

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02141/FPA
FULL APPLICATION DESCRIPTION:	Proposed 20 new build residential units – 2 and 3 bedroomed with associated infrastructure
NAME OF APPLICANT:	Believe Housing
ADDRESS:	Site of Former Magistrate's Court, Ashdale Road, Consett
ELECTORAL DIVISION:	Consett North
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone: 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.53 ha. of land, facing Ashdale Road, a short distance north of the centre of Consett. Ashdale Road is framed by the A692 at one end and the B6306 at the other, giving easy access to the wider transport network via private car or public transport. There are two bus stops on the Ashdale Road itself, and a further 19 bus stops and Consett Bus Station within a 500m radius of the site.
2. The land was formerly occupied by the Magistrates Courts buildings, now demolished. Currently onsite are building materials and remnants of the former car parks and service yards. There are specimen trees located around the site which is currently enclosed with temporary herras fencing. North of the site is the functional and significantly lower service areas of the adjacent Academy. To the east is the car park fronting the Academy campus also at a lower level. To the west is an area of green space and a footpath, housing, a car park and a listed war memorial. South of the site is Ashdale Road.
3. Ashdale Road includes the frontage of the Academy and its adjacent playing fields, tennis courts, a large block of older residents' accommodation, a part built housing development site on the former swimming pool site, local-authority built housing, modern market housing, garage blocks, a commercial garage and a disabled persons' club in a varied urban environment.

The Proposal

4. The application proposes the removal of all the trees on and immediately adjacent the site, followed by the erection of 20 new two storey residential dwellings, all of which are

described as 'affordable'. The dwellings are a mixture of 2 bed and 3 bed properties and are in semi-detached or mid-linked form.

5. The site would be accessed from a new access from Ashdale road, with the estate roadway running along the western boundary of the site before heading east and leading to an adoptable standard hammer-head cul-de-sac. All houses have private rear gardens and most dwellings will have private driveways at the front. The dwellings facing onto Ashdale Road will have parking spaces to the rear or side. Three on-street visitor car parking spaces are proposed along the west of the estate road.
6. This application is reported to Committee as a 'major' development given number of residential units involved.

PLANNING HISTORY

7. Prior approval of demolition and restoration details was not required (DM/17/03189/PND).
8. Outline planning permission was granted for up to 20 units in 2017 (DM/17/04130/OUT).

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
11. The following elements of the NPPF are considered relevant to this proposal;
12. *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.
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 15 - 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 unacceptable levels of soil, air, water or noise pollution or land instability.
19. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
21. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

22. *Design* – sets out the importance of good design, the planning objectives it can achieve, what constitutes a well designed place and the design issues that relate to different types of development.
23. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered so developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
24. *Land affected by contamination* – sets out the regulatory framework for dealing with contamination and sets out the planning system’s role within this.
25. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 170 of the NPPF provides policy support to this aspect.
26. *Conserving and enhancing the historic environment* – details and advises on the framework of designated and non-designated Heritage Assets, how to assess their significance and the potential for planning decisions to harm them.
27. *Viability* – introduces the topic both in relation to plan-making and decision making, advising how development values, costs, land values and suitable developer returns should be defined for the purposes of viability assessment.

LOCAL PLAN POLICY:

28. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
29. *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.
30. *Policy EN11 – Trees and Development* – states that development will only be permitted which will not cause harm to or result in the loss of trees protected by preservation orders, or trees which contribute to the character and appearance of conservation areas. Throughout the district existing trees should be retained where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, which contribute significantly to the setting of nearby existing buildings or visual amenity.
31. *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.
32. *Policy HO22 – Recreational Public Open Space within Housing Sites*. Indicates a preference for such areas to be designed into housing layouts or allows for a planning obligation for developers to provide monies in lieu for off-site provision.

33. *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.

RELEVANT EMERGING POLICY:

34. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. 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 28 June 2019 and the EIP is currently progressing. 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.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways* – No objections subject to the estate roads being designed and constructed to meet highways standards and requests a condition in relation to the agreement of engineering details.

36. *Northumbrian Water* – Requested that a condition be imposed to require the submission and approval of a scheme for the disposal of foul and surface water from the development.

37. *The Coal Authority* - Recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development, and, that if the site investigations confirm the need for remedial works that these be undertaken prior to commencement of the development

EXTERNAL CONSULTEE RESPONSES:

38. *National Health Service* – have provided a matrix that shows that in an assessment including the 'list' size of the nearest existing practice, the additional patient impact, and a floor area/population calculation, that a contribution of £9660 is required to mitigate the impact of the development.

