and south at a gradient of 1:20. Distant panoramic views may be obtained from all points on the site with primary receptors in the southern and south eastern quadrants. Whilst the illustrative masterplan shows substantial greenspace allocations in the east and southeast on lower ground, the loss of the majority of the small area of agricultural land between the settlements would represent a significant reduction in the rural character of the area and of No Place. The LVIA justification for development in this exposed location are not supported, considered robust or valid for development of this scale given the extent and significance of visual exposure from the southern and eastern receptors. The development of up to 260 dwellings would have a significant adverse landscape and visual effect.
55. *Landscape (Arboriculture)* Concur with the landscape officer's comments that the development of this site will have significant landscape effects. Note existing hedgerow will be required to be removed to facilitate access to the site. Remaining hedgerows should be retained, not located within garden curtilages adequately protected. An Arboricultural Impact Assessment, Tree Protection Plan and full landscaping plan conditions are required.

56. *Access and Rights of Way* – There are no registered public rights of way within the red line site boundary although Bridleway (BW) 36 (Stanley) passes past the site's south eastern boundary. A walking route is evident along the site's southern boundary linking Dene View and BW 36. The development will place additional pressure on the network therefore a financial contribution is sought to offset this.
57. *School Places and Admissions Manager* – Advise that a development of 260 houses could produce an additional 78 primary pupils and 32 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 primary and secondary school places to accommodate pupils from this development.
58. *Sustainable Travel* – The submitted travel plan now meets the required standards. A contribution is sought towards costed improvements to Bridleway 36 (Stanley).

EXTERNAL CONSULTEE RESPONSES:

59. *Durham Dales, Easington and Sedgfield Clinical Commissioning Group* – Advise a financial contribution of £125,580 would be sought to mitigate the impacts of the development. The contribution sought would improve access to healthcare provision in Stanley and therefore make the proposed housing expansion supportable from a health infrastructure perspective.
60. *Health and Safety Executive* - Does not advise against granting of planning permission on safety grounds.
61. *Northern Gas Network* – The High Pressure Gas pipeline crosses through the site. Although originally objecting to the proposal this has now been withdrawn. Earlier responses outline the required easement strip widths, limitations to ground level changes and pipeline protection.
62. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.
63. *Police Architectural Liaison Officer* – Raise concern with a further estate of this size entering and exiting onto the A693, a busy road especially at peak times, would be dangerous. They also note the ill feeling towards this development from local residents and the MP.

PUBLIC RESPONSES:

64. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents.
65. 26 letters of objection from twenty-two neighbouring properties and 1 neutral representation have been received in relation to the development, as summarised below;

Objection

- Impact on the character and appearance of the area through development of a highly prominent greenfield site which separates Stanley and No Place resulting in the coalescence of settlements and encroachment into attractive countryside. The proposal is not in keeping with the existing pattern of development.
- Highway safety concerns the impact of additional traffic on the capacity of the surrounding highway network in an accident hotspot area including fatal collisions,

queuing onto this junction is already a problem which further development will exacerbate and the A693 will be even busier for pedestrians to cross. Increased traffic (including bus services) will travel through No Place to avoid queues. This is considered to be dangerous as No Place is a small hamlet therefore not suitable for large volumes of traffic, there is only a single path down into it and children use this as a walking route to school.

- Concerns over the locational sustainability as local amenities, services and sustainable transport options are not within easy or convenient walking distances. This will increase car dependency exacerbating concerns relating to highway safety and whether there is sufficient capacity to within the network to accommodate these journeys
- Whether there is sufficient capacity/funding at the local schools and doctor's surgeries to accommodate the development
- Impact on amenity through increased noise and disturbance especially during the construction phase, overbearing impact, overlooking/loss of privacy, increased air pollution, loss of light, outlook and attractive views
- Ecological impact and loss of biodiversity
- Impact on drainage and flooding
- Question the need for additional housing in this area and that brownfield sites should be prioritized
- The site has not been identified as a suitable site for development in the County Durham Plan
- Consider the benefits of proposal have been overstated
- Query the adequacy of the supporting information which relies on assumptions
- Loss of an amenity area/a place where people walk
- Property devaluation
- Fear of crime

