

## COMMITTEE REPORT

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### APPLICATION DETAILS

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| <b>APPLICATION NO:</b>               | <b>DM/21/03839/FPA</b>   |
| <b>FULL APPLICATION DESCRIPTION:</b> | <b>Erection of 288 no. dwellings with associated access, landscaping and infrastructure (revised description 28/02/2022)</b>                         |
| <b>NAME OF APPLICANT:</b>            | <b>Miller Homes (North East)</b>   |
| <b>ADDRESS:</b>                      | <b>Land North of Delves Lane, Consett</b>  |
| <b>ELECTORAL DIVISION:</b>           | <b>Delves Lane</b>   |
| <b>CASE OFFICER:</b>                 | <b>Laura Eden</b><br><b>Senior Planning Officer</b><br><b>03000 263980</b><br><a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a> |

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site lies on the south-eastern edge of Consett, on land to the west of Delves Lane. It extends to approximately 17.67 ha and comprises of three agricultural fields and additional land to the rear of 153-185 Greenways. The land falls slightly east to west, with around 20m level difference between the highest and lowest points on site. The site's south eastern and south western boundaries comprise intermittent dry stone walling and gappy hedging. There is a mixture of post and wire fencing, amenity open space, trees and hedges and rear garden fences to the north-western boundary and a woodland plantation to the north east. To the west of the site, on the opposite side of Delves Lane, lies Delves Lane (south) Industrial Estate.
2. Residential properties predominately lie to the north west of the site within Greenways however there are a few that lie on the opposite side of the unclassified road which bounds the site's south-eastern boundary.
3. There are no designated or non-designated heritage assets within close proximity of the development site. Ivestone Conservation Area is located approximately 1.1km to the north east. The nearest listed building, the Grade II Eastern Knitsley Grange Farmhouse, lies approximately 500m to the south. An Area of Higher Landscape Value (AHLV), as defined in the adopted County Durham Plan bounds part of the site's south eastern boundary. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. Two non-statutory sites lie within the vicinity of the development these being Knitsley and High House Wood Local Wildlife Site (LWS) (1km to the SW) and Hurbuck Triangle LWS (1.8km to the SE).
4. There are no public rights of way within or immediately adjacent to the site. Approximately 400m to the south/south-east of the site lies the Sustrans National Cycle Network Route No. 14, also known as the Lanchester Valley Railway Path.

## The Proposal

5. The application seeks full planning permission for the erection of 288 dwellings, down 11no. units from the 299 originally proposed. The proposal includes a mix of 3, 4 and 5 bedroomed bungalows and houses in a range of detached, semi-detached and terraced options. Three character areas including two transitional zones are proposed comprising of context inspired (adjacent Delves Lane and entrance to Greenways), landscape informed (along the south eastern boundary) and a contemporary approach (remaining areas). The materials palette proposed differs depending on the character area however includes facing brickwork, reconstituted stone facades, grey weatherboarding, render accents, Artstone heads and cills, a tiled roof and UPVC windows, doors and features in either anthracite grey or white. Boundary treatments are proposed to be a mixture of walls and timber fencing. All properties feature off-street parking and enclosed rear gardens.
6. Access to the scheme is proposed via a new priority junction with Delves Lane approximately 100m to the north-west of the crossroad junction with Butsfield Lane and Stockerley Lane. Two pedestrian crossing points and new pedestrian footpaths are proposed to be created either side of the access (to NW and SE) to provide pedestrian access to the wider pedestrian network and nearest bus stops. An additional footpath is proposed to the southern edge of Greenways to provide a continuous footpath connection.
7. Amenity open space would be provided primarily to the north-east of the development, with further areas of open space along the south-eastern and north-western boundaries and a triangular space comprising children's play equipment close to College View. Two green corridors are proposed to run through the development along the lines of the original field boundaries. The layout proposes a perimeter path around the development site
8. The application is being reported to the County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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9. There is no relevant site history relating to the application site.
10. This application is one of a number of housing proposals within Consett that are being considered by the Local Planning Authority. Other large scale, residential applications within the surrounding area include;
  - DM/21/01245/FPA - Erection of 129 dwellings including associated access, landscaping, foul water pumping station and electricity sub-station (revised description 08/11/2021) at land south of Wyncrest, Knitsley Lane, Templetown
  - DM/21/02861/FPA - Proposed development of 201 residential dwellings with associated infrastructure and open space at land to the east of Fern Dene, Knitsley Lane, Templetown
  - DM/21/03514/FPA - Construction of 84no. Affordable Dwellings with Associated Car Parking, Landscaping and Other Infrastructure Including Diversion to a Byway and Footpath at land to rear of Consett Park Terrace, Moorside

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# PLANNING POLICY

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## NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
12. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. *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.
20. *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.
21. *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.
22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *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.
24. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use

of planning conditions; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

## LOCAL PLAN POLICY:

### The County Durham Plan

26. *Policy 6 - Development of Unallocated Sites.* States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
27. *Policy 10 – Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
28. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
29. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
30. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to 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.
31. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
32. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning

conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

33. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
34. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
35. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
36. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted 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 and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
37. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
38. *Policy 35 - Water Management.* Requires all 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
39. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits



of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

40. *Policy 39 – Landscape.* Proposals for new development will only 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 are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
41. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
42. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
43. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
44. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
45. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

#### **NEIGHBOURHOOD PLAN:**

46. There is no Neighbourhood Plan for this area.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

47. *Highway Authority* – The offsite works on Delves Lane include a protected right turn arrangement, pedestrian footway improvements as well as bus stop improvements and capacity intervention improvements to key junctions in the Consett area. The Transport Assessment submitted considered the potential highway and transport related impacts associated with this proposal and any mitigation required. In consultation with the Highways Authority, a Technical Note (TN) was later submitted to assess the potential cumulative development related transportation impacts arising from this and another proposed residential development at Templetown (DM/21/02861/FPA) across eight junctions in and around the Consett area. Overall, the information included within the assessment and methodology used have been considered acceptable. A number of junctions have been assessed and checked by the Highway Development Management team of which the modelling demonstrated that these junctions would continue to work within their design capacity with the traffic from both of these developments added to the local road network (Genesis Way, Ovington Court, Durham Road and Redmire Drive roundabouts). With regards to the remaining four junctions (Delves Lane, Leadgate Road and Gloucester Road roundabouts and Stockerley Lane T-junction), the transport assessment demonstrated that if either development came forward on its own the junctions would continue to work within their designed capacity, however, when considered cumulatively impacts would arise which would require mitigation. The mitigation has been set out and agreed to address these issues. No highway objection is raised subject to the imposition of conditions and informatives.
48. *Drainage and Coastal Protection* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. No objection is raised subject to a condition to secure the implementation of the approved scheme.
49. *Coal Authority* – The coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development. A conditional approach is recommended.