39. *Durham Constabulary* – Object to the original plans. They raise concerns over the amount of shared drives on the development and the location of a rear pedestrian access. They point out that in terms of highways safety that parking, congestion and speed issues are issues of concern in this area. It is advised that the scheme should be designed to deter footpath and driveway vehicular obstructions.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – have undertaken the necessary assessment of the viability case offered by the applicant to justify the lack of provision of usually required elements of a major residential housing application. They accept that the maximum estimated high abnormal costs associated with the site would prevent the full contributions in relation to open space, education and NHS facilities, however they are not satisfied that the information submitted demonstrates that there will definitely be such high abnormal costs, and if there were that this would not have implications on other costs such as land value.
41. Separately the Spatial Policy team has confirmed that the Open Space Needs Assessment requirement for a scheme of this type and size if offered as monies in lieu would normally be £31,482. It is advised that educational requirements and the provision of community facilities and local services are not policy requirements but are material planning considerations.
42. Policies GDP1 and EN11 are considered relevant and are given weight, Policies HO22 and TR2 are considered relevant and given some weight when read in conjunction with more up to date evidence or standards.
43. The Officer advises that the SHMA confirms that there is a net shortfall of affordable homes per annum and details that the SHMA provides evidence to inform the tenure split for affordable housing. The SHMA outlines a tenure split of 70% affordable (social) rented and 30% intermediate tenure. Therefore, it is advised that the initial proportion of affordable provision is required for affordable home ownership in accordance with paragraph 64 of the NPPF. The additional 5% would be apportioned in line with the requirements of the SHMA. This would mean that 2 units can be secured for affordable housing as defined by the NPPF and one unit for rent.
44. Taking the relevant policies into account the site of "Former Magistrates Court, Ashdale Road," falls within a MEDIUM value area. This means that 10% of properties on the scheme would be a requirement to be affordable, this equates to 2 units. In addition, the standard tenure split would amount to one unit for affordable rent.
45. Reference is made to Paragraph 61 of the NPPF which states that the size, type and tenure of housing needed for different groups in the community should be assessed. It is advised that The Council's Strategic Housing Market Assessment (SHMA) demonstrates a need for both affordable and specialist housing to meet the needs of older people. The Officer notes that evidence indicates that sites of 10 or more units can include 10% (or more) of the units to be designed with older people in mind, for example as level-access bungalows. Whilst these requirements have been included within Policy 15 (Addressing Housing Need) of the emerging CDP, it is advised that weight cannot be given to the plan at this stage. However, the Officer advises that significant weight can be afforded to the evidence which underpins the policy, which is up to date and has been tested for viability. It is pointed out that Chapter 5 of the NPPF is also clear that developments should help to address housing needs.
46. To summarise the Council's position in relation to the five-year housing land supply, the Officer advises that the NPPF has confirmed the use of the standard method for calculating local housing need and the CDP is aligned with the figure derived from this standardised methodology. Measured against this, as things stand the Officer advises that the Council can demonstrate in excess of 6 years supply of deliverable housing, which means that the tilted balance does not apply.

47. *Affordable Housing Team* – Advise that affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The Housing Development Team are satisfied that these proposals meet the affordable needs of the area.
48. *Education Team* - Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the team advise that proposed development of 20 dwellings would produce 6 pupils of primary school age and 3 pupils of Secondary age. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development it is advised that there would be sufficient space to accommodate the primary school pupils generated by the development, whilst maintaining a 5% surplus. Therefore, no contribution for additional primary school accommodation is required. In term of secondary provision, based on the same methodology there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development it is recommended that a contribution of £49,652 (3 x £16,544) would be required to facilitate the provision of additional teaching accommodation.
49. *Sustainability* – Officers consider the site to be sustainable in terms of the location. With regards to embedded sustainability there are no significant concerns, however the Officer requests a condition to ensure the agreements of and implementation of measures to embed sustainability and minimise carbon from construction and in use emissions.
50. *Drainage and Coastal Protection* – Advise that the scheme demonstrates compliance with National Standards and Council policies in providing sustainable solutions to surface water management, and ensuring the prevention of flood risk to and from the proposed development. The Officer requests a condition that the development be implemented in accordance with the submitted flood risk and drainage assessment.
51. *Landscape officers* – Consider the submitted landscape details to be acceptable.
52. *Design and Conservation* – With regards to the impact on the significance of the heritage asset of the war memorial, the Officer advises that it has already been established at outline application stage that housing development on the site would not adversely affect the setting of the war memorial which has already been compromised and its value diminished, however it is noted that the best feature, the surrounding area of public green would be retained.
53. In terms of design the Officer welcomes the strong built frontage to Ashdale Road, including a corner-turning unit where the site frontage meets the vehicular entrance and the sense of openness to be retained to the pedestrian route to the west. Whilst there are generally no objections to the principles of the proposed layout there are concerns that parking will dominate, particularly to the front of units 10-20. Officers consider that this will impact on the overall sense of place within the development and impact on the potential usability of the street as a place for social interaction. However, it is advised that this is unlikely to be improved without a reduction in the number of units proposed.
54. With regard to scale, massing and detailed design it is consider that the development responds well to the built form in the surrounding area with its variety of materials, ages and style. The traditional architectural approach utilising a mix of brick and render as the dominant base material, stone heads and cills, and pitched porch canopy features is considered appropriate.

