

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/17/02333/OUT</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Outline planning application with all matters reserved (except access) for up to 105 dwellings including associated infrastructure and open space provision (amended description 04/12/2018)</b>
<b>NAME OF APPLICANT:</b>	<b>Chan Commercial Limited And Gleeson Regeneration Limited</b>
<b>ADDRESS:</b>	<b>Land to the north east Of Castledene Road, Delves Lane</b>
<b>ELECTORAL DIVISION:</b>	<b>Delves Lane</b>
<b>CASE OFFICER:</b>	<b>Laura Eden Senior Planning Officer 03000 263980 <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located off Gloucester Road on land between Sixth Street and Castledene Road which is in the south eastern part of Consett. The site is roughly rectangular in shape and comprises 3.34ha of grassland used informally as open space. With regards to topography, the site slopes away from the north west to the south east and there is around 19m between the site's highest and lowest points. Trees and hedgerows are restricted to the site's boundaries.
2. Residential properties within Castledene Road and West Ellimore View bound the site to the south/south-west and partially lie along its northern border. To the west lies Gloucester Road with a commercial development and garage court located beyond. A public right of way (Footpath No.38 (Consett)) runs alongside but outside the site's eastern boundary with agricultural fields beyond and to the north east. Immediately to the north lies Sixth Street containing terraced bungalows and an agricultural field. Further to the north east lies a park and recreation ground comprising of junior and youth play facilities and football pitch.
3. The site is located 1.7km to the north east of Knitsley and High House Wood Local Wildlife Site and 3.2km from Allensford Woods Local Nature Reserve. Iveston Conservation Area lies 1.6km to the east and contains Grade II listed War Memorial, cottage and outbuilding. There are no landscape designations within or adjacent to the site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1.

## The Proposal

4. The application seeks outline planning permission, with all matters reserved except for access, for the erection of up to 105 dwellings (revised from an originally proposed 142).
5. Access into the site would be taken off Gloucester Road, which runs adjacent to the site's western boundary, via a simple priority junction arrangement. This would require the relocation of an existing bus stop.
6. The application is accompanied by an indicative site plan for 105 units. Being an outline application there is no defined mix at this stage, however, the indicative plan suggests a mixture of 2, 3 and 4 bedroomed detached and semi-detached properties. The plan indicates that amenity open space would be provided around the entrance to the estate, within a central green space and towards the eastern end of the development. A sustainable drainage system (SuDS) is proposed to the eastern part of the site which is the natural low point of the application site. The plans also indicate that buffer planting is proposed along to the northern boundary edge and to supplement the existing planting to the east.
7. The application is being reported to the North Area Planning Committee as it constitutes a major residential development proposal on a site less than 4ha and comprising of less than 200 dwellings.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (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.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 2 - Achieving Sustainable Development*. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

12. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing

development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

21. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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)

23. *Policy GDP1 – General Development Principles*. Outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
24. *Policy EN1 – Development in the Countryside*. 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.
25. *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.
26. *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.
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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

38. *Highway Authority* – The Transport Assessment shows that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network subject to a condition to secure junction improvements to the mini roundabout at Delves Lane/Gloucester Road. The site access arrangements are considered to be acceptable in principle however a condition is required to secure the full engineering details, including the slight relocation of an existing bus stop and its full implementation on site.
39. *Drainage and Coastal Protection* – No objections on the basis providing a condition is imposed to ensure the development is carried out in accordance with the submitted flood risk assessment, drainage strategy and drainage plan.
40. *Coal Authority* – No objections as the content and conclusions within the Phase 2 Site Investigation are sufficient to demonstrate that the application site is safe and stable for the proposed development.