Neutral

- A private correspondence between a local constituent and Kevan Jones MP (North Durham) requesting he supports their objection to the development.
66. A 40 signature petition has also been received objecting to the development on the grounds that; the development would result in a substantial incursion into the countryside; will not be in keeping with the existing pattern of development; cause significant harm to the character of the local landscape; will result in the coalescence of No Place with Stanley; will increase car usage due to the walking routes to the town centre and distances to bus stops from the extremes of the site; and it will adversely affect local highways and lead to further congestion and traffic safety issues.
67. *Kevan Jones MP (North Durham)* – Concerned the proposed development would link up the settlements of Stanley and No Place contrary to both the NPPF and Derwentside District Local Plan. This is not a site which has been identified as being suitable for development in the County Durham Plan and as a result of the above objects to the development.
68. *Campaign to Protect Rural England* – Request the application is refused permission. The application is contrary to policies EN1 and EN2 of the Derwentside District Local Plan. Policy EN2 specifically refers to preventing the merger or coalescence of settlements. The site is not allocated within the County Durham Plan and is not required as a 5 year housing supply can be demonstrated. There are potential road safety issues.

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

APPLICANTS STATEMENT:

69. None submitted.

PLANNING CONSIDERATIONS AND ASSESSMENT

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual appraisal, layout and design, residential amenity/pollution, ecology, heritage, infrastructure and open space provision, affordable and accessible/adapted housing.

The Principle of the Development

71. 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.

72. 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).

73. 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 DDLDP representing an encroachment of development into the countryside and beyond the existing built up area.

74. In addition to the above policies, Policy GD1 of the DDLDP 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.

75. Saved DDLP Policy H05 specifically relates to development of small housing sites (less than 0.4ha) and is not, therefore, applicable to this application.
76. The site is designated under the DDLP as forming part of the Great North Forest to which policy EN12 relates. This policy and implications of the development in its regard, is discussed within the Landscape and Visual Appraisal section of this report.
77. 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.
78. 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.
79. The acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Housing Land Supply

80. 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.
81. 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' County Durham Plan (CDP) was subject to consultation in January

2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is, therefore, 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 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.

82. In a 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 NPPF. 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.
83. 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.
84. To summarise, the Council's position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 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.

Locational Sustainability of the Site

85. 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.
86. 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. The site lies on the edge of East Stanley which forms part of the Stanley Cluster comprising of eight named areas. 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 facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth. The site also lies within close proximity of No Place, a small, village located to the east, which has a settlement score of 5.9 on account of the limited facilities and services it possesses.

87. 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.
88. 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.
89. In this respect, it is noted that there are some facilities located within East Stanley and No Place such as a convenience store, primary school, public house and some open space typologies that would be accessible within approximately 400m of the site boundary. 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 boundary would be within a walking distance of approximately 1700m to the services within the centre of Stanley (edge of the town centre boundary), however, there is a significant topographical change from the site to the centre of Stanley. Walking routes would most likely be along the A693 as the submitted development framework plan shows no pedestrian connections through to Dene View. It is considered likely that given the nature of the routes, it would discourage future residents from accessing the town centre by foot.
90. In terms of access by bus, there are existing stops on the A693 and the C128 served by frequent services to destinations including Stanley, Consett, Sunderland and Chester-le-Street. Significant parts of the site would however lie outside the recommended 400m walking distance to these existing bus stops. The site access arrangement plan (drg. no. 2427-F01 Rev. E) identifies two new bus stops would be created on the C128 to the east of the new junction. Notwithstanding this additional provision it is 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 500m. 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 and topographical changes are again a consideration.
91. The application site forms a larger part of a smaller parcel of land which has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/ST/11a) has an unsuitable (amber) classification, partly on account that the site is poorly located in terms of its access to facilities.