### INTERNAL CONSULTEE RESPONSES:

50. *Spatial Policy* – The proposal site is located on the edge of the built-up area of Consett, on land where mixed use development may be supported providing it aligns with the broader aims and policy requirements of the development plan. For non-allocated residential proposals, Policy 6 sets down several key criteria for considering whether a proposal should be supported in principle terms. The SHLAA assessment for this land reflects a number of concerns in relation to whether the site would be suitable for residential development; the conclusion is that the site is deemed unsuitable given its relationship to the settlement, along with other adverse impacts. The SHLAA record pre-dates the County Durham Plan, and, therefore, up-to-date specialist comments will help determine how well the scheme performs in relation to Policy 6. Further policies are identified which are relevant to the detailed elements of the proposal. On mineral safeguarding grounds, no objection is raised on the grounds of Policy 56.
51. *Archaeology* – Recommend a conditional approach.



52. *Countryside Services* – The application will bring new users to the Lanchester Valley Railways Path. This will require support from the development via S106 funding to mitigate the impacts of this additional usage.
53. *Design and Conservation* – The overall layout and design has been amended to reflect the comments raised at the Council’s internal Design Review process. No objection is raised on the grounds of heritage impact.
54. *Ecology* – All relevant documents have been provided and fully support the application showing a net gain for biodiversity. The delivery of the Biodiversity Scheme and Management Plan should be secured via an appropriate legal agreement.
55. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objection following the submission of additional information.
56. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objection subject to a condition being imposed to secure a scheme of mitigation measures.
57. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
58. *Housing Delivery* - Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 3 bedroomed affordable properties for home ownership and there is above average demand for bungalow accommodation in comparison to neighbouring areas. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
59. *Landscape* – Following detailed discussions with the applicant’s landscape architect, the latest revision of the landscape strategy plan has addressed all previous queries and comments from a landscape perspective.
60. *Landscape (Arboriculture)* – Advises to refer to landscape officer’s comments.
61. *School Places Manager* – It is considered that the development is likely to produce 89 primary pupils and 35 secondary pupils. 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 there would be sufficient primary places available, but insufficient places at the nearest secondary school. Consequently, a contribution of £579,390 (35 x £16,554) towards education provision is therefore required.
62. *Sustainable Travel* – No formal comments provided however informal feedback has been provided through the Council’s internal Design Review.

**EXTERNAL CONSULTEE RESPONSES:**

63. *Northumbrian Water Limited* – Recommend a conditional approach to secure a detailed scheme for the disposal of foul water from the development.
64. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective. Overall, the design from a Crime Prevention through Environmental Design point of view is good.
65. *Tees Valley Clinical Commissioning Group* – State that a contribution of £139,104 would be required to increase GP surgery capacity.

## **PUBLIC RESPONSES:**

66. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.
67. Letters of objection and representation, including photographs, have been received from 142 no. local residents, businesses and local opposition group. The main concerns and queries raised by the objectors can be summarised as follows:

### Principle of development

- The Strategic Housing Land Availability Assessment (SHLAA) rated this land as amber and unsuitable for development. What has changed? Why aren't these other sites being considered for development first? A previous planning application for the land was rejected in 2019.
- This is Greenbelt/greenfield site therefore should not be built on. Brownfield sites should be prioritised.
- The area has seen significant redevelopment in the area, adjacent businesses are expanding, permission has recently been granted for further housing and other applications are pending. There is not sufficient capacity at the local schools, doctors, A&E departments/hospitals and dentists to accommodate these developments. Police and fire services will also be under pressure.
- This development will be for commuters. There are relatively few employment opportunities in Consett however these will be high end properties. This is not the type of housing that residents of Consett need or can afford.
- The area benefits from few shop shops and facilities. Play facilities are lacking/difficult to access and the local pool is closed.
- The site is poorly related to and connected to the existing settlement.
- This is overdevelopment of both the site and of Delves Lane.

### Access/highways

- Query the capacity of the local network to accommodate the additional traffic arising as a result of this development and others in the area. This will lead to further traffic, journey times and congestion on already heavily congested roads. This will be unsafe for both motorists and pedestrians. The cumulative impacts need to be considered.
- Query the outcome of the Transport Assessment as traffic surveys were carried out in May 2021 during the Covid pandemic. Whilst it has claimed this has been factored into the assessment how do we know if appropriate adjustments have been made. Traffic levels seem significantly lower than they were before the pandemic.
- Residents of the estate are likely to be commuters, working in higher paid jobs in Durham and Newcastle, increasing traffic in the area.
- Is only a 'severe' impact on the network considered to be unacceptable?
- Commuters, seeking to avoid the congestion, are turning to 'rat runs.' It is noted that Castledene Road is a residential street and more and more cars are using it to avoid the traffic on Delves Lane.
- Development would put pressure on parking within Consett which is already limited.

- Query whether public transport offers a realistic alternative to the car given it is expensive and there is a reduced bus service. Walking is also likely to be an unattractive prospect given the distances and uphill gradient to reach services and amenities. The submitted Travel Plan advises that as there are no formal facilities in the surrounding area, cycling on local roads is more conducive to use by the more confident cyclist. Furthermore, Consett experiences a lot of colder weather including snowfall. Given the level of car parking proposed, the developer clearly anticipates that residents will rely on the private motor car.
- The site lies adjacent to the 'farm access road' which is not considered suitable for significant increases in traffic given its width, construction, gradients, bends, lack of passing places, that it is prone to flooding and that it is weight limited. Vehicles park along the road, presumably associated with the nearby industrial estate. Vehicles travel at excess speeds along it and the road is not gritted in winter nor is there a salt bin. People walk and cycle the route and more will do so if the development goes ahead. Any additional traffic increase feels as though it is an accident waiting to happen.
- The access into Greenways is very narrow, congested and is a bus route. Any further traffic and bus stops will pose a danger to local residents. The bus operator should be contacted regarding operating a route through the new estate.
- Contractors working on the development are likely to park along either Greenways or Delves Lane causing further disruption.
- The SHLAA advised that there was no suitable vehicular access point given the scale of development potential on the site. The proposed single point of access and general arrangements, opposite a busy industrial estate are not satisfactory. Whilst the speed limit on Delves Lane is 30mph, vehicles travel much faster than this.
- Traffic calming measures within the estate are not considered to be sufficient.