### **INTERNAL CONSULTEE RESPONSES:**

41. *Spatial Policy* – DDLP Policies EN1 and EN2 seek to protect the countryside from inappropriate development and preventing urban sprawl. The site has also been assessed through the SHLAA and was deemed unsuitable (amber) on account it would be poorly related to the settlement and would encroach into the countryside. The application should be subject to the planning balance exercise outlined in Paragraph 11d of the NPPF. Whilst recognising there are some benefits associated with the scheme, the potential impacts to the countryside will be a key consideration in the planning balance exercise.
42. *Archaeology* – The geophysical survey notes archaeological potential on the site and recommends trial trenching evaluation. A Written Scheme of Investigation for a programme of archaeological evaluation has been agreed. The work should be carried out accordingly and the results submitted prior to determination.
43. *Design and Conservation* – No objections are raised in relation to heritage impacts. The scheme has altered relatively significantly since its original assessment by the Internal Design Review panel most notably through the reduction in the number of units now proposed. The indicative layout suggests areas of open/landscaping space to be provided and that it would sit more comfortably with adjacent development. The main road through the site still appears long and convoluted although this is likely due to site constraints. Moving forward corner turning plots should be considered, units which inspire a distinctive sense of place and creating linkages to surrounding area.
44. *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 £11,000 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.

45. *Environment, Health and Consumer Protection (Air Quality)* – No objection subject to conditions to secure a dust action management plan and travel plan.
46. *Environment, Health and Consumer Protection (Pollution Control)* – No objection.
47. *Environment, Health and Consumer Protection (Contaminated Land)* – The submitted reports are sufficient to identify the risk associated with contaminated land and ground gas on the proposed end user. No condition is required, however, it is recommended that an informative relating to unforeseen contamination is added.
48. *Housing Delivery* - Advise the area has a need for more 2 bedrooomed affordable properties to rent and 3 bedrooomed affordable home ownership. There is an average demand for bungalow accommodation in comparison to the neighbouring area. A quarter 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.
49. *Landscape* – There are no formal landscape related designations on the site. However, the field that defines the site is within a DCC Landscape Improvement Area where the adopted spatial policy is to Restore & Enhance. The development would be in conflict with DDLP Policies GDP1, EN1 and EN2. Sensitive landscape detailing could help mitigate against the effect of the proposed development but only to a minor degree. Notwithstanding these concerns, the more recent amendments to the layout including a lower housing density and a central 'Green' were regarded as positive.
50. *Landscape (Arboriculture)* The trees and hedges that are to remain should be adequately protected prior to development. The protection measures outlined in Section 3.3 of the report are considered to be acceptable and should be secured by condition.
51. *Public Rights of Way* – Public Byway no.38 (Consett) abuts and may pass within the south east site boundary however appears largely unaffected by the proposal. There are also a number of unregistered paths / desire lines which cross the site which may have accrued public rights. The most obvious one which runs through the site (on a north/south axis) appears to be broadly retained within the indicative layout.
52. *School Places Manager* – It is considered that the development is likely to produce 32 primary pupils and 13 secondary pupils. There is insufficient capacity at both the local primary and secondary schools to accommodate this need. Consequently, a contribution of 685,698, comprising of a primary (32 x £14,703 = £470,496) and secondary (13 x £16,554 = £215,202) contribution element, would be required for the provision of additional teaching accommodation.
53. *Sustainability* – The site has good access to services and facilities. The Council expects this scheme to improve upon Part L 2013. The applicant will also be aware that it is a requirement of Part L Regulation 25A that consideration of high efficiency alternative systems for new buildings must be considered. This should be secured by condition.
54. *Sustainable Travel* – Raises no objection subject to the imposition of a travel plan condition. Advised that the scheme is well served by buses and that the adjacent byway 38 should be retained and enhanced as part of the development.

## EXTERNAL CONSULTEE RESPONSES:

55. *North Durham Clinical Commissioning Group* – Based on a standard approach to costing the impact of additional housing growth a financial contribution of £50,715 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective.
56. *Highways England* – Offer no objection.
57. *Police Architectural Liaison Officer* – The crime risk assessment for this proposed development is low. Detailed advice has been provided on the original indicative layout plan which has since been superseded.
58. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted 'sketch drainage plan'.