55. *Environmental Health (Contaminated Land)* – advise that there is the potential for Made Ground and contamination of the site associated with the former uses and as the site is located in a coalfield high risk development area. Given this, and due to the fact that the development constitutes a change of use to a more sensitive receptor it is advised a condition be imposed to ensure a land contamination scheme is submitted and approved and any required remediation works identified be carried out prior to the commencement of the development.
56. *Environmental Health – Nuisance* – Raise concerns over the potential of noise within the gardens from traffic which does not appear to have been considered in the noise impact assessments. The Officer also notes that there is a lack of detail in relation to the expected noise levels within the rooms and lack of consideration of any glazing and its impacts. To ensure appropriate noise mitigation measures and that there would be no statutory nuisance the Officer requires a condition to ensure the submission and agreement of a scheme of noise mitigation measures to protect future occupiers from road traffic/commercial noise and to ensure specific noise levels are achieved. The Officer also recommends controls in relation to the hours and days of working during construction.
57. *Trees* – As most trees will be removed from the site the Officer considers this will have a negative effect on the overall street view.
58. *Ecology* – Consider there to be no ecological issues. It is recommended that a condition be imposed to agree locations of the built in bat and bird boxes and ensure their installation.
59. *Public Rights of Way Team* – No comments.
60. *Ward Councillor* - Objects to the development on the grounds that the density is far higher than the average for brownfield site developments within County Durham, almost double. The Councillor therefore considers the development is contrary to saved policy GDP1(a) of Derwentside District Council Local Plan which requires any development to be in keeping with the character and appearance, and the density, of the area. The Councillor is also disappointed that the developers did not undertake any pre-application engagement with the community contrary to paragraphs 39-46 of the NPPF and queries whether the planning department has done anything to encourage this. The Councillor also notes that the density in the immediate vicinity is very low.

PUBLIC CONSULTATION EXERCISE:

61. Eighty-three consultation letters were sent to local residents and statutory publicity undertaken. One objection was received relating to the loss of trees, the increase in traffic on local roads which are already used to access three primary schools and a secondary school.

APPLICANT'S STATEMENT:

62. The proposal involves the redevelopment of the Former Consett Magistrates Courts, off Ashdale Road, Consett to provide 20 new homes.
63. The proposed mix of properties provides 100% affordable housing with 2 no. 2 bed roomed houses and 18 no. 3 bed dwellings with associated parking. All dwellings will be two storey with a mix of semi-detached and terraced blocks. The properties will benefit from private gardens and in-curtilage parking, with the new site access to be taken from Ashdale Road.

64. The completed homes will be owned and managed by Believe Housing – one of the North East’s largest housing associations. Believe covers an area of over 860 square miles, from the very rural west, to Durham city centre and the coastline in the East. Research has indicated a high demand for properties like this in the Consett area.
65. We have a track record of delivering new homes in the North East having recently delivered affordable housing at Deckham, Gateshead whilst working on projects in Ryhope, Sunderland and West Auckland, Durham.
66. The scheme has been designed to enhance the existing area through careful consideration of the houses that front onto Ashdale Road and the war memorial adjacent to the North West of the site.
67. We feel that the proposal as it stands will bring many benefits to the local area, from the redevelopment of a disused site, to the provision of a 100% affordable housing scheme.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?keyVal=PU2NBQGDKEN00&activeTab=summary>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

68. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this instance relate to the principle of development in this location, housing supply and need, impacts on the economy, impacts on community and infrastructure, sustainability and climate change credentials, design considerations, impacts on residential amenity, impacts to trees, land safety and stability, drainage, ecology, impacts on historic asset and highways safety considerations.

The Development Plan

69. 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 Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
70. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
71. This is an application for housing development. The main Policies within the Development Plan relating housing are considered out of date either because their evidence base is too old, or because they are contrary to the advice in the NPPF – i.e.

where they relate to overly restrictive planning restraints such as settlement boundaries. Whilst they can provide a useful starting point for consideration of a site, consideration of the development should be led by the NPPF if decisions are to be defensible. Accordingly, paragraph 11 is engaged.

The NPPF

72. Paragraph 11 advises in the first instance to grant permission for sustainable development unless there is specific advice in the Framework that protects areas or assets of particular importance that gives a clear reason for refusal. The affected policies are listed (footnote 6). There is a topic area that affects this site (a nearby designated heritage asset) therefore an assessment must firstly be made as to whether the impacts provide a clear reason for refusing this development.
73. The nearby designated Heritage Asset is the Grade II Listed War Memorial to the west of the site. Paragraph 195 of the NPPF advises that local planning authorities should refuse consent where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset unless there are public benefits that outweigh the harm or specific criteria are met. Section 66 of the Listed Building Act also requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or interest which it possesses. Design and Conservation Officers consider that development would not adversely affect the setting of the memorial, which they consider to already have been compromised and its value diminished, with the best feature, the area of public open green space being retained. Bearing the above in mind and applying paragraph 11(d)(i), it is not considered that there is a clear reason to refuse this development.
74. Paragraph 11 then goes on to advise that permission should be granted unless 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. This application therefore benefits from this 'presumption in favour', and a balancing exercise is called for which can only be undertaken after assessing all other material considerations.