92. 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. In this regard there are no registered public rights of way within the red line site boundary although Bridleway 36 (Stanley) passes past the site's south eastern boundary. A walking route is evident along the site's southern boundary linking Dene View and BW 36 and it is expected that this is retained as part of any development proposals. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. Given the proximity of BW 36 to the site and the level of development proposed it is anticipated that there would be a considerable increase in footfall arising as a result. Both the Council's Public Rights of Way Officer and Sustainable Transport team have requested a contribution to mitigate this impact and secure improvements towards the local public rights of way network. A detailed cost package has outlined a contribution of £170,000 would be required. The contribution sought would accord with the advice of the NPPF and could be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
93. 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 some services and amenities. It is also noted that some connection mitigation measures/improvements are proposed under the application discussed in more detail in the Highway Safety and Access section. However, the nature of walking routes to the centre of Stanley and distances to bus stops from the extremes of the site are still 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.

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 (TA), which assesses the impacts of the development, concluding that there would be no impact on the capacity of the wider highway network. The application is also accompanied by a Travel Plan (TP).
96. Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues. A new access would be taken from the C128

via a new priority junction and ghost island facility with provision for a secondary, emergency access. The scheme also includes proposals for new bus stop infrastructure and connections, extending the existing footpath on the southern side of the C128 to the new vehicular access point, a pedestrian access point connection from the site onto an existing path which runs alongside the A693 and a pedestrian refuge island crossing facility on the C128. Following amendments to site layout plan, the Highways Authority agree a suitable means of access can be achieved. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application. A condition would be required in the event of approval to secure full engineering details of the ghost island right turn lane arrangement with road widening, pedestrian refuge facility and bus stop infrastructure and timescales for implementation. Following amendment, the submitted TP has also been agreed with the Council's Sustainable Travel team. Adherence to this can be conditioned.

97. 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. One of the surveys used to inform the assessment was subject to background interruptions. Correct and accurate base data surveys must be submitted before any modelling output could be considered. There is also disagreement between the Council's Highways Development Manager and the Applicant's Transport Consultant regarding junction modelling. It is not considered such concerns can be addressed through condition as the TA has demonstrated that the surrounding junction may be unstable therefore major mitigation could be required.
98. 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. However, the Local Planning Authority considers that insufficient assessment has been undertaken to evaluate whether the development would have a severe impact on the traffic flows, operation and highway safety of the surrounding road network 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. This adverse impact needs to be weighed in the planning balance.

Landscape and Visual Appraisal

99. 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. The key policy considerations therefore are whether the site reads as an appropriate natural extension to the settlement or appears as an incursion into the open countryside and whether it represents good design. The application site forms a larger part of a smaller parcel of

land which has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/ST/11a) has an unsuitable (amber) classification partly on account that the site is poorly located in terms of its relationship to settlements and degree of containment. Development would represent a significant encroachment into the surrounding countryside. Adverse residual landscape impacts would be observable, especially on the northern-most portion of the site.

100. 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 site at Stanley Hill Top is part of, and sits just below the apex of, the Pennine Spur that divides the Beamish and Stanley Burn Valleys to the east of the town. The site is open arable farmland (two fields, one entire and one partial) that slopes away to the east and south at a gradient of 1:20. The fields are bound by predominantly hawthorn hedges, the exception being the southeast boundary.
101. The site does not lie within a nationally designated landscape though is located on land designated under DDLP Policy E12 as forming part of the Great North Forest and this is discussed further below.
102. The application is accompanied by a Landscape Appraisal which provides a broad overview of the surrounding site context, the potential landscape and visual effects which may arise as a result of the development and possible mitigation measures to address the potential effects.
103. The application site is a green field location. Its western boundary borders Stanley however other than that is largely surrounded by agricultural fields with No Place located further to the east. There is a level change evident across the site with the land falling away to the south and east which results in the eastern edge of Stanley being prominent within the local landscape. It also gives the impression that this existing boundary forms a natural limit to the built development of the town and that land to the east is located within the open countryside. The site and surrounding land form part of an attractive setting to the town and provides a buffer between Stanley and No Place so they are legible as two separate settlements.
104. Development in this location would have a substantial and transformative impact on the immediate local landscape. It would extend eastwards over the ridge and given its elevated position distant panoramic views may be obtained from all points on the site with primary receptors in the southern and south eastern quadrants. Development of the site would not form a natural extension to the existing pattern of development but represent a significant and prominent incursion into the countryside Whilst landscape mitigation in the form of relatively substantial green space allocations in the east and south east, these would take time to fully mature and would sit on lower ground therefore would never fully screen or mitigate the impact. In the interim the effect on the landscape would remain substantial.
105. Access is a matter for consideration and as previously outlined within the report a comprehensive package of works is proposed. A new access would be taken from the C128 via a new priority junction which essentially involves widening the carriageway from two to three lanes, extending the existing footpath on the southern side of the C128 to the new vehicular access point, a pedestrian refuge island, new bus stop infrastructure, street lighting and new signing and lining. This would also result in the removal of the large portion of the northern hedgerow. It is considered that these works would have a highly transformative and urbanising effect on the immediate area. A landscape buffer, approximately 105m wide, is proposed between the development edge and No Place. There is currently 370m between the settlements therefore the loss of the majority of the small area of agricultural land between settlements would

