

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00189/OUT
FULL APPLICATION DESCRIPTION:	19no. dwellings (Outline – All matters reserved)
NAME OF APPLICANT:	Andy Harkin
ADDRESS:	Land south east of William Steet, Auckland Park, Co Durham
ELECTORAL DIVISION:	Sildon and Dene Valley
CASE OFFICER:	Mark O’Sullivan, Senior Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to a rectangular parcel of undeveloped grassland (some 0.7Ha) located to the south east of William Street in the Auckland Park settlement. The site is currently open and used as grazing land in conjunction with a stable building which is adjacent to the southern boundary of the site, and which is to be demolished. Housing development borders the site on St Phillips Close to the south west and Morton Close to the north west. Open fields extend directly to the north and north east. The site is adjacent to a further parcel of undeveloped land to the south east with residential properties on Woodside Meadows beyond.
2. Outline planning consent (all matters reserved) is sought for the construction of 19no. dwellings on the site including 4no. affordable bungalows. Details of access, layout, scale, appearance and landscaping are reserved matters, with only the principle of residential development sought at this time. Indicative layout plans show the 19no. units to comprise 6no. 4 bed units, 8no. 3 bed units, 1no. 4 bed unit and 4no. 2 bed bungalows (all detached). The proposed development would be served by an access road from William Street extending through the centre of the site, with confirmation that 4no. of these units would be classed as affordable housing.
3. The planning application is reported to the Planning Committee in accordance with the Council’s Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

4. Outline planning approval was granted in May 2012 by the Planning Committee for the erection of 20no. dwellings on this site (planning ref: 3/2011/0349). Subsequent reserved matters consent was granted in June 2015 relating to appearance, landscaping and scale for 20no. dwellings (planning ref: DM/15/01246/RM). The approved scheme was never implemented.

PLANNING POLICY

NATIONAL POLICY

5. 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. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
6. *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.
7. *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.
8. *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.
9. *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.
10. *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.
11. *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.

12. *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.
13. *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.
14. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

RELEVANT POLICY:

The County Durham Plan

15. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:

Policy 6 (Development on unallocated sites)

Policy 15 (Addressing housing need)

Policy 19 (Type and mix of housing)

Policy 21 (Delivering sustainable transport)

Policy 25 (Developer contributions)

Policy 31 (Amenity and pollution)

Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land)

Policy 35 (Water management)

Policy 36 (Water infrastructure)

Policy 39 (Landscape)

Policy 40 (Trees, woodlands and hedges)

Policy 41 (Biodiversity and geodiversity)

Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

16. *Town Council* – No comments received.

17. *Highway Authority* – Advice given regarding the improved siting of Visitor Parking (VP) bays within the site layout which should be taken into consideration at the reserved matters stage. Condition 10 of approval ref: 3/2011/0349 relating to the submission of full highway engineering details for improvements to the access road should be repeated.
18. *NWL* – The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. Approval should be granted subject to a condition controlling the disposal of foul and surface water from the development.
19. *The Coal Authority* – recommend the imposition of conditions in the event of approval.

INTERNAL CONSULTEE RESPONSES:

20. *Archaeology* – Part of the proposed development area was previously a continuation of the row of terraced houses. The construction of these houses and their subsequent demolition suggest that archaeological remains are unlikely to survive on this site and there is therefore no objection on archaeological grounds.
21. *Ecology* – Proposals will result in an overall loss in biodiversity. As there are no opportunities to offset this on site through habitat creation, offsite habitat creation could be agreed to enable the proposals to attain the required net gains in biodiversity. It is recommended that a commuted sum be agreed and secured either via s106 or unilateral undertaking. The recommendations detailed in Section 5 of the PEA report should also be conditioned.
22. *Spatial Policy* – Previous applications have established the principle of developing the site for housing and the key issue with this proposal is therefore ensuring that the site accords with relevant policy, and that that housing will be delivered on the site while providing the necessary policy requirements. Consideration should be given to affordable housing and on/off-site open space provision.
23. *Design and Conservation* – The applicant has increased the number of parking spaces, as requested by Highways, which has some impact on the street scene. It will be important to ensure that landscaping is implemented to reduce the impact of parked cars. It is positive that parking is located to the side of the central dwellings on the eastern boundary, allowing for a strong vista stop at the end of the vehicular route into the site.
24. *Landscape* – There is no landscape issue with the principle of this proposal, but details will be required in due course of boundary treatments and planting.
25. *Arboriculture* – No objection on arboricultural grounds. The proposed development is unlikely to impact trees.
26. *Education* – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
27. *Contaminated Land* – No objections, subject to conditions with respect land contamination.