## PUBLIC RESPONSES:

59. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 14 letters from eleven neighbouring properties have been received objecting to the development.
60. The main concerns raised by objectors are summarised as:
  - Lack of amenities, facilities and employment opportunities to accommodate the development including insufficient school places in the area and concerns about whether there is capacity at the local doctor's surgery
  - Highway safety concerns surrounding the adequacy of the access especially as only a single point entry is proposed, the impact of additional traffic on the capacity of the surrounding highway network and whether sufficient car parking will be provided
  - Impact on amenity through increased noise and disturbance especially during the construction phase, overbearing impact, overlooking, light pollution, loss of outlook and attractive views
  - Impact on the character and appearance of the area through development of a greenfield site which local residents consider buffers the land between Crookhall and Delves Lane
  - Ecological impact and loss of biodiversity
  - Impact on drainage and flooding including concerns regarding the inclusion of SuDS system
  - Overdevelopment of the site, the need for additional housing in this area and that brownfield sites should be prioritized
  - Site stability due to former coal mining workings
  - Initial ground works and surveys have unsettled rodents within the site
  - Property devaluation
  - The site was marketed by DCC as grazing land and planning advice was that it was not suitable for redevelopment. There are covenants on the land to this effect.
  - Concerns regarding the accuracy of the submission
  - Concerns that the developer has been allowed to amend their proposal and that determination of the application has been delayed significantly as a result.
61. A response has been received from Cllr Brown outlining that both herself and Cllr Clarke are absolutely opposed to the development.



## **APPLICANTS STATEMENT:**

62. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable. The development of this site for residential development would see significant regeneration of a vacant site.
63. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services. The scheme will provide for off-site contributions towards Education, Health, Ecology and Open Space, as well as providing some highway improvements and affordable home ownership dwellings. The proposal will integrate well into the locality through the design proposals and density accords with National Planning Policy.
64. All criteria required to be complied with in Policy requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times during the planning submission, to take into account the comments made.
65. Development of this site will bring a number of benefits to Consett/Delves Lane including a total investment of £8.9M, approx. £150k of additional Council Tax per annum and New Homes bonus payment to the Council of around £550k over a 4 year period. The scheme will also provide approx. 110 sustained or created 'direct' jobs/apprenticeships and 215 sustained or created 'indirect' jobs/apprenticeships to local people, as well as safeguarding many current jobs.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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66. 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, flooding and drainage, heritage and archaeology infrastructure and public open space, affordable and accessible/adapted housing, planning obligations and other matters.

## The Principle of the Development

67. 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.
68. 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).
69. 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.
70. 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.
71. Saved DDLDP Policy H05 specifically relates to development of small housing sites (less than 0.4ha) and is not, therefore, applicable to this application.
72. 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.

73. 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.
74. 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 former assessment can only be considered following an examination of all of the issues within the planning balance.

### Housing Land Supply

75. 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.
76. 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.
77. 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.
78. 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.

79. 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

80. 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 town centre 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.
81. 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 between Crookhall and Delves Lane which form part of the Consett Cluster comprising of twelve named areas. Although historically settlements in their own right, they all effectively function as part of Consett. The Consett Cluster is ranked 3<sup>rd</sup> within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
82. In relation to distances to services and amenities, the site lies within approximately 0.85km of the Consett town centre boundary which contains an array of amenities and services including shopping and leisure facilities. The site is within 0.56km of Delves Lane Primary School, 0.6km of two large retail/foodstores, 0.9km of Consett Medical Centre and 1.6km of Consett Academy (secondary school). In terms of distances to services and amenities, these are generally considered acceptable as 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, 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. The walking routes into Consett town centre and the facilities and services within the surrounding area are also on adopted well-lit highways with no significant topographical restrictions. In terms of cycle access, the site performs well, with services in the town centre within a short cycle ride.