Site Sustainability

75. Paragraph 68 of the NPPF supports the development of windfall sites and advises that great weight should be given to the benefits of using suitable sites within existing settlements for homes. Paragraph 108 of the NPPF advises that when assessing site for development that appropriate opportunities to promote sustainable transport options can be taken up. The NPPF advises in paragraph 118 that substantial weight should be given to the value of using brownfield land within settlements for homes.
76. In terms of site sustainability, the proposed development is a brownfield site within a main town centre that includes a wide range of social, economic and environmental opportunities, including schools, shops, and where health, leisure, social and sustainable transport opportunities exist. It has been identified as a green site capable of being developed within the next 5 years within the SHLAA. Accordingly, the site is highly sustainable.

Housing Supply

77. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently

has a 6-year identified supply which reduces the weight to be afforded to the boost to housing supply as a benefit of the development.

Housing Need

78. The development is presented as a scheme of affordable 2 and 3 bed dwellings. Planning Officers must however point out issues in how this basic positive description is considered in the light of planning legislation, policy, advice and caselaw.
79. Paragraph 61 of the NPPF advises that the size, type and tenure of housing needed for different groups in the community should be assessed. The Council's Strategic Housing Market Assessment (SHMA) demonstrates a need for both affordable and specialist housing to meet the needs of older people.
80. The application proposes a scheme of 100% Affordable Housing on mainly a 'rent to buy' basis with an element of units for affordable rent, that meets the affordable housing definition in the NPPF. 'Believe' state their intention of providing affordable houses, specifically for "Generation Rent" i.e those persons who desire to own their own homes but cannot do so as they do not have access to mortgage finance often because they have no deposit or a poor credit history. The rental properties will be made available to potential residents via the Durham Choice Based Lettings System.
81. The detailed nature of the scheme is such that it meets the basic 10% requirements of Policy HP13 and paragraph 64 of the NPPF for affordable housing and would meet the 15% provision required within this part of the County, this amounts to two units for affordable housing to meet the NPPF definition and one for rent to buy. The 90% over-provision is not secured in such a way that it can be attributed additional weight in the decision-making process.
82. The SHMA evidence indicates that sites of 10 or more units can include 10% (or more) of the units to be designed with older people in mind, for example as level-access bungalows. Significant weight can be afforded to this evidence which is up to date and has been tested for viability. Paragraph 122 of the NPPF advises that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing. The development has not proposed any provision to meet this identified need for older persons' housing which is disappointing but not surprising bearing in mind Believe's target market and therefore there is some conflict with the NPPF in this respect, however this should not be given significant weight given the limited number of units proposed.

Building a strong, competitive economy

83. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. Therefore material weight is given in the planning process to the economic benefits that would accrue from both the development process and the lifetime of the proposals. The Planning Statement submitted with the application sets out potential benefits of the provision and/or maintenance of construction jobs, increase in council tax receipt, New Homes Bonus receipts, and increase from new residents spending in the local economy. These claims are accepted, and positive material weight is accrued.

Community benefits/impacts

84. New Housing developments can reasonably be expected to mitigate their impact on the existing physical and social environment, either on-site, or through payments in lieu where appropriate.
85. Paragraph 91 of the NPPF aims to ensure that developments have high quality public space. Policy HO22 of the Derwentside Local Plan which requires open space provision on site or where possible via a financial payment is consistent with this policy and should be given some weight. Paragraph 92 of the NPPF promotes that decisions should take into account the delivery of local strategies to improve health and ensure an integrated approach to considering the location of new housing. Paragraph 94 of the NPPF advises that it is important that there are sufficient school places to meet the need of new communities.
86. In terms of open space, there are some useable areas of public space within the site adjacent to the western boundary and within the SUDS area, however due to the size and multi-functional purpose of these areas these would not be considered high quality. The Open Space Needs Assessment advises that schemes of this scale should consider 660 sq m open space provision within the site envelope. In lieu of this, Officers advise that contributions towards off-site typologies (allotments, parks and recreation, play space) would amount to £31,482.
87. 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 is a material consideration as opposed to a specific policy requirement, however it provides the justification for seeking mitigation, in respect of essential services including GP provision, where a deficit would result or be exacerbated by the proposal. The NHS have advised that a financial contribution of £9660 is justified in terms of the current capacity issues in the area.
88. 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 and requires Local Planning Authorities to seek this. This is a material consideration. Whilst there is sufficient primary school provision to serve the new development the Council's Education Team advise that there would not be sufficient space to accommodate pupils generated by the development in the current local secondary schools whilst maintaining a 5% surplus. Therefore a contribution of £49,652 has been requested to facilitate the provision of additional teaching accommodation.
89. The applicant has sent a viability case to prove their case that if the Council insisted on the above full provision through monies in lieu, then the proposed development of the site would be unviable due to high abnormal costs. Spatial Policy Officers have assessed and accepted the case in relation to the full contributions in the event of high abnormal costs. However it has not been demonstrated to their satisfaction that the abnormal costs would be at the high end of costs. Nonetheless following discussions with Officers, in order to address any perceived negative impacts the applicants have managed to achieve a higher grant rate which now enables them to offer the full contribution in terms of Health (£9,660) and half of the education requirements (£24,825). The applicants have chosen to offer no contributions in terms of open space rather than splitting the monies equally as they consider the development will not result in the loss of any defined public open space and there is an existing abundance of good quality open space within the immediate vicinity of the site to serve future residents directly to the west of the site. They consider that the existing open space is well