## Residential Amenity

- There will be adverse impacts associated with the construction phase that could last for several years.
- Loss of privacy, light and space due to the proximity of the development to existing homes.
- The development will lead to extra pollution including light, noise and emissions.
- The proximity of the development to the plantation will increase antisocial behaviour as there is nothing for children to do in the area.
- Concerns about the proposed access points adjacent to College View and Meadow View, where lots of the residents are elderly, in addition to the ones onto the existing green space. The connections are not needed and will raise security and antisocial behaviour concerns.
- The perimeter path could be used by motorised vehicles (bikes and scooters) and horses.
- Have the police been consulted on these proposals?
- The 15m buffer to the north of the development includes a perimeter path which will result in reduced privacy, noise, exhaust fumes and will result in security and antisocial behavioural problems. The buffer is not significant enough.
- Dog fouling on the planned greenspaces is likely to be an issue.
- The open space would be prone to fly tipping.
- The impacts the development will have on the mental health of existing residents.

## Landscape and Visual Impact

- The adverse environmental impact of developing a greenfield site such as this including loss of agricultural land and the impact to biodiversity including loss of local landscape features including trees and hedges, wildlife and habitats. The impact of the development could be felt on land adjacent to the development.
- Development would form a large incursion into attractive open countryside leading to adverse visual and landscape impact with existing features such as trees and hedges being removed.

## Land issues

- The land is prone to flooding with NWL having carried out work to try and address this. The development will increase flooding and drainage issues both in the immediate vicinity and surrounding area.
- Query if NWL have been consulted on the proposal as it appears the development is built over the storm water pipe.
- Land stability concerns.

## Other issues

- We are in a climate emergency. The development of this greenfield site will not help this. What will the developer do to ensure the homes go above and beyond energy efficiency requirements and reflect changing standards?
- The properties will not be affordable and it will therefore become a commuter village.
- What investment and benefits will there be into/for the local community?
- The submission indicates that there have been discussions with the Council leading to concerns that this is done deal.
- Concerns are raised in relation to the extent of the public consultation exercise organised by the developer in advance of the application submission and their generic response to queries.
- Concerns are raised in relation to the extent of the public consultation exercise undertaken by the Local Planning Authority.
- Query the methodology for the education and NHS payments, whether existing facilities could be extended and where the monies would be spent. This money wouldn't pay for the staff who work there, just the infrastructure. The proposal should include details of the mitigation to be provided, not just a payment towards it.
- Millers would make a significant profit from this site and they are driven by greed.
- There are a large proportion of homes which are 4 and 5 bedroom which is not in keeping with the surrounding area which are typically 3 bed.
- There are no additional employment opportunities for residents and existing opportunities are limited.
- There have been no additional play parks, pre-school provision and no additional services provided by the development.
- If development keeps being approved, before long there will be coalescence between Delves Lane, Iveston, Leadgate and Lanchester.
- Don't consider it acceptable that schools within a 2 mile walking radius are considered.
- The Council need to concentrate on facilities for disabled children.

- Hopes the Planning Committee come to visit the site and village to see the issues first-hand.
- There are restrictive covenants on the land.
- Loss of view
- Question whether Miller Homes as a company is a suitable housing developer.
- That access rights to private land will not be maintained.
- That the area will be used as a dog walking area and dog fouling will increase as a result.
- Property devaluation
- Poor broadband speed
- Residents feel very strong against this development and have signed a petition against it.
- The CPRE have objected to the scheme as they did on a scheme for 30 units at Fishburn which was refused permission by planning committee. They consider there are similarities between the scheme and this one should be refused too.
- The site is not allocated and Delves Lane is highlighted as having a low housing need.
- Land searches should reveal pre-application discussions and pending planning applications with the Council.
- Concerned that objectors are only given 5 minutes to speak against the proposal at Committee. Given the level of local opposition feel that more time should be afforded.

68. A petition signed by 337 residents has also been received in opposition to the development.

69. The Campaign for the Protection of Rural England (CPRE) has objected to the scheme and consider permission should be refused. They note that the site is not allocated and do not consider it to be a suitable Policy 6 site and fails the criteria for Policy 10. The SHLAA raises concerns regarding encroachment into the countryside and landscape impact. There are also concerns about the proposed access point. No evidence is provided to show how greenhouse gases will be reduced, the site boundary does not accord with the D&A statement, there is a lack of sustainable transport options and net gains have not been demonstrated.

70. One letter has been received in support of this application and the other two major housing developments (DM/21/01245/FPA and DM/21/02861/FPA) in the surrounding area which are currently pending determination. If they are considered together, it provides a great opportunity to improve transport infrastructure to ease congestion and add traffic calming.

71. Cllr Michelle Walton has provided a summary of responses that she and Cllr Angela Stirling have received from local residents in relation to the application.

#### Concerns from residents entirely opposed to the development

- The County Durham plan confirmed that the site was not suitable for development
- The site is in a conservation priority area and no development should be permitted.
- The land had signs condemning the fields due to contamination. These signs are now removed but concern remains around the causes of contamination.
- There is an abundance of variety of wildlife in the area (bats, deer, bird, badgers, hedgehogs etc) which should be protected and their habitat left alone.

- The area regularly floods and Northumbrian Water have previously had to undertake extensive works in attempt to alleviate the problem.
- Loss of greenspace should not be allowed
- Loss of view is a concern for residents immediately overlooking the proposed site.
- Concerns around infrastructure, traffic, access to essential services, access to schools (see further comments below).

Concerns from residents relating to the plans in general although not entirely opposed to the development

- A maximum 20mph limit should be in place around the entire estate. The central road doesn't look like it's got much deflection or bends to help slow vehicles down.
- A pedestrian island/pedestrian crossing must be provided to allow safe crossing from the estate entrance to the other side of the road (and back again) for buses/school transport etc.
- The end of Stockerley Lane where it meets Woodside Bank (A691) is regularly congested at peak times. This is the only road out of Delves Lane towards Durham and to the comprehensive school.
- Consideration to traffic safety measures (roundabout/traffic lights) is essential.
- Iveston Lane (the road at the side of the site is almost single track in most places) is at high risk of becoming a "rat run" for those commuting to Gateshead/Newcastle who wish to avoid going through Consett. Consideration should be given to restricting this road in some way to prevent this (or improving the end of Stockerley Lane to provide better access for turning left onto the A691).
- The local primary school already has issues with parking and access at drop off and pick up.
- Additional traffic caused by residents on this proposed site will have an impact on the school traffic.
- Provision should be made to help the school deal with the extra traffic.
- There is no play area/equipment or playing field area. An estate of this size will be predominantly occupied by families. Recreation areas for children are essential as well as associated seating areas for adults.
- There should be more space between existing gardens and new dwelling gardens. Existing houses which back on to the proposed development should have as much space as possible between their boundaries in order to preserve some of the privacy/un-interrupted view they currently enjoy.
- Trees should be used as buffers/boundaries between existing and new houses. This helps to naturally maintain privacy and maintain some wildlife habitat.
- If the site is approved, please build in logical phases to minimise the disruption to the area.
- Provision must be made to keep the surrounding areas clean during the construction phase.
- Consett Medical Centre is oversubscribed which results in many issues with getting access to a doctor and NHS services. The Council must ensure that provision is made to serve additional residents with adequate medical services.
- Dental surgeries are oversubscribed and not registering new patients. The Council must ensure that provision is made to serve additional residents with adequate medical services