28. *Noise* – No objection. Based on the information submitted with the application the development is unlikely to cause a statutory nuisance.
29. *Affordable Housing* – The developer will need to ensure that the affordable housing requirements of the area are met.
30. *Drainage* – No objections. Proposals are considered acceptable. There would be an expectation for permeable paving to drives and private accesses.
31. *Rights of Way* – Government guidance considers that the effect of development on public rights of way is a material consideration and that these should be protected and enhanced with opportunities sought to provide better facilities for users. The applicant should be requested to pay a contribution for improvements to nearby PROW through s106.

NON-STATUTORY RESPONSES:

32. *NHS* – In this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.

PUBLIC RESPONSES:

33. The application has been publicised by way of site notice, press advertisement and neighbour notification letters. 3no. letters of objection have been received in response, with a summary of the key areas of concern as follows:
 - Highway safety concerns over the suitability of the existing road infrastructure serving the site and poor visibility at the junction into William Street. Furthermore, the existing access road is less than adoptable standard with a suggestion that William Street is made into a one way system.
 - Existing traffic and congestion resulting from recent new builds nearby has already led to an increase in air pollution and noise, affecting quality of life.
 - Disruption caused by construction traffic using the existing inadequate access roads will impact neighbouring amenities, in addition to noise and dirt nuisance resulting from site construction works and the parking of construction staff outside of homes;
 - There is a lack of amenity space being provided for the increase in population.
 - Loss of green space and subsequent impact on local wildlife.

APPLICANTS STATEMENT:

34. The clients objective is to secure outline planning permission for residential development that:
 - Makes a positive contribution to the area;
 - Responds to the positive elements of urban design and character of development found locally;
 - Provides for a high quality living environment;
 - Respects the amenity of neighbouring residential properties; and
 - Ensures a safe, secure and accessible living environment

35. The current development proposals, relating to the erection of 19no. detached dwellings are a response to the relevant planning history and the development constraints and opportunities which have been identified. The proposed housing scheme would complement the existing range of housing in Auckland Park, providing good quality detached family housing. The scheme would also include 4no. detached bungalows which meets the local demand for bungalows. 4no. dwellings on the site would represent affordable housing and would comply with the Strategic Housing Market Assessment (2008). The proposed development can be accommodated without unacceptably extending into the surrounding countryside. The site has a close physical relationship with recently approved development.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

36. 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 issues relate to the principle of development, housing land supply, privacy/amenity, landscape/visual impact; highways, flooding and drainage, ecology, land stability and planning obligations.

The principle of the development:

37. The NPPF seeks to boost significantly the supply of housing (para 59), as well as using land that is physically well related to existing settlements (para 84). Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d).
38. Part 5 of the NPPF clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies.
39. The application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
40. Policy 6 of the CDP supports the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
- is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