connected to the application site and would be easily accessed on foot by future residents. However the applicants have confirmed that that they would accept the redistributing of the contributions of £34,485 (£1,724.25 per plot) in another way if Members preference is to have some contribution in for Open Space.

90. Relevant to these lower than normal contributions being accepted is the short term deliverability of the scheme and the general good provision and access to a number of types of formal and informal open space and recreation opportunities in and around Consett. Nonetheless this conflict with National and Local Plan Policy and these adverse impacts in terms of lack of full education and any open space provision must carry some negative weight in the planning balance.

General Sustainability and climate change credentials

91. With regards to embedded sustainability paragraph 110 of the NPPF requires development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
92. With regards to electric and ultra low emission vehicles, EV charging infrastructure or passive infrastructure such as physical conduits to support future charging points can be ensured on site via condition. Other measures to embed sustainability and minimise carbon from construction and in use emissions will be required under building regulations.

Design Considerations

93. Both Policy GDP1 and the Framework stress the importance of good design. Design Officers are supportive of the strong built frontage onto Ashdale Road, including the corner-turning unit, and of the layout which allows a sense of openness to be retained to the pedestrian route to the west. The applicants have proposed a traditional architectural approach using a mix of brick and render with stone heads and cills and pitched porch canopy features which is an appropriate response to the mixed materials and styles of buildings in the general area.
94. With regards to density, the proposed scheme has a net density of 38 dwellings per hectare, this is relatively high and is a concern raised by a local Member. Whilst Local Plan Policy GDP1 requires density to be appropriate to the site's location the NPPF is less prescriptive and where there is no shortage of housing land requires account to be taken of need, available land, local market conditions and viability, the availability and capacity of infrastructure and services, promotion of sustainable travel modes, maintaining the character of the area or promoting regeneration and change and securing well designed, attractive and healthy places to conclude whether densities are appropriate.
95. The benefits in terms of the density are that whilst there is no shortage in terms of land supply there is an identified need for affordable housing and the site has good locational sustainability credentials. Furthermore, this site is available for development now. It is accepted that the modest land values and viability requirements dictate the number of dwellings. On the other hand, the density would not be particularly supported in terms of the increase in pressures to local services such as schools.
96. In terms of density within the surrounding area, whilst the density is high, particularly in relation to the nearest dwellings, assessment of the area shows the density to be much

lower than the older terraced streets in the general area and akin to the density of the local authority 1950s/60's semi detached properties along the eastern end of Ashdale Road.

97. Density also has an impact on general design and the attractiveness of a scheme. The high density has resulted in the lack of open space provision within the scheme. The Council's new parking standards that must be accommodated have a negative effect on the communal and private hard surface elements of the scheme, an issue pointed out by Design Officers. However, in response to concerns raised over the amount of parking dominating the front of units the scheme has positively evolved which has allowed for a slight reduction in the amount of parking to the front of the units which has allowed for an improved streetscape and landscaping.
98. Paragraph 127 of the NPPF aims to ensure that developments create places that are safe. Whilst concerns over the use of shared drives raised by the Police Authority are noted these are required to make sure the scheme achieves the Council's new parking standards. Concerns raised by the Police in relation to the alleyway to plot 11 are noted, however this is not an unusual solution in terms of accessing a mid-link property. Officers do not share the concerns over the potential for crime/ASB given that the alleyway would not be openly obvious as an alleyway given its positioning and as the adjacent land is at a lower level and used as a service area for the Consett Academy site.
99. Paragraph 91 of the NPPF seeks to ensure that developments promote social interaction through street layouts with good pedestrian and cycle connections and active street frontages. It also aims to ensure that developments are safe and accessible with clear and legible pedestrian routes and high quality public space. The development performs well in terms of social interaction with active street frontages on Ashfield Road and access possible into the estate from the footpath and grassed area to the west of the site.