## Support relating to the plan in general

- Eight comments have been received in support of the development however they mention concerns around increased traffic and the need to address this should the site be approved.

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

## APPLICANTS STATEMENT:

72. Over the course of this application, the proposed development has been before Design Review Panel three times and we have had numerous meetings with planning officer and relevant consultee/officers at the Council to discuss the application. As a result, the scheme before Committee is a significantly improved scheme comprising fewer overall numbers onsite from submission, inclusion of additional footpaths links, 15m buffer along western boundary between existing and proposed, provision of play area and significant levels of landscaping across the whole site.
73. We respectfully urge Members to review the Design Review and Building for Life Assessment which has been undertaken by the applicant's team of accredited professionals. The Design Review confirms the proposed development to be sustainable, high quality and suitable for its location scoring green on 8 of the 12 points and amber on the remaining 4.
74. We have worked hard alongside the Council to increase the benefits to local residents from the scheme and to provide an attractive and inviting scheme for new residents to live.
75. Additionally, this application provides the following benefits for local people:
  - 2.53ha of managed public open space and 2.83ha of parks and recreation grounds, which will be available for everyone in the community to use and offsite contribution to provide local allotments;
  - Provision onsite of play space of 0.035ha and off-site contribution towards youth play space as agreed with local community;
  - A net gain in biodiversity of 11.99% gain in habitats and 107.73% in hedgerow as confirmed by the council Ecology Officer, this includes an area to the north west measuring 1.01ha in size which is to be retained and fenced off for ecological purposes/gain;
  - £57,600 towards maintaining and improving the Lanchester Valley Railway Path (LVRP), supporting the existing footpath network;
  - £57,600 towards community centre contribution;
  - £579,390 for new secondary school places;
  - £139,104 towards NHS;
  - 10% affordable housing contribution all of which will be bungalows to provide older person provision;
  - A choice of high quality new homes ranging from 3 bed bungalows to 5 bed family homes responding to local demand;
  - Highways mitigation works are proposed to the following junctions:
    - Delves Lane Roundabout;
    - Gloucester Road Mini-Roundabout;
    - Leadgate Roundabout (A692 western arm); and
    - Stockerley Lane T Junction

- Direct employment of 892 people and provide 9 apprentices, graduates or trainees jobs;
- Generate £3,471,264 in tax revenue including £325,284.48 in council tax revenue.

76. In addition, there have been no objections from the following Council departments: highways, housing, drainage, ecology, heritage, contamination, public rights of way, landscape, archaeology and environmental health.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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77. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual impact, layout and design, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, addressing housing need, contamination and land stability, developer contributions, other considerations and public sector equality duty.

### The Principle of the Development

#### *The Development Plan*

78. 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 County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

79. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

80. The application site is located on the south-eastern edge of the settlement of Consett. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP).

Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.

81. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. 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;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. 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;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
82. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement eastwards into the open countryside, so the issue is whether the development of the site would be a well-related and natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built-up areas as well as other judgements, such as its sustainability in terms of location and access to sustainable transport options.
83. It is considered that the development of the application site would not be in conflict with Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.

84. As the application site is located outside of the built-up area of Consett it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 therefore falls within the relevant criteria and is thereby not in conflict with Policy 10.

### *SHLAA*

85. The site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) under four separate parcels of land (ref: 1/CO/98, 1/CO/107a, 1/CO/107b and 1/CO/107c) and has an unsuitable (amber classification). The assessment considered that the site is poorly related in terms of the existing settlement form. Despite the site being partially contained by the road network to the south, development would involve encroachment into the open countryside and would result in some significant landscape impacts.
86. This has been noted and officers have carefully considered the broader acceptability of the proposal in terms of issues such as design and layout, landscape, ecology and access arrangements in respect to addressing the issues identified in the SHLAA and these are outlined later in the report. A SHLAA assessment does not take into account the design measures or mitigation which a specific development proposal may present.

### *Housing Land Supply*

87. 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.
88. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

### *Locational Sustainability of the Site*

89. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have 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. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing 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. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the

NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.

90. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies in the Delves Lane area which forms part of the Consett Cluster comprising of twelve named areas. Although historically settlements in their own right, they all effectively function as part of Consett. The Consett Cluster is ranked 3rd within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
91. However, although the Consett Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
92. In relation to distances to services and amenities, the site (at its closest point) lies within approximately 0.25km of employment opportunities, 0.5km of Delves Lane Community Centre, 0.5km of a local convenience store, 0.8km of Delves Lane Primary School, 1.3km of larger scale retail, 1.9km of Consett Medical Centre and Pharmacy and within 1.9km of Consett town centre boundary which contains an array of amenities and services including shopping and leisure facilities. In terms of distances to services and amenities, these are generally considered acceptable as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. The walking routes into Consett town centre and the facilities and services within the surrounding area are along adopted well-lit highways with no significant topographical restrictions. These factors are likely to encourage future residents to access these facilities on foot. Cycling is also likely to be an attractive option and it is recognised the site lies in close proximity to Sustrans National Cycle Network route (NCN 14).
93. Existing bus stop provision lies on both Delves Lane and Greenways (adjacent to Greenways Court) which provides a regular service throughout the week and into the evenings. The submitted plans show that pedestrian connections will be established to facilitate access onto College View and Meadow View as well as a continuous footpath connection along the southern edge of Greenways and additional bus stop provision. The aforementioned measures would ensure that properties within the development would lie within the desired maximum walk of 400m to bus stops and increase connectivity and permeability between the development and the surrounding area. Local residents have expressed a number of concerns relating to the proposed connections and additional bus stops. The overall layout and design of the development has been amended to ensure these areas benefit from natural surveillance and that the landscape approach is appropriate, however, the final details of these connection points, new footways and bus stops is proposed to be conditioned to allow the precise details of these to be agreed.
94. There are no Public Rights of Way (PROW) within or immediately adjacent to the site. Connections to the Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, run approximately 300m to the south

east and 400m to the south of the site, respectively. Given the site's proximity to this already popular recreation and utilitarian walking, cycling and horse-riding route, it is envisaged it would experience increased usage by future residents of the estate. To mitigate the impacts of this increased footfall, Sustainable Transport Officers have requested a financial contribution to support improvements to the route including to surfacing, drainage, signage and bins. A contribution of £57,600 (£200 per dwelling) has been agreed with the developer and would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