- does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - where relevant, makes as much use as possible of previously developed (brownfield) land;
41. Policy 19 of the CDP seeks to ensure that on all new housing developments, the council will secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
42. Outline consent (all matters reserved) is sought for the erection of 19no. dwellings on an undeveloped parcel of grassland located to the south east of William Street. Indicative drawings suggest dwellings would comprise a mix of single and 2 storey dwellings of varying scale and affordability, with precise scale and design to be considered under reserved matters. The principle of residential development in this location was previously established through the granting of outline and reserved matters consents, with the current application therefore seeking to renew a former consent (albeit for 20no. units) which has lapsed. In previously approving residential development on this site it was accepted by the Council that given its modest scale, appropriately designed dwellings could integrate well with the settlement pattern of the surrounding area.
43. Since this time, the CDP has become the relevant development plan for the County. For the purposes of the current application, the site is located within residential surrounds on land previously accepted for residential development and is not considered to be in an isolated location in the context of Policy 6. The site forms an undeveloped parcel of land located in-between development to the south east and north west and would not extend outwards into open fields to the north. The site would relate well to the existing settlement form and would therefore be deemed acceptable in principle subject to the key material planning considerations set out within this report (as also enshrined within Policy 6).
44. With regards housing supply, 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.
45. The starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368

dwelling 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 of 15,946 dwellings beyond the deliverable 5-year supply period.

46. 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.
47. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
48. Given previous approvals have expired unimplemented there is some concern that there is no clear evidence that this site is deliverable, particularly in the current environment. Paragraph 76 of the NPPF seeks to ensure that proposals for housing development are implemented in a timely manner, and as such, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.
49. Notwithstanding this, the applicant currently seeks to renew a lapsed consent showing a level of renewed commitment to developing this site for residential purposes, including agreement to substantial additional costs to be secured via s106. Although outline in nature, given the scale of the development it is likely that the site could be built out in its entirety within the time periods required. In the current climate, it would be unreasonable for the LPA to reduce the time period for reserved matter submission, particularly at a time when the LPA should be actively supporting growth rather than place restrictions on the developer which may impact the viability of the scheme.
50. The most recent Government Housing Delivery Test (HDT) results from February 2019 also indicates that the Councils 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 DCC housing targets.
51. In accordance with paragraph 11c of the NPPF, there are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

Privacy / Amenity:

52. Parts 12 and 15 of the NPPF, 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.
53. Policy 31 of the CDP seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance

or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

54. The Councils Residential Amenity Standards SPD provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. All new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts.
55. The following minimum standards will be applied to new residential developments:
- Main facing elevation to main facing elevation containing window/s serving a habitable room:
- 21 metres between two storey buildings
 - 18 metres between bungalows
- Main facing elevation to gable wall which does not contain a window serving a habitable room:
- 13 metres to two storey gable
 - 10 metres to single storey gable
56. The application is outline in nature with only indicative plans submitted at this stage. However, these plans demonstrate that the vast majority of the proposed units can be comfortably accommodated onto the site whilst achieving the necessary minimum 21m separation between principal elevations. Only 2no. plots in the south east corner of the site would fail to meet this minimum requirement, although it is accepted that these plots can be reoriented or repositioned within their respective plots to satisfy this requirement with such details to be carefully assessed at the reserved matters stage. In addition, satisfactory levels of private amenity space serving each unit can be achieved.
57. Given the orientation of the proposed dwellings in relation to neighbouring dwellings, no adverse impact would be created in terms of overbearing and overshadowing. Details of enclosures can be controlled by condition. Given the spacious site layout, there would be no requirement to remove PD rights by condition.
58. With regards noise impact, the proposed development is considered to be noise sensitive with the potential to be noise and dust generating during the development phase. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of site operations and hours of working so as to ensure the limitation of noise emission from the site during more sensitive hours. Subject to the above, it is not considered that proposals would lead to an adverse impact or cause a statutory nuisance.
59. Specific details of siting, design and layout are to be agreed through reserved matters. Outline proposals are considered to satisfy the provisions of Parts 12 and 15 of the NPPF and Policy 31 of the CDP.