Residential Amenity

100. In accordance with Paragraph 127 of the NPPF aims to ensure that developments create places that have a high standard of amenity for existing and future users. Paragraph 170 requires new development not to contribute to or be put at an unacceptable risk from, or be adversely affected by, unacceptable levels of noise pollution.
101. Required amenity distances to surrounding dwellings are significantly exceeded. The required distances between the proposed dwellings are also exceeded. The adjacent sports centre and academy are 29m from the proposed dwellings, at this distance there are no concerns over the relationship between the neighbouring development in terms of privacy, light and outlook. Whilst there is no private amenity space to the front of the dwellings there is an acceptable amount of amenity space to the rear for each of the proposed properties.
102. With regards to noise, the development is considered to be both noise sensitive and has the potential to generate noise during the construction phase. Environmental Health officers are satisfied that conditions can ensure appropriate noise mitigation both during and after construction to prevent a statutory nuisance or unacceptable levels of noise.

Trees and Development

103. The application site includes a number of trees within it – principally on the site boundaries. The site layout would not enable the retention of any of the existing trees.
104. Policy EN11 of the Derwentside Local Plan advises that existing trees should be retained and incorporated in new developments where possible. Consideration in applications must be given to the effect existing trees contribute significantly to the setting of nearby or proposed buildings. Arboricultural Officers consider the removal of the trees would have a negative effect on the character of the area.
105. The value attributed to the trees is acknowledged. The surrounding area has a good coverage of street trees in the highway verges, so that whilst the loss of the trees is regretted, the ultimate recourse to ensure their retention – a Tree Preservation Order – was not considered justified. The loss of the trees removes residential amenity concerns their retention would have caused. The loss of the ecology and biodiversity benefits of the trees counts as a negative in the assessment of the proposals. In the event of an approval, the responsibilities of the developer for nesting birds set out in the Wildlife and Countryside Act 1981 would be highlighted by an informative.
106. Policy EN11 allows for tree removal if tree loss is mitigated by suitable replacement planting. Derwentside Local Plan Policy GDP1 seeks to ensure that developments provide adequate landscaping. The applicant has agreed to provide new tree, hedge and shrub planting both within the estate and on prominent boundaries around the site which Landscape Officers are satisfied with, the implementation and short-term retention can be ensured through an appropriate condition.

Ground Conditions

107. Paragraph 170 of the NPPF advises that new development should not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability amongst other issues.
108. The site has the potential for contamination being a brownfield site and the end users in this instance would be sensitive. The Contaminated Land Officer has requested a condition to ensure that appropriate remediation works are identified and undertaken before the development commences.
109. The site is within an area at high risk of coal mining legacy issues. The Coal Authority confirms they have no objection to the proposals subject to site investigations and remediation being undertaken if identified as necessary before the development commences. This can be ensured via condition.
110. With such conditions the proposal would meet the requirements of Part 15 of the Framework.

Drainage

111. Paragraph 163 of the NPPF requires Local Planning Authorities when determining applications to not increase flood risk elsewhere. Paragraph 165 advises major developments such as this to incorporate SUDS where appropriate and specifies criteria such SUDS should meet. Derwentside Local Plan Policy GDP1 seeks to ensure that appropriate drainage and flood and groundwater protection within developments.

112. Northumbrian Water raise no objection, but request a condition be added to any approval to ensure that both their foul and surface water requirements are fully met. The scheme has been amended in detail in process to ensure it meets the requirements of the Council's Drainage and Coastal Protection Team in respect of controlling surface water drainage. Subject to a condition to ensure the scheme is implemented in accordance with the agreed Drainage Plan, this team have no objection. On this basis it is concluded that the scheme meets the requirements of Policy GDP1(i), (j) and (k) and Part 14 of the Framework.

Ecology

113. With regards to ecology, paragraph 170 of the NPPF advises that decisions should protect and enhance biodiversity. Derwentside Local Plan Policy GDP1 seeks to ensure the safeguarding of protected species. The County Ecologist is satisfied with the surveys works undertaken and the mitigation recommended. The suggested bat box installation can be ensured via condition.

Enhancing the Historic Environment

114. In response to concerns raised by Landscape Officers in relation to the high timber boundary treatments being seen in the context of the Memorial the applicants have submitted details of lower level boundary treatments and hedgerow along part of this boundary to address these concerns. Bearing the above in mind it is not considered that there would be further harm to the designated heritage asset, therefore this does not weigh against the proposal in the planning balance and is considered to meet the relevant test in Section 66 of the Listed Building Act.

Highway Safety

115. The Highways Engineers are satisfied that the proposed layout and parking provision meets the new requirements of the Council's adopted highways standards but request full engineering details to be agreed under condition. Whilst concerns have been raised by residents and the Police in relation to increasing traffic on the busy local roads, no concerns are raised by the Highways Officer as to the effect of the proposals on the wider highways network. Comments made by the Police in relation to conflict between residents and persons parking over accesses are noted however it is considered that this is best dealt with by police and is a common situation in estate's near schools and residents would be aware of this when purchasing their properties. The scheme is therefore concluded to meet the requirements of Policy TR2 of the plan and paragraph 109 of the Framework.

CONCLUSION

116. The housing related policies in the Development plan are those most important for dealing with the application and are out of date, directing determination to the NPPF. The application proposes a residential development on a previously developed site within an established urban area that offers a good range of services, facilities and opportunities. The site is concluded sustainable in principle. Policies which protect areas or assets of particular importance do not provide a clear reason for refusal.