represent a significant reduction in the distinctive rural character of the area and of No Place. The aforementioned highway improvements works would contribute further to the eradication of any effective separation and thereby distinction between the settlements. Furthermore, the landscape mitigation buffer would be planned and would sit in a suburban rather than rural setting therefore transforming the current character of the area. The development would result in the coalescence of Stanley within No Place, it would be absorbed within the Stanley Cluster and would cease to be regarded as a settlement within its own right.

106. The Council's Arboriculture Officer shares the concerns raised by the landscape officer. that the development of this site will have significant landscape effects. If the development was to proceed they recommend that remaining hedgerows should be retained, not located within garden curtilages and adequately protected. An Arboricultural Impact Assessment, Tree Protection Plan and full landscaping plan conditions are recommended. They also note further consideration is required with regards to the proposed street trees to ensure their longevity.
107. The Great North Forest to which DDLP Policy EN12 relates was a community forest project to which a Forest Plan was devised, published in 1994. It has a number of guiding principles all generally relating to the positive environmental, business and leisure related benefits that the development of forest environments bring. The Policy advises that in relation to development that proposals should respect the objectives of the Great North Forest and should incorporate substantial woodland planting. Policy EN12 is no longer considered up to date with the objectives of the Forest Plan no longer understood being taken forward by its stakeholders. Notwithstanding this, given that approximately half the application site is proposed to be reserved for open space and landscaped areas, the scheme would contain significant amounts of woodland planting and thereby be in general conformity with the policy.
108. Overall, having regard to the advice of the Council's Landscape Officer, the development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and would lead to the coalescence of Stanley and No Place, which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1, EN2 and GDP1 of the DDLP in this respect, and Paragraphs 170 and 127 of the NPPF. This represents a significant adverse impact that needs to be taken into account in the planning balance.

Layout and Design

109. 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.
110. The detail of the layout, appearance, scale and landscaping arrangements of the proposed development is not under consideration at this stage but a development framework plan and illustrative masterplan have been submitted in addition to a Design and Access Statement. This suggests that the development would be developed which would seek to be outward-looking, creating well-defined streets and spaces. This would, in general, allow for natural surveillance of public open space and children's play facilities. Should the development progress the positive characteristics of the local area

in terms of character and architectural detailing should be considered as part of any detailed layout.

111. Up to 260 dwellings are proposed within a proposed built development area of 6.85ha which equates to housing density of 37.5 dwellings per hectare. Considering the topographical changes across the site, concerns are raised as to whether the quantum of development proposed can be accommodated whilst still achieving a layout and design of high quality. However, further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
112. Overall, subject to the further and more detailed consideration, which a future reserved matters application would provide for, 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.