Visual/Landscape impact

60. Policy 39 of the CDP indicates that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects, showing regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy, and contribute, where possible, to the conservation or enhancement of the local landscape.
61. Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
62. No landscape or arboricultural objections are raised with respect the current outline application with details of layout, scale and appearance reserved matters for later consideration. The site is not within a locally or nationally designated landscape with no perceive impact on trees.
63. The proposed layout as detailed on indicative plans details a linear development pattern which is mainly dictated by the shape and size of the plot which would generally reflect the new housing estates which have been developed recently in the immediate area. Any future layout to be submitted through reserved matters will need to consider landscaping and boundary treatment so as to reduce the impact of parked vehicles on the street scene.
64. The proposed development is considered to be acceptable in terms of layout and in keeping with the surrounding area and would be in accordance with policies 39 and 40 of the CDP.

Highways:

65. NPPF Part 9 seeks to ensure that development 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.
66. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
67. The current proposal involves the erection of 19no. dwellings on the site as opposed to the originally intended 20no. but with a similar indicative highways arrangement. A small number of local objections have been received citing the suitability of the existing road network to cater for additional traffic demand resulting from the

development. Such concerns were similarly raised in the context of the previous outline and reserved matters approval and highways engineers have maintained a consistent stance that these roads could comfortably accommodate 20no. additional units (taking into account the current scheme is for a reduced 19no). No highways objections were raised with regards the original outline scheme approved in 2012 or subsequent reserved matters., with no highway's objections raised in the context of the current proposals.

68. Notwithstanding this, it is acknowledged that the Council's parking standards have changed since this site was last considered. Dwellings with up to three bedrooms must have a minimum of a single hard stand driveway space and 4 beds must have 2no. hard stand spaces. Garages do not constitute a parking space. Additionally, on-street visitor parking bays must meet a minimum of 25% ratio relative to total dwelling units. In this case 4no. VP bays would be expected to be spread evenly across the development.
69. With regards the amended indicative layout plan (Rev. B), engineers consider the VP bays are not evenly distributed, with visitor parking associated with properties west of the cul de sac likely to be partly on adopted footways. Consideration must be given to this detail at the reserved matters stage, with the applicant to be reminded of this detail by informative. The Design and Conservation team would support this request and the applicant should ensure that sufficient parking is provided in a location which does not impact on the street scene or amenity space to the front of dwellings and allows the street to function as a social space.
70. Highways engineers request that condition 10 of outline approval ref: 3/2011/0349 relating to the written approval of highway engineering details for improvements to the access road linking to the site is repeated in this instance in the interests of consistency and highway safety. Subject to the above no highway objections are raised with regards the outline submission, which shows an appropriate standard of site access and junction visibility. It is not considered that the resulting traffic increase serving the site would give rise to a severe cumulative impact on the local road network. Proposals would satisfy the provisions of Part 9 of the NPPF and policy 21 of the CDP.

Flooding and Drainage:

71. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
72. Policy 35 of the CDP requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
73. The application site is not located within a flood zone 1, 2, 3 risk area with outline proposals supported by a drainage strategy and preliminary drainage plan. No objections are raised over the details provided, with it appreciated that these may be subject to change albeit scrutinised in more detail at reserved matters as detailed plans are considered. For the purposes of outline approval, a condition requiring

clarification of surface details for drives and the proposed access would be required, with it preferable that future developers ensure the use of permeable paving in these areas. Given proposals are only outline in nature, precise surface and foul water drainage details are to also be controlled by condition.

74. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development with proposals considered to satisfy the principles of Part 14 of the NPPF and Policies 35 and 36 of the NPPF.

Ecology:

75. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development
76. The application is submitted alongside a Preliminary Ecological Appraisal (June 2020) and accompanying biodiversity metric which confirm the proposals will result in an overall net loss in biodiversity. Under such circumstances the LPA would normally request financial compensation (secured by s106) to be used by the Council towards biodiversity enhancements in line with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Where appropriate opportunities are available the delivery of compensatory works will be in the vicinity of development. As there are no opportunities to offset this on site through habitat creation, it is considered that offsite habitat creation is secured through a s106 to enable the proposals to attain the required net gains in biodiversity.
77. Ecologists estimate that the creation of 0.1ha of species-rich grassland, on existing poor semi-improved grassland (DCC owned), will ensure enough credits to attain a net gain. The cost of this (costs attained from internal works team) would be £2563.39. This includes the costs of creation, and the initial 5 years establishment maintenance, appropriate maintenance requirements thereafter to be absorbed by DCC. The applicant has agreed to the proposed commuted sum set out above, to be secured via s106 unilateral undertaking. Subject to this detail, and the imposition of a condition ensuring the recommendations detailed in Section 5 of the PEA are adhered to in full, no ecological objections are raised.
78. Proposals would therefore satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.