83. Bus stops lie within close proximity of the site on Gloucester Road or alternatively on either Iveston or Castledene Road. All areas of the site would therefore lie within the recommended 400m walking distance criteria to bus stops. The services that operates from these stops include an hourly Monday to Sunday daytime service to Durham and regular local services to Consett.
84. Whilst a Travel Plan (TP) has been submitted in support of the application it does not currently meet the required DCC standards. Conditions would therefore be required to secure a suitable TP and its implementation thereafter.
85. 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. 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 a public right of way (Footpath No.38 (Consett)) runs alongside but outside the site's eastern boundary. Whilst this should not be directly affected by the development given its proximity it is anticipated there would be an increase in footfall. There also a number of unregistered paths / desire lines which cross the site which may have accrued public rights. The most obvious one which runs through the site (n/s) appears to be broadly retained within the indicative layout. The Sustainable Transport team advise the Byway should be retained and enhanced as part of the development and the Council's Public Rights of Way Officer has raised no objection to the scheme. As the Byway lies outside the application site, it will be retained and not detrimentally impacted upon and no enhancement measures are considered necessary.
86. Overall, it is considered that the site has access to a large array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Walking distances and established bus services would give future residents alternative options to the private motor car to access services. No objections are therefore raised having regards to the locational sustainability of the site.
87. In conclusion, the development would promote accessibility by a range of methods in accordance with policies GDP1 and TR2 of the DDLP and Paragraphs 103 and 110 of the NPPF.

#### Highway Safety and Access

88. 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.
89. 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) and a Travel Plan (TP). 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.

90. A new access would be taken from Gloucester Road via a simple priority junction arrangement. To facilitate the access an existing bus stop would be required to be relocated. Following amendments to site layout plan, the Highways Authority agree a suitable means of access can be achieved subject to the imposition of a condition to secure full engineering details of the junction and bus stop infrastructure. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application.
91. 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 now accepted. Offsite improvement works are required to the roundabout at the Gloucester Rd/Delves Lane junction that would need to be implemented before the 50th dwelling is occupied. This would be secured via condition.
92. Whilst a Travel Plan (TP) has been submitted in support of the application it does not currently meet the required DCC standards. As previously advised, conditions would therefore be required to secure a suitable TP and its implementation thereafter.
93. Overall, the highways impacts of the proposed development are considered to be acceptable, subject to the imposition of conditions, in accordance with DDLP Policy TR2 and Part 9 of the NPPF.

#### Landscape and Visual Appraisal

94. 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.
95. The application site has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/CO/35) has an unsuitable (amber) classification on account that the site is poorly related to the built-up edge of the settlement, would

represent uncontrolled sprawl into the open countryside, and developing the site would result in some adverse residual landscape and visual impact even following mitigation.

96. The site does not lie within a nationally designated landscape. It is identified within the adopted Durham County Council Landscape Strategy as a Landscape Improvement Area, where the landscape spatial strategy is to Restore and Enhance. The site is roughly rectangular in shape and comprises of grassland used informally as open space. The site slopes away from the north west to the south east and there is around 19m between the site's highest and lowest points. Trees and hedgerows are restricted to the site's boundaries. The application is accompanied by a Landscape and Visual 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.
97. The site forms one of two fields which forms a wedge between Sixth Street (Crookhall) and Castledene Road (Delves Lane). The development of the site for housing would have a transformative and adverse impact on the immediate local landscape character appreciated most in views of the immediate locality (Gloucester Road and properties off Castledene Road and Sixth Street) typical of any development of a greenfield site. There is significant built development in the surrounding area therefore it is considered that additional housing would not look uncharacteristic in this context. Within wider views there will be limited intervisibility from the north and west due to the landform and existing landscaping. In other views, given the shape of the site it is considered that it would be seen as a narrow and modest extension to the settlement and seen against the backdrop of existing development. Although an encroachment into the countryside, development would not encroach outside the built envelope of Consett. It is considered that the development would be read as an extension to the existing urban form but not necessarily affecting the general character of the area to a substantial degree. Furthermore, a landscaping scheme can be secured via condition to help soften the edge treatment and enhance existing retained vegetation.
98. The landscape officer's assessment is that there would be some adverse landscape and visual impact, even with the proposed mitigation, in conflict with DDLP Policies GDP1, EN1 and EN2. This impact needs to be considered in the planning balance.
99. The Council's Tree Officer has assessed the accompanying arboricultural reports which as considered to be satisfactory and comply with the current British Standards. The trees to be retained can be protected throughout the construction period. This requirement can be secured by condition.