117. There are both positive and negative aspects to consider in the planning balance. The benefits are the provision of housing with good amenity standards and some good quality design aspects in a highly sustainable location on previously developed land. The negative impacts are the pressures upon community facilities, loss of trees and biodiversity and the lack of any open space and substandard education contributions, the high density and car dominance within the design and lack of provision for older persons housing.
118. The impacts upon the trees on site is a negative aspect of this development. As are concerns over the lack of provision of housing for older persons and in terms of open space, therefore the proposal fails to meet policy requirements. Lack of full contribution to educational services is a further disbenefit. However, the weight given to these negative aspects are reduced given the size of the site and bearing in mind the short term deliverability of the scheme and the general good provision and access to a number of types of formal and informal open space and recreation opportunities in and around Consett.
119. Officers consider the proposals finely balanced but applying the titled balance of paragraph 11 of the NPPF, conclude their recommendation in favour of the proposals as the adverse impacts do not significantly and demonstrably outweigh the benefits.
120. There are elements of the proposals that can be mitigated or made acceptable through contributions by the developer in a legal agreement -i.e partial Education contribution of £24,825 and full NHS contribution of £9660. The NHS impacts are therefore neutral, and are required to make the proposal acceptable only, being directly proportionate to their impacts.
121. Conditions can address technical implications and ensure an acceptable form of development and agree the details for issues including highways layout, foul and surface water drainage, bat boxes and EV vehicle infrastructure. Pre-commencement type conditions are only proposed where the nature of the issues requires agreement in advance of site works.

RECOMMENDATION

122. That the application be APPROVED, subject to the applicant entering into a legal agreement consisting:
- securing 15% of the scheme as affordable housing on site.
 - A contribution to secure NHS mitigation of £9660
 - A contribution to secure Education mitigation of £24,825

And the conditions detailed below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

(00)110	03/07/2019
(00)100	03/07/2019
(00)351 Rev A	03/07/2019
(00)355 Rev C	03/07/2019
(00)356 Rev A	03/07/2019
(00)357	03/07/2019
(00)358	03/07/2019
(00)360 Rev B	03/07/2019
(00)361	03/07/2019
(00)365 Rev B	03/07/2019
(00) 366	03/07/2019
(00)600	03/07/2019
ARB/CP/2049/AIP	03/07/2019
JJ Rev A	03/07/2019
(00)650 Rev A	18/07/2019
(00)320 Rev B	21/08/2019
(00)330 Rev C	21/08/2019
(00)300 Rev N	27/08/2019
(00)320 Rev D	29/08/2019
D217-P-001	29/08/2019
D217-P-002	29/08/2019
003-01	12/09/2019
005-03	12/09/2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GPD1, EN11, HO22, and TR2 of the Derwentside District Local Plan 1997 (saved policies).

3. Prior to construction above damp proof course samples panel of the materials to be used in the construction of the main walls and roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy GDP1 of the Derwentside Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

4. Prior to construction above damp proof course a detailed scheme for the disposal of foul water must be submitted to and approved in writing by the Local Planning Authority. The development must take place in full accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies) and parts 14 and 15 of the NPPF.

5. For surface water drainage, the development must be implemented in full accordance with the updated Drainage Strategy dated September. 2019, Ref: (Flood Risk and Drainage Assessment Revision A 2019009).

Reason: To prevent the increased risk of flooding from any sources in accordance with the Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies) and parts 14 and 15 of the NPPF.

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed, and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8. Any required remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

9. No development shall commence until the undertaking of an appropriate scheme of intrusive site investigations; the submission to the LPA of a report of findings arising from the intrusive site investigations; The submission of a scheme of remedial works for approval; and implementation of those remedial works.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

10. Prior to their installation details shall be submitted to and approved in writing of the locations of the built-in bat and bird boxes and the boxes shall be installed in accordance with the approved details within one month of the completion of the development.

Reason: In the interests of safeguarding protected species and biodiversity in accordance with Derwentside Local Plan Policy GDP1 and Section 15 of the NPPF.

11. The approved landscaping details shall be undertaken on site within the first available planting season following the completion of the development. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of a similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of ensuring appropriate landscaping and the visual amenity of the area in accordance with Derwentside Local Plan Policy GDP1.ubmitted to and approved in writing by the Local Planning Authority.

12. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be 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 schedule in perpetuity.

Reason: In the interests of the visual amenity of the area and to ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

13. EV charging infrastructure or passive infrastructure such as physical conduits to support future charging points shall be installed on site prior to the occupation of the dwellings. Details of the type and positioning of such infrastructure shall be submitted to and approved in writing by the Local planning Authority prior to its installation. The approved infrastructure shall be retained in perpetuity.

Reason: To ensure that the design enables the charging of plug-in or other ultra-low emission vehicles in safe, accessible and convenient location in accordance with Paragraph 110 of the NPPF.