Land stability

79. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP stipulates that development will not be permitted unless the developer can demonstrate that:

- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
80. Contaminated land officers have assessed the available information and historical maps with respect to land contamination identifying the potential for Made Ground/contamination on the site associated with the previous site uses. There are also a number of sites of potential land contamination in the surrounding area, including former railway land, reservoir and colliery. No information has been provided in support of the outline application in relation to land contamination and due to the fact that this development constitutes a change of use to a more sensitive receptor, contaminated land conditions should apply to any consent.
 81. With respect to Coal Mining Legacy issues, the application site is partially located in a coalfield high risk development area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
 82. The applicant has submitted a Mining Risk Assessment (Dunelm, 10 February 2020) in support of the application. This report is informed by a range of appropriate and up-to-date mining information for the application site and proposed development. The Coal Authority considers the content and conclusions of Coal Mining Risk Assessment Report to be sufficient for the purposes of the planning system, meeting the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development, subject to the conditions suggested relating to the undertaking of necessary intrusive site investigation works and subsequent remediation works.
 83. No objections are raised, with proposals to satisfy Part 15 of the NPPF and Policy 32 of the CDP.

Planning obligations

84. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

Affordable Housing

85. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, affordable and meets the needs of those residents unable to access the open housing market. As the proposed development is for 19no. dwellings, it exceeds this size threshold.
86. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes provided to be made available for affordable home ownership.

Meanwhile, the Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing required is set out in Policy 15 of the CDP, which based on viability evidence confirms that 15% is appropriate within this part of the County (which is regarded as a medium value area).

87. Based on this figure, an appropriate Affordable housing requirement of 2no. units affordable ownership and 1no. affordable rent would be required (3no. in total). The applicant has previously agreed to provide 4no. affordable units on the site by way of s106 legal agreement. Subject to the above, the Councils Housing team would be satisfied that the proposals will meet the affordable needs of the area. Although this team do request further clarification detailing the type and location of houses that will be delivered as affordable housing, such matters cannot be considered at the outline approval stage, but rather through reserved matters.

Educational provision

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 LPAs to seek this.
89. The development is located within the Bishop Auckland local school place planning area. Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 19no. dwellings would produce no more than 6no. pupils of primary school age and 3no. pupils of Secondary age. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

Healthcare

90. In the context of the current application, the NHS advise that the increase in resident population arising from an additional 19no. dwellings should not have a material effect on the local GP surgeries and their abilities to provide care. There is therefore no requirement for NHS contribution in this case.

Open Space contributions

91. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. Given the scale of the proposals the LPA would expect S106 open space contributions for off-site provision.
92. An initial outline scheme for 20no. units was presented to the LPA for determination, requiring both on-site amenity green space provision, and off-site financial contributions. Given the constrained nature of the site the applicant amended the scheme, reducing the number of units proposed to 19no. thereby negating the requirement for on-site contribution. Based upon a scheme for 19no. dwellings, (generating a population of 42no. residents taking 2011 census data of 2.2 persons per household), an off-site open space financial contribution of £33,201.00 is calculated. The applicant has agreed to enter into a s106 obligation to secure these funds to be paid in a single installment upon first occupation of the dwellings.