95. An updated Travel Plan (TP) has been submitted, however, detailed feedback on it is awaited. On this basis, a condition is proposed to secure a TP to reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the CDP.
96. Local residents have written letters of objection to express concerns that there are more favourable brownfield sites to develop before considering greenfield sites such as this and there is sufficient new development consented/pending consideration in the surrounding area. Although the CDP and NPPF encourages the use of previously developed land, they do not preclude the development of greenfield land, nor do they impose any sequential requirement. However, any adverse impacts of development on greenfield land should be considered in the planning balance. For the purposes of clarification, the site is not Greenbelt.
97. The CDP identifies a number of housing allocation sites including H19, land to the south of Knitsley Lane in Templetown. A planning application (DM/21/02861/FPA) has been submitted by Persimmon Homes and is currently pending consideration. One of the site-specific requirements of this allocation is that development will contribute to Delves Lane Community Centre for the benefit of new and existing residents. Given that both sites fall within the same ward boundary (Delves Lane), the application site lies within close proximity to the community centre (within 460m at its closest point) and future residents would place additional pressure on the service it is also considered appropriate to secure a financial contribution as part of this application to mitigate any potential impacts and provide enhanced facilities for new and existing residents. A contribution of £57,600 (£200 per dwelling) has been agreed with the developer and would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
98. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.
99. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF. It is also considered that the development has the potential to maintain or enhance the vitality of the village through increased patronage of its local shops, services and facilities.

#### Highway Safety and Access

100. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development



together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

101. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. In consultation with the Highways Authority, a Technical Note (TN) was later submitted to assess the potential cumulative development related transportation impacts arising from this and another proposed residential development at Templetown (DM/21/02861/FPA) across eight junctions in and around the Consett area. Overall, the information included within the assessment and methodology used have been considered acceptable. A number of junctions have been assessed and would continue to work within their design capacity with the traffic from both of these developments added to the local road network (Genesis Way, Ovington Court, Durham Road and Redmire Drive roundabouts). With regards to the remaining four junctions (Delves Lane, Leadgate Road and Gloucester Road roundabouts and Stockerley Lane T-junction), the transport assessment demonstrates that if either development came forward on its own the junctions would continue to work within their designed capacity, however, when considered cumulatively impacts would arise which would require mitigation. Notwithstanding, both developers have set out their willingness to have conditions imposed to secure the delivery of the four junction improvement schemes where it has been identified that the combination of traffic from both development causes the junctions to become under stress. Whilst the additional traffic from the proposed development(s) does add to traffic at the assessed junctions, it is considered that the impact of this additional traffic would not be classified as 'severe' as set out in the policy test of paragraph 111 of the NPPF. Overall, the Highway Authority conclude that whilst there would be a modest impact at some junctions, with the mitigation measures proposed it would not result in a severe impact and the development should not, therefore, be refused on transport and highway impact grounds.
102. A new priority give-way junction with a right turn pocket would be created off Delves Lane, approximately 100 metres to the northwest of the crossroad junction with Butsfield Lane and Stockerley Lane. This access point would comprise a new 5.5m wide, single point of vehicular access into the development site with 1.8m footways to either side to connect to both new and existing footway infrastructure. Two pedestrian crossing points with refuge islands would be provided to either side of the access and existing bus stop infrastructure would be relocated and improved to a layby arrangement. The requisite site visibilities of 2.4m x 120m in both directions could be achieved. Appropriately worded conditions could secure all the necessary highway improvement works.
103. Internally, the scheme has been amended to address areas of concerns initially raised by the Highway's Authority. A series of raised table features are now shown on the main spine road which would help to reduce traffic speeds through the development, parking provision and distribution is now considered to be appropriate as too are footpath connections. In the event of an approval, a condition to secure the estate roads being designed and constructed to meet current highway standards and two informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required.
104. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

## Landscape and Visual Impact

105. Policy 39 of the CDP states 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
106. The site lies in the West Durham Coalfield County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area (NCA 16). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of conserve and restore. The site doesn't lie in an area covered by any national or local landscape designations however it adjoins an Area of Higher Landscape Value (AHLV) to the southeast. Trees within the site are not covered by a Tree Preservation Order (TPO).
107. The site comprises of three areas of pasture and additional land to the rear of 153-185 Greenways. The fields are bounded by a mixture of mature hedging and individual trees, dry stone walling, post and wire fencing and residential rear garden fencing. The land falls slightly east to west, with around 20m level difference between the highest and lowest points on site. To the northeast of the site lies a woodland plantation. The site is visible at close range from the existing housing in the immediate vicinity and the adjacent industrial units. There are long range views from high ground to the north-east on the A191 at Woodside. Views across the Browney Valley from the higher ground to the south and south-east are considered to be limited as the site is mostly concealed by topography and buildings on the adjacent Delves Lane Industrial Estate.
108. The site currently forms a green buffer to the southeast of the settlement and development of the site would represent an incursion into open countryside. Areas of pasture would be lost including trees and hedgerows where access is required. The development of this site for housing would have a transformative and significant adverse impact on the immediate local landscape character appreciated most in views of the immediate locality. The impact on the surrounding area would be of a lower magnitude given the proposed design and landscape mitigation which includes amenity open space, tree planting and SUDs areas to the southeastern boundary which aims to create a new green settlement edge. This approach would also minimise potential harm to the adjacent AHLV. Development of the site will extend the settlement edge southeastwards into the surrounding countryside. The development would however be read as an extension to the urban form of Consett but not necessarily affect the general character of the area to a substantial degree. The proposal does not contribute to coalescence with neighbouring settlements, would not result in ribbon development of inappropriate backland development therefore would not conflict with Policy 6 criteria (b).