Residential Amenity/Pollution

113. DDLP Policy GDP1 requires development to protect the amenities of neighbouring occupiers and land users. DDLP Policy 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.
114. Based on the illustrative masterplan, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve acceptable separation distances between existing and proposed dwellings. With regards to internal arrangements the application seeks outline consent for up to 260 houses within a proposed built development area of 6.85ha which equates to housing density of 37.5 dwellings per hectare. Considering the topographical changes across the site, concerns are raised as to whether the quantum of development proposed can be accommodated whilst still achieving acceptable levels of amenity. Any layout which responds to the existing site levels is likely to require greater separation distances which appears at odds with the higher density development proposals outlined. However, further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
115. Environmental Health and Consumer Protection (Pollution) Officers have reviewed the submitted noise impact assessment which considers the existing noise climate and impact on the development. It demonstrates that mitigation measures are necessary to achieve appropriate noise levels within northern areas of the site. Given this is an outline application the noise assessment is based on principles only therefore a condition is required to secure a scheme on noise mitigation measures based on the findings of the assessment. Environmental Health and Consumer Protection (Pollution) Officers offer no objection to the scheme subject to the imposition this condition. It is recognised that the development would increase traffic and movement in the surrounding area however it is not considered that this would give rise to significantly increased noise levels as a result.
116. 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.

117. In relation to land contamination, the applicant has submitted a Phase 1 Preliminary Site Investigation Report. Environment, Health and Consumer Protection (Contaminated Land) Officers advise that whilst the report requires some minor changes this will not alter the outcome. Ground gas monitoring is the initial phase and further monitoring may be required. They recommend a conditional approach to further land contamination investigations in accordance with Part 15 of the NPPF.
118. The site is not in close proximity of any Air Quality Management Areas however, an Air Quality Assessment has been submitted given the scale of the development. This assesses the impact of the development which has been considered by the Environmental Health and Consumer Protection (Air Quality) Officer. The assessment considers the operational and construction phases of the development. With regards to the former, the effect on air quality at the proposed residential dwellings would not be significant as the model indicates levels of all traffic related air quality pollutants are well below the long and short-term air quality objectives. Whilst the outcome of the assessment does not indicate mitigation measures are required, Environment, Health and Consumer Protection advise that the provision of electric charging points would be a means to encourage the uptake of low or zero emission vehicles. The screening of the impacts of the construction phase on air quality has not been completed at this stage. The outcome of this assessment would be used to determine applicable dust control/mitigation measures to be incorporated within a Dust Action Management Plan for the site and also if further air quality assessment in relation to HDV movements was necessary. Conditions can be imposed in the event of the approval in relation to final air quality control measures for the construction phase. The Environmental Health and Consumer Protection (Air Quality) Officer raises no overall objections to the development as a result.
119. 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 and the further control permitted via the reserved matters stage.

Ecology

120. 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 seeks to ensure that there is no harmful impact on the ecology of the (former) 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 400m to the south of Hellhole Wood Local Wildlife Site (LWS). South Stanley Woods, a Local Nature Reserve (LNR) and LWS lies approximately 830m to the south.
121. An ecological impact assessment has been submitted in support of the planning application which contains the necessary data to assess the direct and indirect impacts of the development and potential impacts on protected species. In the areas of open space shown to the east of the built development biodiversity enhancements can be delivered through the creation of semi-natural habitats. On-site improvement works in

addition to a management plan for the habitats to be created on site including an appropriate monitoring programme could be secured through condition.

122. Ecology have raised no objections to the impacts of the development upon any designated ecology sites or protected species. No interference with any European Protected Species (EPS) is anticipated and based upon survey work undertaken and therefore there is no requirement to assess the likelihood of an EPS license being granted set against the derogation test requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017.
123. However, there are still some residual net losses to habitats and hedgerows that cannot be mitigated for offsite. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £11,137, to be used towards offsite biodiversity enhancements in accordance with the framework identified in Durham County Council's Durham Biodiversity Compensation Strategy document, which would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF. This contribution would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
124. Subject to condition and a financial contribution being secured the Council's Ecologist raises no objections to the application. 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

125. 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.
126. The application is accompanied by a Flood Risk Assessment which highlights that the application site is within Flood Zone 1 with a low flood risk probability. Further information has been provided during the course of the application indicating that SuDS are to be included in the form of detention basins, permeable paving, filter strips and swales. Drainage and Coastal Protection Officers advise that whilst this is generally acceptable for the purpose of an outline application the swales identified would not be in compliance with the Council's adopted SuDS Adoption Guide. Notwithstanding this a conditional approach can be applied to secure a detailed surface water management scheme. Northumbrian Water raise no objection in this regard subject to the imposition of a condition.
127. In relation to foul water, it is proposed to connect to the existing sewerage network. Northumbrian Water raise no objection to this approach or in relation to the capacity of existing sewerage infrastructure.
128. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to DDLP Policy GDP1 Part 14 of the NPPF.