93. Government guidance considers that the effect of development on public rights of way is a material consideration and that these should be protected and enhanced with opportunities sought to provide better facilities for users. The PROW officer has advised that the applicant be requested to contribute to improvements to nearby PROW by way of S106.
94. Although there are 3no. identified PROW falling with close proximity to the application site, none of these immediately bypass or intersect across the site. It is accepted that whilst the construction of 19no. residential units and therefore 42no. additional residents on the site may give rise increased pedestrian use of these footpaths, it would be unreasonable to assume that such increase would lead to their significant deterioration which would otherwise justify their improvement. Given the large sums of money to already be secured in terms of open space, ecology and affordable housing, any further contribution to be made by the applicant in upgrading these PROW's may impact the viability of the scheme. Such contribution was not sought previously when outline permission was originally granted for 20no. units on the site in 2012 and it therefore considered unreasonable to insist on such contribution now.

CONCLUSIONS

95. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance with Paragraph 11c of the NPPF which requires applications which accord with an up to date development plan to be approved without delay.
96. The current outline proposals essentially represent the resubmission of a previously approved residential scheme. The current application would notably see a reduction in the number of dwellings from 20no. to 19no. units, although when assessed against current planning policies and legislation would secure an improved range of house types, affordable housing provision, off site open space and biodiversity contributions.
97. The application site is located within a sustainable and accessible location within the Auckland Park settlement, where the principle of residential development has previously been deemed acceptable. The proposed development would relate well to the surrounding residential area to the east and west, delivering a mix of house types including affordable housing provision.
98. Although only outline at this stage, indicative plans demonstrate that a layout can be produced which achieves acceptable relationships between dwellings, both internally and externally to the site resulting in acceptable levels of privacy and amenity for existing and future residents.
99. Typical of any residential housing development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include the creation of construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
100. All representations including local objections have been carefully considered. Proposals would satisfy the provisions of Parts 2, 4, 5, 8, 9, 11, 12, 14, and 15 of the NPPF and Policies 6, 15, 19, 21, 25, 31, 32, 35, 36, 39, 40 and 41 of the CDP and

the Residential Amenity Standards SPD (2020 Adopted version). The application is recommended for approval subject to the following conditions and completion of a s106 obligation.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site;
- Financial contribution totalling £33,201.00 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling;
- £2563.39 towards offsite biodiversity improvements, payable in a single instalment prior to the occupation of the first dwelling;

And the following conditions:

1. Time limit – Reserved matters

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 and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

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. Reserved matters

Approval of the details of access, layout, scale, appearance and landscaping (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. Approved plans

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

20-1480.01 (Site location plan), received 23 January 2020

20-1480-02 B (Proposed site plan), received 09 April 2020

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. Dwelling limits

The development hereby approved shall comprise no more than 19no. dwellings with each not exceeding a maximum 2 storey scale.

Reason: To define the consent in the interests of proper planning.

5. Material samples

Notwithstanding any details of materials submitted with the application no new above ground construction work shall commence until samples of the external walling, roofing, fascia, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

6. Enclosures

Notwithstanding any details of enclosures submitted with the application no new above ground construction work shall commence until details of means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy 31 of the CDP.

7. Highways

Prior to the commencement of development hereby approved, full highway engineering details for improvements to the access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to occupation of the first dwelling.

Reason: In the interests of highway safety in accordance with Policy 21 of the CDP

8. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section 5 of the Preliminary Ecological Appraisal (Naturally Wild, June 2020)

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the CDP.

9. Surface details

Prior to the commencement of the development hereby approved, details of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policies 35 and 36 of the CDP.

10. Foul and surface water disposal

Prior to the commencement of the development hereby approved, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

11. Contaminated Land (Phase 1-3)

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study). 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.

12. Contaminated Land (Phase 4)

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.

13.SI

No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

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 NPPF.

14. Remediation

Where the findings of the intrusive site investigations (required by condition 13) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the NPPF.

15. Verification

Following implementation and completion of the approved remediation scheme (required by condition 14 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the NPPF.

16. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use whichever is earlier), and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

Reason: In the interests of the visual amenity of the area and to comply with Policy 39 of the CDP.

17. Construction

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 1400 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.