109. The revised landscape strategy plan now reflects the advice given by Landscape Officers and as part of the wider Design Review process. The proposed layout retains existing landscape features where not required for access. There would be a tree lined approach along the main access road and to the site frontage with Delves Lane to mirror those on the opposite side and the road. Development responds positively to the existing houses - being outward facing and including buffer zones - and connects with existing areas of open space outside the site as well as establishing new footpath links to the surrounding area. Over time these landscape mitigation measures would help to progressively reduce the impact of the development within the immediate locality including the adjacent AHLV and in addition to wider views. Details of hard and soft landscaping, in accordance with the principles established within the landscape strategy are required to be secured by condition in the event of an approval. The majority of the landscape features on the site's boundaries would be retained except where required for access. Any loss to landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. A condition would be required to ensure existing features are suitably protected during the construction phase.
110. Overall, it is recognised that there would be some adverse landscape and visual impact arising from the development which needs to be considered in the planning balance. Whilst the development of the site would result in an incursion into the surrounding countryside, any identified harm needs to be considered in the context that the development will be read as an extension to the urban form of the settlement and would not necessarily change the character of the area to a substantial degree. The scheme would provide the appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. The impact of the development will progressively reduce over time as the proposed landscaping establishes. Internally, the scheme mitigates against the existing landscaping features that would be lost and represents good design through providing features such as tree-lined streets. The proposals would therefore would not conflict with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.

## Layout and Design

111. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
112. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the CDP. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Following amendments to the scheme, it scored very positively

achieving 9 greens, 2 ambers and 1 unknown. Since this assessment, further amendments have been made to address the limited areas of concern.

113. The development is considered to represent good design and the scheme has been significantly improved since it was first submitted. In response to earlier feedback, stronger and more appropriately designed character areas are proposed, unit numbers have reduced, development is outward facing, corner turners have been successfully introduced to add to the streetscape and provide informal surveillance of shared spaces, additional greenspace has been provided to create buffers with existing development and allow the creation of a perimeter path and overdominance of car parking has been reduced. Conditions are recommended to secure materials and boundary enclosure details.
114. The Council's Design and Conservation Officer raises no objection to the development. The overall design and layout of the development would be compliant with Policies 6 (criterion d) and 29 of the CDP and Part 12 of the NPPF in this respect.

#### Heritage and Archaeology

115. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
116. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
117. There are no designated or non-designated heritage assets within close proximity of the development site. Blackhill Conservation Area is located approximately 1.3km to the north of the proposed built development. Ivestone Conservation Area is located approximately 1.1km to the north east. The nearest listed building, the Grade II Eastern Knitsley Grange Farmhouse, lies approximately 500m to the south. There would be no intervisibility between the development site and these assets due to existing vegetation development and topography. The line of the Lanchester Valley Branch of the North Eastern Railway, now the Lanchester Valley Railway Path, is visible on the first edition OS map circa 1860 and is considered a non-designated heritage asset. It has communal value as a well-used route for pedestrians and cyclists. It lies with approximately 300m to the southeast and 400m to the south of the site respectively. Due to the existing vegetation and topography, there would be no inter-visibility between the site and designated heritage assets. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.

118. Archaeological works would normally be undertaken pre-determination on a detailed planning application, the reason being, that trial trenching may reveal a site of more significance than the geophysical survey has shown leading to further mitigation works being required. Notwithstanding, the applicant has requested that the trial trenching takes place post determination due to contractual issues. The Council's Archaeologist has reviewed the geophysical survey and, in this instance, considers it would be acceptable to condition the trenching. Whilst the survey has shown some potential, there are no very clear sites, meaning the risk is low. As the developer is prepared to accept these risks, they are happy to agree a conditional approach to secure the archaeological works and post investigation assessment. Subject to these conditions being imposed, the proposal would be considered to comply with Policy 44 of the CDP and Part 16 of the NPPF.

#### Residential Amenity

119. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. 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.

120. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The layout demonstrates that minimum separation distances between proposed properties and existing dwellings would be achieved. Internal arrangements are also considered to provide an adequate level of amenity although it is acknowledged that on some occasions where they fall slightly short of the required standards. As an example, some front to front distances fall slightly short (there is approximately 20.7m between the facing elevations of plots 246 and 254) as do some back to gable arrangements (there is approximately 8.9m between the rear elevation of plot 53 and its garage gable). Front to front arrangements have a tendency to fall short where corner turners are used however such features improve the overall character and appearance of the street. Garden lengths are generally acceptable. Whilst disappointing, it is not considered that arrangements fall short to an unacceptable degree and are such that the privacy and amenity of existing and prospective occupiers will be safeguarded. Overall, it is considered that the layout arrangements are acceptable, provide adequate levels of private amenity space and would not lead to any unacceptable impacts with regards to loss of light, overshadowing, loss of privacy or overbearing impact in accordance with the requirements of Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

121. Some of the proposed housing would be in close proximity to Delves Lane and an industrial estate, therefore, the noise arising from this and the impact to future occupants needs to be considered. The submitted noise assessment advises that acceptable noise levels can be achieved through additional glazing specification to properties that are adjacent to Delves Lane. Environment, Health and Consumer Protection (Nuisance) Officers advise that as there is no specific detailed scheme proposed, a condition would need to be imposed to secure a suitable noise mitigation scheme. Subject to this condition being imposed it is not considered that there would be any unacceptable noise impacts upon dwelling from either the adjacent road or industrial estate.

122. There is the potential for disturbance during the construction period, therefore, a construction management plan (CMP) should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the suggested conditions would help to mitigate any significant adverse impacts.
123. The site is not within or adjacent to an Air Quality Management Area (AQMA) and it is not considered that the development would have any significant effect on air quality. Environment, Health and Consumer Protection raise no objection to the scheme following the submission of additional clarification and there is no requirement to undertake any further assessment. With respect to the construction phase of the development, a dust action management plan be secured by condition. On balance, it is not considered there would be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 186 of the NPPF.
124. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

## Ecology

125. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
126. A Preliminary Ecological Appraisal has been submitted in support of the proposal. It notes no statutory designated sites falls within 2km of the site boundary. Two non-statutory sites lie within the vicinity of the development these being Knitsley and High House Wood Local Wildlife Site (LWS) (1km to the SW) and Hurbuck Triangle LWS (1.8km to the SE). The development is not predicted to have any impacts on statutorily or non-statutorily designated sites. Surveys recorded low levels of bat activity primarily associated with the field boundaries which are likely to provide both foraging and commuting opportunities. Roosting opportunities are limited to mature trees on site and in the wider area. The site provides both nesting and foraging opportunities for birds, potentially include ground nesting species such as skylark. The site provides potential foraging opportunities and habitats suitable for sett creation for badgers however there is an abundance of similar habitat in the wider area. Other protected species are considered likely absent. Habitats on site are suitable to support brown hare and hedgehog.



127. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
128. The Council's Ecologist has also considered the biodiversity metric which was undertaken during the course of the application. The overall landscape strategy approach includes the creation of species rich grassland/wildflower seeding/wet grassland (3.5ha), native woodland (1.1ha), native shrub (0.45ha) and native species rich hedgerow (1.45km). Overall, this would achieve a net gain of 11.99% therefore according with in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF. A detailed habitat creation and management document, including a monitoring strategy for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981.
129. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low level lighting scheme, a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

#### Flooding and Drainage

130. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
131. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving, a swale and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be in compliance complies with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
132. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition.
133. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Infrastructure and Open Space Provision

134. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
135. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
136. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought. Given the scales of the development, it would generally be expected that all typologies would be provided for on-site.
137. The site layout demonstrates that large areas of green space (equating to 5.385ha) would be provided on site fulfilling and significantly exceeding the open space/natural green space (requirement is for 0.951) and parks/recreational grounds (requirement is for 0.8876ha) requirements. It is acknowledged that the open space is likely to be attractive to future residents of the estate and indeed those within the wider area especially as this typology is not currently present within this part of ward. The land would provide a variety of benefits including but not restricted to providing an attractive setting to Delves. Its inclusion within the scheme can be afforded weight in the planning balance.
138. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, including the proposed equipped children's play area, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements as well as the details of the proposed play area.
139. A contribution of £225,070 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments and youth play space). Having regard to the OSNA, the availability and the proximity of existing facilities to the development this

is considered to be acceptable and in accordance with the Council's standard approach. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.

140. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 89 primary age school pupils and 35 secondary age school pupils. Whilst there is sufficient capacity at the local primary schools to accommodate this need there is insufficient capacity at the local secondary school. A total contribution of £579,390 (35 x £16,554) towards education provision is therefore required.
141. The Tees Valley Clinical Commissioning Group (TV CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £139,104 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective.

#### Addressing Housing Need

142. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
143. The site falls within a low value area, meaning this development would be required to deliver 10% affordable housing solely in the form of affordable home ownership. The scheme would provide a total 29 no. affordable units comprising entirely of three bedroomed dormer bungalows for discounted market sale thereby meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The affordable housing would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
144. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The 29 no. dormer bungalows would fulfil this requirement. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated that they would meet this requirement and a condition is proposed to ensure that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All properties within the development would meet the requirements.
145. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. In terms of housing mix, the development would provide a range of 3, 4 and 5 bedroomed units including detached, semi-detached houses, terraced and dormer bungalows options therefore in compliance with Policy 19 of the CDP and Part 5 of the NPPF.

146. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

#### Contamination and Land Stability

147. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

148. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environmental Health Officers note that the submitted information does not cover the entire site and that ground gas protection measures are required on site. Further phase 1 and phase 2 information is therefore required. A condition to secure this, Phase 3 works (remediation works) and 4 (verification) reports in addition to an informative relating to unforeseen contamination would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.

149. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. The application site lies within the coal mining high risk area with Coal Authority records indicating parts of the site lie within an area where shallow coal mining has taken place. The application is supported by reports which aim to provide an assessment of the coal mining affects within the site and appropriate remediation measures. Intrusive investigations have already been undertaken with a recommendation for the undertaking of further site investigations to help inform the exact extent of remedial stabilisation works (drilling and grouting) and any mitigation measures necessary to ensure the safety and stability of the site as a whole. The Coal Authority has recommended that such works are conditioned and that a verification report is submitted confirming the remedial works have been completed and the site has been made safe, stable and suitable for its proposed use. Subject to the imposition of these conditions, the proposal will meet the requirements of Policy 32 of the CDP and Part 15 of the NPPF.

#### Developer Contributions

150. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- £225,070 towards improving offsite open space and recreational provision within Delves Lane Electoral Division;
- £57,600 towards improvements to the Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, within the vicinity of the development;

- £57,600 towards improving the facilities and services at Delves Lane Community Centre;
- £139,104 to increase GP surgery capacity;
- £579,390 towards secondary education provision;
- provision of 10% affordable housing units on site equating to 29 units for affordable home ownership

## Other Considerations

151. Policy 29 of the CDP sets out that major new build residential development should achieve CO<sub>2</sub> reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. A condition would be imposed to secure this.
152. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.
153. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 16.65ha of Grade 3 (good to moderate) agricultural land. The report does not identify whether the land falls into Grade 3a (best and most versatile) or 3b. In a circumstance whereby the land is classified as best and most versatile it does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance, it is considered that even if the whole site was best and most versatile agricultural land, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
154. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites. Policy 14 of the CDP requires all development proposals relation to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A soil resource management strategy can be secured by condition.
155. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the Policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. The Council's Spatial Policy team, having reviewed the Minerals Assessment, considers that in overall terms the remaining coal resource underlying the site would not be economic to extract. Furthermore, there does not appear to be any current market interest in doing so and commercial scale extraction is unlikely to be supported due to the proximity of the site

to local residents and businesses. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.

156. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.
157. The proposal has generated public interest, with letters of objection and representation received from 142 no. local residents, businesses and local opposition group. A 337 signature petition has also been received. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.
158. Applicants are encouraged, albeit not obliged in this case, to engage with the local community prior to the submission of their development proposals. Whilst some residents are concerned with the way this was conducted, it is not a factor against the development. The application was advertised in accordance with statutory requirements giving local residents opportunity to comment on the scheme.
159. Developers often engage with pre-application discussions with the Local Planning Authority in advance of application submissions and any subsequent applications are determined on their merits. Such discussions are not required to be reveal on local searches.
160. Loss of a view, property devaluation, private access rights, restrictive covenants on the land or whether Miller Homes as a company are a suitable housing developer are not material planning considerations.

#### Public Sector Equality Duty

161. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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162. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c).
163. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. Policy 6 of the CDP does however permit development on unallocated sites on the basis that specific criteria are met. Through the course of this report, the overall

acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.