#### Layout and Design

100. 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.
101. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice (outlined above) and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD

formalises the review process and establishes the guidelines and standards for its operation. It is linked to the Sustainable Design Policy (30) in the emerging County Durham Plan.

102. The detail of the layout, appearance, scale and landscaping arrangements of the proposed development is not under consideration at this stage but an illustrative masterplan has been submitted in support of the application. This suggests a mixture of 2, 3 and 4 bedroomed detached and semi-detached properties. It also indicates that amenity open space would be provided around the entrance to the estate, within a central green space and towards the eastern end of the development.
103. Design and Conservation Officers recognise that the scheme has altered relatively significantly since its original assessment by the Council's Internal Design Review panel most notably through the reduction in the number of units proposed (142 to 105). This allows a more spacious layout which is more in character and keeping with the surrounding area and areas of open space to be included within the scheme. 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 and open spaces should also benefit from natural surveillance.
104. 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

105. 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.
106. Based on the indicative housing layout and relationship with existing properties, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve acceptable separation distances between dwellings. There are topographical changes across the site, with the land falling approximately 19m in a south easterly direction and are therefore a consideration. The information in support of the application are considered sufficient to demonstrate that suitable arrangements can be achieved however a condition is suggested to agree the final site and finished floor levels. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage.
107. Environment, Health and Consumer Protection (Nuisance) Officers have not raised any objection to the development given that the development is removed/shielded from nearby noise sources. Notwithstanding this it is acknowledged that there is the potential for disturbance during the construction period. It is considered that conditions relating to a Construction Management Plan (CMP) and hours of working would provide sufficient mitigation in this case.
108. Similarly, Environment, Health and Consumer Protection consider that the development will not have a significant effect on air quality and there is no requirement to undertake



further assessment. Subject to conditions to secure a dust management action plan (can be included within the a CMP condition) and travel plan there would not be an adverse impact on the environment having regard to paragraph 181 of the NPPF.

109. In relation to land contamination, the applicant has submitted a Phase 1 Desk Study, Phase 2 Site Investigation Report and Geoenvironmental Appraisal. Environment, Health and Consumer Protection (Contaminated Land) Officers advise that soils are chemically suitable for use in the garden and gas monitoring has also been undertaken and no elevated levels of carbon dioxide or methane was identified. They advised that there is no requirement for a contaminated land condition, however, an informative should be added with regards to unforeseen contamination. The proposal would therefore accord with Paragraph 178 of the NPPF as the site is suitable for its intended use taking account of any risks arising from contamination.
110. 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

111. 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 1.7km to the north east of Knitsley and High House Wood Local Wildlife Site (LWS) and 3.2km from Allensford Woods Local Nature Reserve (LNR).
112. 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. The preliminary appraisal concluded that there are no potential bat roosting opportunities within the site, however, they may forage and commute through the site, there is some potentially suitable habitat for great crested newt during its terrestrial phase, badgers are likely to be present in the wider area and may forage in the site at times, the grassland would likely provide opportunities for a limited suite of ground nesting birds as well as nesting opportunities within the existing hedges and scrubs The site may be suitable for the priority species brown hare, hedgehog and common toad that may be resident or present infrequently in small numbers. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992.
113. Having regard to this information and based on the likely impacts of the development upon ecological interests Section H of the report outlines a series of recommendations including carrying out of works at times of the year where disturbance will be minimised, ensuring excavations left overnight will have a means of escape for mammals, protecting the roots and crowns of trees during construction, implementation of a

sensitive lighting scheme, the installation of bat and bird nesting boxes and additional planting. The mitigation strategy can be secured by condition.

114. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. The applicant has agreed to provide a financial contribution of £11,000, 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).
115. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. Therefore, subject to securing a financial contribution to deliver biodiversity offsetting and conditions relating to securing the mitigation strategy and a management plan for habitats to be created including an appropriate monitoring programme, the proposal would comply with DDLP Policies GDP1 (D) and EN22, and Part 15 of the NPPF in this respect. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and Drainage

116. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. DDLP Policy GDP1 requires that development proposals provide adequate provision for surface water drainage and the protection of areas liable to flood from development. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision-making process.
117. 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, including a drainage strategy and plan, indicating that SuDS are to be included in the form of detention basins and permeable paving. Drainage and Coastal Protection Officers advise that this approach would 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.
118. In relation to foul water, Northumbrian Water have recommended a conditional approach to secure a detailed scheme for the disposal of foul water from the development.
119. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to DDLP Policy GDP1 and Part 14 of the NPPF.

## Heritage and Archaeology

120. A geophysical survey has been submitted identifying some features which are possibly of archaeological origin and that some discrete features may not have been highlighted given the site has a strongly variable magnetic background. The results of the geophysical survey are required to be tested through trial trenching elevation and a Written Scheme of Investigation has now been agreed with the Council's Archaeologist. A condition to secure trial trenching takes place prior to the submission of Reserved Matters would ensure the proposal complies 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.
121. There are no designated or non-designated heritage assets within close proximity of the development site. Iveston Conservation Area, containing a Grade II listed War Memorial, cottage and outbuilding, is located approximately 1.6km to the east of the proposed built development. The nearest listed building to the site is the Grade II Christ Church Church Hall, 1.05km to the north west of the site. The Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision maker.
122. It is considered that there would be no intervisibility between the site and surrounding heritage assets due to the distances involved, the intervening buildings, topography and landscaping. The proposal would not adversely impact on the setting of either the Conservation Area or listed buildings. Design and Conservation officers have raised no objections to the proposal on heritage grounds. 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.
123. In this case it is considered that there would be no harm. The proposals would therefore accord with Part 16 of the NPPF.

## Infrastructure and Open Space Provision

124. 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.
125. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.

126. Having regard to the scale of the development it is considered that play space (children's), amenity open space and natural green space should be provided on-site. Given the scale of the development the children's play space would comprise of a non-equipped play area. As there is an existing play area in close proximity of the development on land adjacent to Sixth Street, (approximately 100m to the north east of the site) it may be more appropriate to secure an off-site contribution towards the enhancement of existing facilities. Planning conditions can secure the 2,771sqm of relevant on-site amenity open space and natural green space as well as its future management and maintenance. The development would generate a required contribution of £170,485.50 for those typologies not provided and underprovided for on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.
127. 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 105 houses could produce an additional 32 primary pupils and 13 additional secondary pupils. There is insufficient capacity at both the local primary (Delves Lane Primary, Consett Infant and Nursery School, Consett Junior School and Leadgate Primary School) and secondary (Consett Academy) schools to accommodate this need. A total contribution of £685,698, comprising of a primary (32 x £14,703 = £470,496) and secondary (13 x £16,554 = £215,202) contribution element, to be used towards education provision is therefore required. This would be secured as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
128. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The North Durham Clinical Commissioning Group (ND CCG) has advised that based on the additional population likely to be generated by the development there is a requirement for a financial contribution of £50,715 to mitigate the impacts of the development. Notwithstanding this it is anticipated that the Council's 'Developer Contributions to Mitigate Impacts on Health Policy' will be progressed to Cabinet shortly for endorsement and the application of this policy would significantly reduce the contribution sought. Given the likely potential for impending adoption of this policy the developer has requested a review clause in any Section 106 Agreement that would permit the contribution to reflect this Council developer contributions paper should it indeed be adopted prior to its requirement to be paid. In either event the contribution sought would improve access to healthcare provision in Consett and therefore make the proposed housing expansion supportable from a health infrastructure perspective.

#### Affordable and Accessible/Adapted Housing

129. 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 11 units if the site delivered 105 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 in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

130. 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.