Heritage and Archaeology

129. 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.
130. Beamish Burn Conservation Area lies approximately 1.13km to the north of the site and contains a number of Grade II* and II listed buildings. There are a number of Grade II listed buildings in the surrounding area including several buildings within Beamish to the north east (approximately 885m), Home Farm to the north (approximately 1.04km) and St Paul's Church to the west (approximately 1.5km). An Archaeology and Heritage Desk-Based Assessment has been submitted in support of the application which identifies heritage assets which may be affected by the proposed development. Ultimately it was concluded that no further assessment was required due to a lack of proximity, intervisibility (due to intervening topography, landscaping and existing built development) and no functional historic relationship to the site.
131. Officers agree with this assessment with Design and Conservation raising no objections to the proposal on heritage grounds. It is concluded that the proposal would not adversely impact on the setting of the Conservation Area nor listed buildings within the vicinity of the site. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. This approach reflects the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
132. The submitted Archaeological Desk Based Assessment considers the site to be of low archaeological significance given the former history of the site. Large areas of the proposed development area are however unaffected by the mining activity associated with East Stanley Colliery. Archaeology confirm that limited field investigation has been done in this area and as such it is not possible to fully characterise the archaeological resource in the areas undisturbed by mining. Field-based evaluation is the only way to adequately assess the archaeological impact and this should start with a geophysical survey, the results of which can then inform any subsequent trial trenching and mitigation. There is no evidence within the submitted desk-based assessment that there is a significant archaeological resource which is likely to be disturbed. As such the Council's Archaeologist is satisfied that fieldwork could be submitted in support of any future reserved matters application which would allow for mitigation to be conditioned if required. This requirement could be secured by condition. On this basis they raised no objection to the scheme which would be considered to comply with DDLP Policy EN19 and Paragraph 189 of the NPPF which set out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. This policy is considered to be partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.

Infrastructure and Open Space Provision

133. 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.

134. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 260 houses this equates to 0.5148 ha of allotment space, 0.8008ha parks and recreation typologies, 0.05148ha of child and youth play space and 0.858ha 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 £904,412 with the addition of maintenance.
135. The masterplan sets out that provision would be made for areas of public open space, trees belts and hedgerows, equipped play areas with proposed recreation routes through the site. 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.
136. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places and Admissions Manager advises that a development of 260 houses could produce an additional 78 primary pupils and 32 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 primary and secondary school places to accommodate pupils from this development.
137. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that based on the additional population likely to be generated by the development there is a requirement for 41.86 sqm of additional clinical space to be provided. Based on a standard approach to costing the impact of additional housing growth a financial contribution of £125,580 would be sought to mitigate the impacts of the development. The contribution sought would improve access to healthcare provision in Stanley and therefore make the proposed housing expansion supportable from a health infrastructure perspective. This contribution could be secured through via Section 106 Agreement.

Affordable and Accessible/Adapted Housing

138. 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 (SHMA) is the evidence base used to inform the need for affordable housing. The site falls within a low viability area, this means that 10% of the properties within the scheme would need to be affordable, this equates to 26 units if the site delivered 260 units. Paragraph 64 NPPF directs that 10% of the scheme is provided in the form of affordable home ownership. In this case instance there would be no requirement to provide any affordable rented housing. The applicant has indicated that

this level of provision would be delivered to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

139. The SHMA also outlines a requirement to provide 10% of the private and intermediate properties for older people through either the provision of bungalows or suitably adapted dwellings. However, this requirement is not currently reflected in planning policy as per paragraph 61 NPPF. Ultimately the final mix of house type for the development would be resolved at the reserved matters stage.