14. No development shall commence 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:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction/suppression.
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- Designation, layout and design of construction access and egress points;

- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- 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 also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy GDP1; of the Derwentside Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

15. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 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 mitigate potential noise pollution for existing residents in accordance with Derwentside Local Plan Policies GDP1 and EN26 and section 15 of the NPPF.

16. Before development of the approved highways layout commences, full engineering details must be submitted to the Local Planning Authority and agreed in writing. The layout must thereafter be implemented to an adoptable standard in full accordance with said agreement and be completed in full before occupation of any dwelling hereby approved.

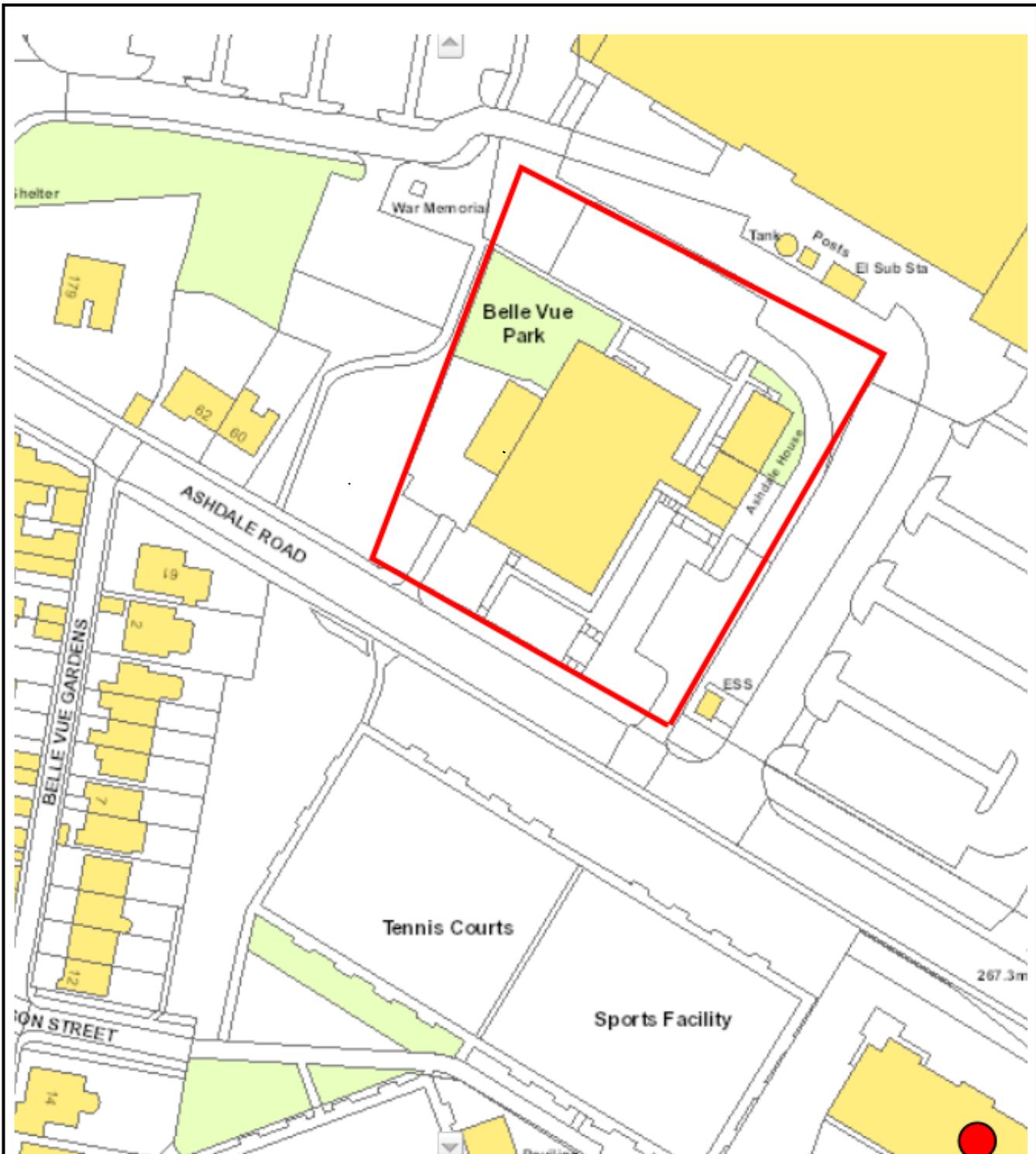
Reason: In the interests of highway safety and Policy TR2 of the Derwentside District Local Plan 1997 (saved policies).

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes
Wildlife and Countryside Act 1981
Derwentside District Local Plan 1997 (saved policies).
Strategic Housing Land Availability Assessment
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



<p>Planning Services</p>	<p>Proposed 20 no. new build residential units - 2 and 3 bedroomed with associated infrastructure</p> <p>Application Number DM/19/02141/FPA</p>	
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<p>Date 31st October 2019</p>		<p>Scale NTS</p>