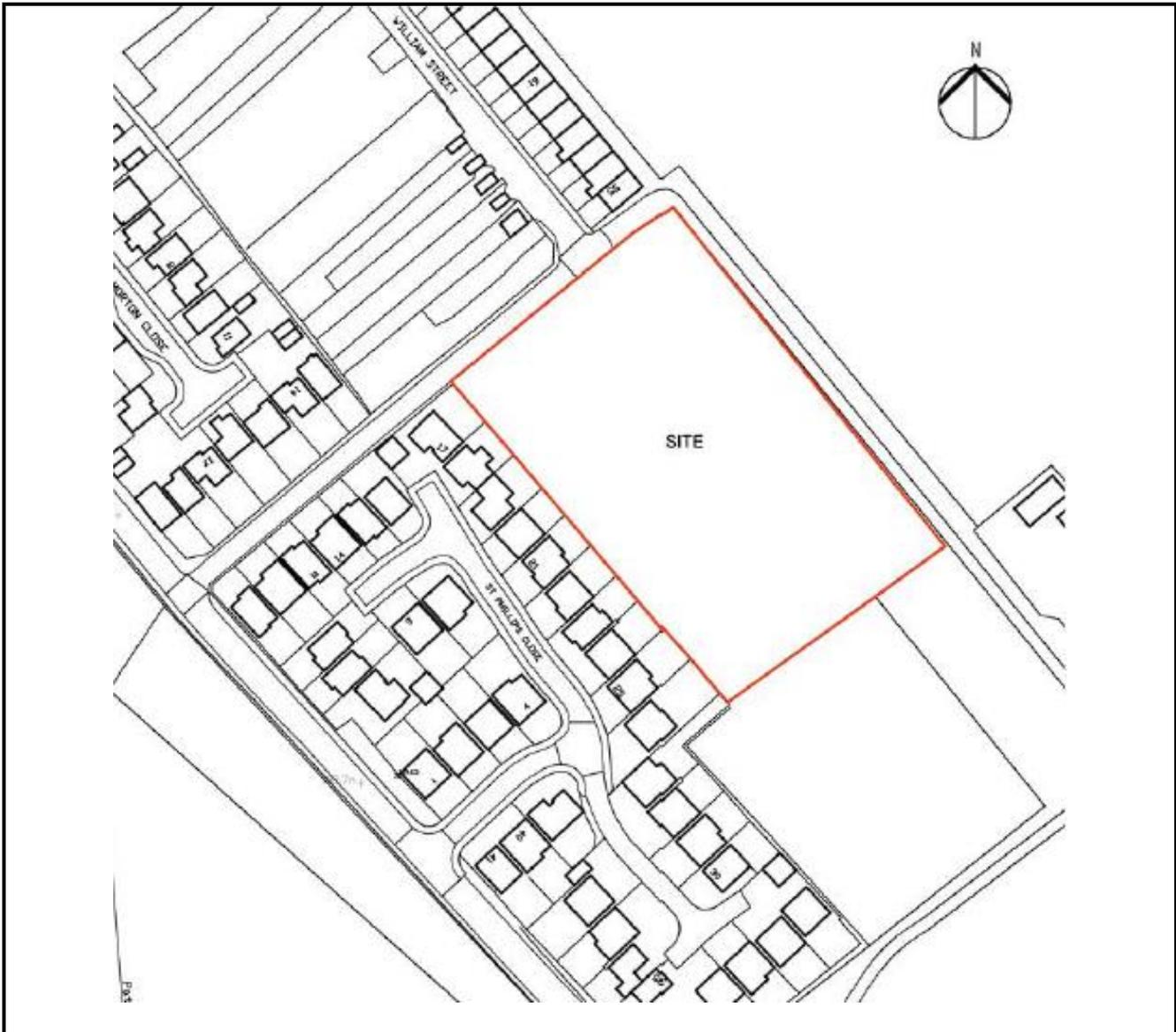
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the CDP.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>19no. dwellings (outline – all matters reserved)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 19 November 2020</p>	