#### Planning Obligations

131. 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 ensuring net biodiversity gains are achieved, providing additional teaching accommodation, improving access to healthcare provision and off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing.

#### Other Issues

132. The site lies almost entirely within the coal mining high risk area. Specifically, it is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The Phase 2 Site Investigation Report outlines that in terms of the boreholes that were advanced sufficient competent bedrock was proven. It consequently confirms that coal mining related subsidence risk is classed as low and that no precautions/remedial measures are considered necessary. Accordingly, the site is considered to be safe and stable from a mining viewpoint. The Coal Authority confirm the content and conclusions of the report and intrusive site investigations undertaken are sufficient to demonstrate that the site is safe and stable for the proposed development. On this basis they raise no objection to the development. The proposal therefore complies with the requirements of Part 15 of the NPPF.
133. The proposal has generated some public interest, with a number of letters of objection having been received. The majority of the objections and concerns raised have been taken account and addressed within the report. Although the site may have been marketed and subsequently sold by Durham County Council as grazing land it does prevent planning applications coming forward to consider alternative uses for the land which would need to be determined on their merits. Whilst the Local Planning Authority will endeavour to determine applications within 13 weeks often this is not possible given the complexity of development proposals. It is common practice to allow developers the opportunity to amend their proposal to address concerns during the proposal with reports being presented to Committee at the earliest opportunity. Property devaluation and the loss of view are not material planning considerations.
134. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The approach to DDLP Policy AG1 is consistent with the NPPF as it also seeks to protect better quality agricultural land (grades 2 or 3a) therefore can be afforded full weight.

135. The applicant has confirmed that the land has not been used for agricultural purposes in recent years and is essentially considered to be vacant scrub land. An Agricultural Land Classification Report has not been submitted in support of the application as a result. Although the quality of the land for agricultural purposes is unknown, as the development would only result in the loss of approximately 3.34ha of land it is not considered to amount to significant development for the purposes of the NPPF.

### Planning Balance

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

### *Benefits*

137. The development would assist in maintaining housing land supply including the provision of affordable housing whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

138. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

139. Overall, 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*

140. The development of the site for housing would have a transformative and adverse impact on the immediate local landscape typical of any development of a greenfield site. Notwithstanding this, due to the surrounding context it is considered that the additional housing proposed would not look uncharacteristic. Within wider views there will be limited intervisibility from the north and west due to the landform and existing landscaping. In other views, given the shape of the site it is considered that it would be seen as a narrow and modest extension to the settlement and seen against the backdrop of existing development. A landscaping scheme can also be undertaken to help soften the edge treatment and enhance existing retained vegetation. Overall whilst it is acknowledged there would be some residual landscape and visual harm as a result of the development this would not be significantly adverse.

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## **CONCLUSION**

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141. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

142. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of the landscape overall it is considered that this would not be significantly adverse as the development would be read as an extension to the existing settlement and landscaping planting could help to mitigate this impact. For the purposes of Paragraph 11d ii, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply position. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
143. 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 ensuring net biodiversity gains are achieved, providing additional teaching accommodation, improving access to healthcare provision and off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing.
144. The proposal has generated some limited public interest with fifteen letters of objection having been received including a joint representation from the two local members. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended).

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 10% affordable housing units on site in the form of affordable home ownership;
- £470,496 towards providing additional primary teaching accommodation across the Consett Primary Pupil Place Planning Area (21);
- £215,202 towards providing additional teaching accommodation at Consett Academy;
- £170,485.50 towards improving offsite open space and recreational provision within Delves Lane Electoral Division;
- £50,715 for improving access to healthcare provision in the vicinity of the development but including a final sum review clause given potential adoption of Council's 'Developer Contributions to Mitigate Impacts on Health Policy'
- £11,000 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

And subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

3. The development hereby approved shall comprise a maximum of 105 dwellings.

*Reason: To define the consent and precise number of dwellings approved.*

4. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents:

Drg. No. CAD01/Ind01 Site Location Plan received 12/07/2017

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Derwentside District Local Plan Policy GDP1, EN1, EN2, EN11, HO22, RE4, TR2 and TR3.*

5. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

6. No development or any works of demolition, shall be carried out until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.