Other Issues

140. Paragraph 170 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance, large portions of the application site lie 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 are required. Whilst the exact form and extent of intrusive site investigations will need to be agreed in conjunction with the Coal Authority they will likely include determining the presence or otherwise of shallow workings, the exact location of four mine entries including establishing their condition, the exact ground conditions and nature of backfill associated with former open cast mining and the location of surface mining high walls in order to determine the exact situation in respect of coal mining legacy issues. The findings will inform an appropriate scheme of remediation which could include drilling, grouting and stabilisation works including the potential for providing adequate separation between mine entries and built development. 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.
141. 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 17.6ha 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.
142. 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.
143. A High Pressure Gas Pipeline crosses through the site. Northern Gas Network do not object to the development however have provided advice outlining the required easement strip widths, limitations to ground level changes and pipeline protection. Similarly the Health and Safety Executive do not advise against development of the site. The detailed layout determined under the reserved matters stage can factor in the requirements of the Northern Gas Network.
144. The proposal has generated some public interest, with a number of letters of objection having been received. Objections and concerns raised have been taken account and the areas/topics of concern principally addressed within the relevant sections of this

report. With regards to the remaining concerns, property devaluation and the loss of private views are not material planning considerations. Concern is raised in regards to issues of fear of crime. Crime and fear of crime can amount to material planning considerations. However, Officers consider that there are no issues particular to this development which are so significant as to warrant objection on such grounds. The Police Architectural Liaison Officer has raised some concerns with regards to the potential traffic and highway safety impacts of the development and such matters are discussed in more detail elsewhere in this report. Concerns are raised about the loss of the site as amenity/recreational land. As the site is agricultural land it is not considered that it serves a formal recreational function as such. However, Access and Rights of Way do note within their comments that a walking route is evident along the site's southern boundary linking Dene View and BW 36 and advise that this should be retained, a matter which could be addressed at the reserved matters stage.

Planning Obligations

145. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to public rights of ways, biodiversity off-setting and improved access to health care provision, are considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

146. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as policies most important to determining the application within the DDLP are out of date. Furthermore, there are no NPPF policies that protect areas or assets of particular importance which provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

147. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 6 years of deliverable housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced particularly taking into account the outline nature of the application and uncertainties over deliverability. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

148. 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.

149. 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.

150. Potentially 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.
151. Based upon the ecological works proposed in addition to the financial contribution to be secured through a planning obligation under S106 of the Town and Country Planning Act 1990, it is considered that the development would lead to net gain in terms of biodiversity.

Adverse Impacts

152. 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. It would also result in the merging and coalescence of the settlements of Stanley and No Place.
153. The submitted Transport Assessment is not accepted at this time given one of the surveys used to inform the assessment was subject to background interruptions and junction modelling remains unresolved. It therefore cannot be determined whether the development would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
154. The nature of walking routes to the centre of Stanley and local amenities and services coupled with the distances to bus stops from extremes of the site is unlikely to promote accessibility by a range of methods

CONCLUSION

155. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF.
156. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and would lead to the coalescence of Stanley and No Place, which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1, EN2 and GDP1 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF.
157. The application has not demonstrated that the development would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe contrary to DDLP Policy TR2 and having regards to paragraphs 108 and 109 of the NPPF.
158. Furthermore, 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 Part 9 of the National Planning Policy Framework.
159. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the application.
160. Overall on balance, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development.

161. 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 the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and would result in significant adverse harm to the character of the local landscape. Furthermore, the development would lead to the coalescence of the neighbouring settlements of Stanley and No Place. The development would therefore 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 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.
3. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate whether the development would have a severe impact on the traffic flows, the operation and highway safety of the surrounding road network contrary to policy TR2 of the Derwentside District Local Plan and failing to comply with Paragraphs 108 and 109 of the National Planning Policy Framework.