11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interests of residential amenity having regards to Policy GDP1 of the Derwentside District Local Plan and Part 15 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.*

7. No development shall commence until full engineering details of the new access onto Gloucester Road have been submitted to and agreed in writing with the Local Planning Authority. The access scheme needs to be designed to a width of 5.5m with 6m entry junction radii, site visibility splays of 2.4m x 43m need to be clearly demonstrated and shall include full details of the relocation of existing public transport infrastructure adjacent to the site entrance. The development shall thereafter be completed in accordance with the approved details prior to first occupation.

*Reason: In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan and Part 4 of the NPPF.*

8. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details and timings.

*Reason: In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan and Part 4 of the NPPF.*

9. No development shall commence until a detailed scheme for the provision of foul and surface water drainage informed by Flood Risk Assessment Rev. A dated June 2017, Surface Water Drainage Strategy Rev.A dated June 2017 and Sketch Drainage Plan dwg. no. SK-11/02/2019 has been submitted to and approved in writing by the Local Planning Authority. The scheme for surface water drainage shall include sustainable urban drainage systems within the design in accordance with the Council's SUDs Adoption Guide 2016 and details of the management and maintenance regime for those systems. The drainage shall be completed in accordance with the details agreed.

*Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 14 and 15 of the NPPF. This is required as a pre commencement condition to ensure that the proposed development provides adequate levels of drainage which needs to be considered before site works commence.*

10. No development shall commence nor any works to trees or hedgerows until details of the trees and hedgerows proposed for retention have been submitted to and approved

by the Local Planning Authority. Once agreed, retained trees shall be protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

*Reason: In the interests of the visual amenity of the area having regards to Policies GDP1 and EN11 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.*

11. Prior to the construction of the 1st dwelling hereby approved full engineering details of the mini roundabout road junction improvement layout at Delves Lane / Gloucester Road shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to occupation of the 50<sup>th</sup> dwelling.

*Reason: In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan and Part 4 of the NPPF.*

12. Prior to the construction of the 1st dwelling hereby approved full details of the proposed site levels, finished floor levels and all means of enclosure to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must include details of any retaining walls/structures required including their interaction with other means of enclosure such as garden fences within the site. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of defining the consent, residential and visual amenity in accordance with Policy GDP1 of the Derwentside District Local Plan and Part 12 of the NPPF.*

13. Prior to the occupation of the first dwelling a scheme for the ongoing maintenance of the areas of public open space including any on-site biodiversity mitigation within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF.*

14. No dwelling shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

15. Within a period of six months of the first occupation of any part of the development of the relevant phase, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and adhered to thereafter in accordance with the approved timescales.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 9 and 15 of the NPPF.*

16. Notwithstanding the indicative layout submitted with the application, a minimum of 2,771sqm of open space shall be provided on site.

*Reason: In the interests of appearance of the area in accordance with Parts 12 and 15 of the NPPF.*

17. The development shall be carried out in accordance with the recommendations outlined within Section H of the Preliminary Ecological Appraisal R02 by E3 Ecology Ltd dated June 2017.

*Reason: In the interests of ensuring no protected species are affected by the development in accordance with Part 15 of the National Planning Policy Framework.*

18. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.*

19. Reserved matters details submitted must include the provision of a northern boundary edge landscaping buffer planting scheme as indicatively proposed on the Sketch Housing Layout (Drg. No 1640.03. Rev.D).

*Reason: In the interests of appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (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**

Outline planning application with all matters reserved (except access) for up to 105 dwellings including associated infrastructure and open space provision (amended description 04/12/2018).  
 Chan Commercial Limited and Gleeson Regeneration Ltd  
 Land To The North East Of Castledene Road, Delves Lane  
 Ref: DM/17/02333/OUT

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**Comments**

**Date** 31<sup>st</sup> October 2019

**Scale** Not to Scale