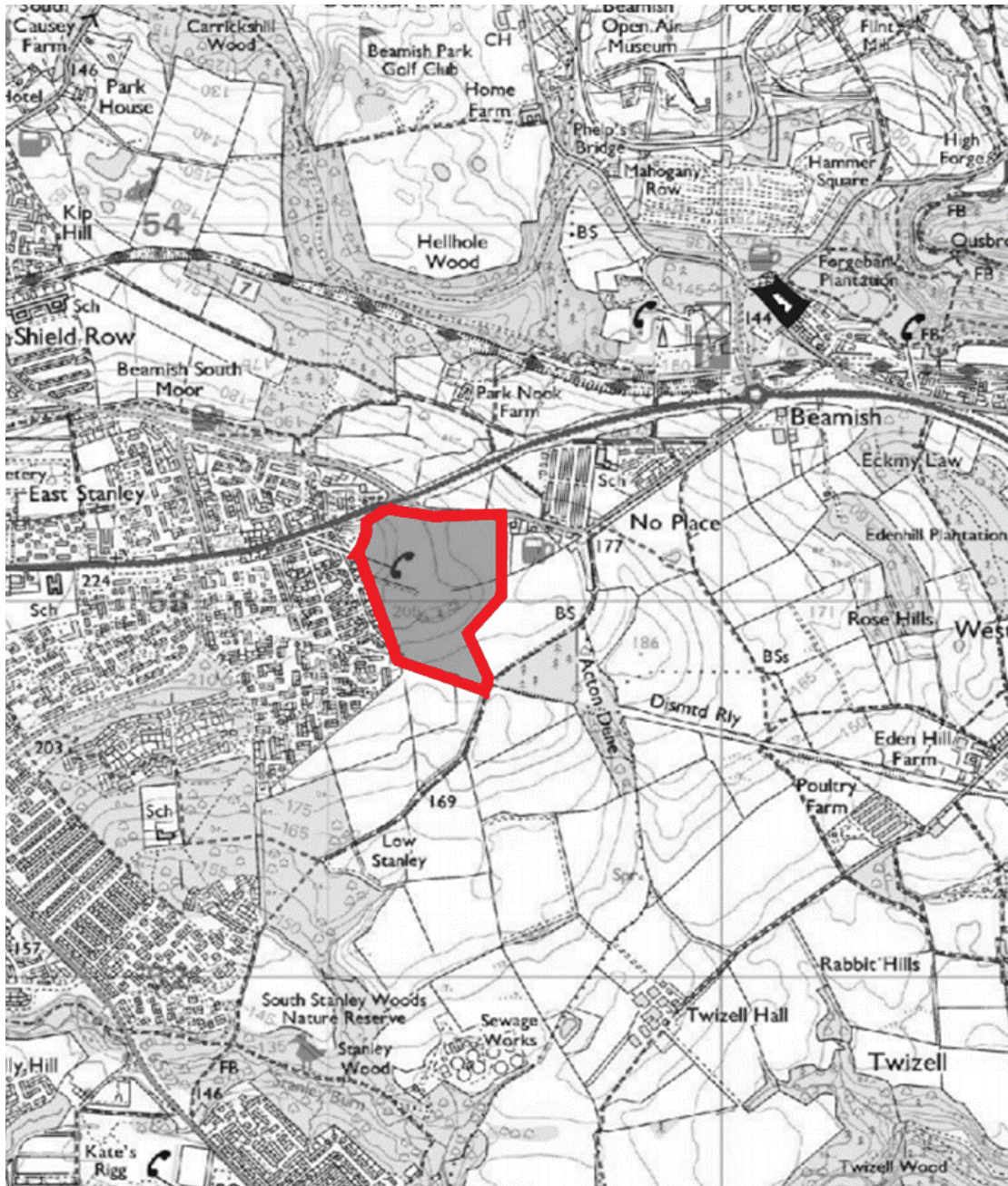
STATEMENT OF PROACTIVE ENGAGEMENT

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.)*

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
- County Durham Strategic Housing Land Assessment
- County Durham Strategic Housing Market Assessment
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

DM/19/01413/OUT

Outline planning application for the erection of up to 260 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.

Land To The South Of 2 Beamish View, Hill Top, East Stanley

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Comments

Date 3rd September 2019

Scale Not to Scale