164. It is considered that the development of the application site would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character, the site lies within acceptable distances to local community facilities, services and sustainable transport links, it is acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
165. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of the landscape, overall, it is not considered that this would be significantly adverse as the development would be read as an extension to the existing settlement of Consett. The scheme provides an appropriate level of structural landscaping to assimilate the development into its surroundings and provide an attractive new settlement boundary which and the landscaping planting proposed would help to mitigate this impact. The impact of the development will progressively reduce over time as the proposed landscaping establishes. As such the proposals would not conflict with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.
166. The development would result in the loss of 16.65ha of agricultural land and potentially this could be best and most versatile agricultural land, however, even in such a scenario this level of loss is not significant.
167. The development would assist in maintaining housing land supply including the provision of affordable housing and older person accommodation whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
168. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
169. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- £225,070 towards improving offsite open space and recreational provision within Delves Lane Electoral Division;
- £57,600 towards improvements to the Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, within the vicinity of the development;
- £57,600 towards improving the facilities and services at Delves Lane Community Centre;
- £139,104 to increase GP surgery capacity;

- £579,390 towards secondary education provision;
- provision of 10% affordable housing units on site equating to 29 units for affordable home ownership

And subject to the following conditions:

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 approved plans listed in Part 3 - Approved Plans.

Drg. no. 001 Site Location Plan received 05/11/2021

Drg. no. 01 Single Garage received 05/11/2021

Drg. no. 04 Double Garage received 05/11/2021

Drg. no. 100 Rev. D Overall Site Plan received 04/04/2022

Drg. no. 101 Rev. D Site Layout Plan (South) received 04/04/2022

Drg. no. 102 Rev. D Site Layout Plan (North) received 04/04/2022

Drg. no. 1186\_100 Rev. D Landscape Strategy received 04/04/2022

Drg. no. 105 Rev. D Adoption Plan received 04/04/2022

Drg. no. SD30.00 Rev. X Neighton (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.01 Rev. X Neighton (Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.10 Rev. X Harrison (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.11 Rev. X Harrison (Context inspired) – Proposed Elevations received 08/04/2022

Drg. no. SD30.12 Rev. X Harrison (Land to Contemp.) – Proposed Elevations received 08/04/2022

Drg. no. SD30.13 Rev. X Harrison (Land to Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.20 Rev. X Grayson (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.21 Rev. X Grayson (Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.22 Rev. X Grayson (Landscape) – Proposed Elevations received 08/04/2022

Drg. no. SD30.30 Rev. X Cunningham (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.31 Rev. X Cunningham (Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.32 Rev. X Cunningham (Landscape) – Proposed Elevations received 08/04/2022

Drg. no. SD30.33 Rev. X Cunningham (Land to Contemp.) – Proposed Elevations received 08/04/2022

Drg. no. SD30.34 Rev. X Cunningham (Land to Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.40 Rev. X Denham (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.41 Rev. X Denham (Context) – Proposed Elevations received 08/04/2022



Drg. no. SD30.42 Rev. X Denham (Landscape) – Proposed Elevations received 08/04/2022

Drg. no. SD30.50 Rev. X Farnham (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.51 Rev. X Farnham (Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.52 Rev. X Farnham (Landscape) – Proposed Elevations received 08/04/2022

Drg. no. SD30.53 Rev. X Farnham (Land to Contemp.) – Proposed Elevations received 08/04/2022

Drg. no. SD30.54 Rev. X Farnham (Land to Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.60 Rev. X Wyndham (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.61 Rev. X Wyndham (Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.62 Rev. X Wyndham (Landscape) – Proposed Elevations received 08/04/2022

Drg. no. SD30.63 Rev. X Wyndham (Land to Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.70 Rev. X Hopkin (Contemporary) – Proposed Elevations received 08/04/2022

Drg. no. SD30.71 Rev. X Hopkin (Context) – Proposed Elevations received 08/04/2022

Drg. no. SD30.72 Rev. X Hopkin (Landscape) – Proposed Elevations received 08/04/2022

Character Study received 16/03/2022

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

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

8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. 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 31 of the County Durham 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.*

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

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

5. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

6. 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 suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

7. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

8. No development shall take place until a scheme of further intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

*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 Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.*

9. Prior to first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*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.*

10. No development or works to trees or hedges shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be

brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the approved details and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.*

11. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

*Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

12. No development, other than site investigations and remediation works, shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.*

13. No development, other than site investigations and remediation works, shall commence until a scheme to achieve CO<sub>2</sub> emissions reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

14. No development, other than site investigation and remediation works, shall commence until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic/commercial noise and should ensure the following noise levels are achieved.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

*Reason: In the interest of the amenity of future occupants in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. No development, other than site investigations and remediation works, shall commence until full engineering details of the site access, pedestrian footpaths and relocated bus stop in accordance with drg. no. 19-203-002 Rev. C (Proposed Delves Lane/Access Road Priority Junction) have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details prior to the first occupation of the dwellings.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

16. No development, other than site investigations and remediation works, shall commence until full engineering details of the estate roads including traffic calming measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

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

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

18. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be 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 Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

19. No dwellings shall be occupied until a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

20. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

21. No dwelling shall be occupied until a detailed specification for the new footpath link to the south of Greenways, as shown on drg. no. 105 Rev D (adoption plan), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: To secure new pedestrian routes and to comply with Policy 26 of the County Durham Plan and Parts 4 and 8 of the National Planning Policy Framework.*

22. No dwelling shall be occupied until a scheme detailing the new bus stops on Greenways as indicatively shown on drg. no. 19-203-0004 (bus stop locations) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

23. No dwelling shall be occupied until a scheme detailing the new external footpath connections as shown on drg. no. 19-203-0004 (bus stop locations) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: To secure new pedestrian routes, reduce reliance on the private motor car and to promote sustainable transport methods and to comply with Policies 21, 26 and 29 of the County Durham Plan and Parts 4, 8 and 9 of the National Planning Policy Framework.*

24. No dwelling shall be occupied until a detailed landscaping scheme, based on the principles shown on drg. no. 1186\_100 (Landscape Strategy), has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

Tree pit details.

Bin collection point details.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

25. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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 similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

26. No dwelling shall be occupied until a scheme for the on-site children's play area as indicated on drg. 1186\_100 (Landscape Strategy) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the appearance and layout of the play area, maintenance schedule and timeframes for implementation/completion. The scheme shall be completed in accordance with the approved details and timings thereafter.

*Reason: In the interests of providing adequate play facilities for prospective residents of a major housing scheme in accordance with Policy 26 of the County Durham Plan.*

27. Prior to the occupation of the 15th dwelling, off-site highway works at the junction of A692 / Delves Lane Roundabout as shown on plan: 20-073/004 by Milestone Transport Planning shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

28. Prior to the occupation of the 15th dwelling, off-site highway works at the junction of A692 / Leadgate Road Roundabout as shown on plan: 20-073/005 by Milestone Transport Planning shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

29. Prior to the occupation of the 113th dwelling, off-site highway works at the junction of Delves Lane / Gloucester Road Roundabout as shown on plan: 001P by iPRT shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

30. Prior to the occupation of the 239th dwelling, off-site highway works at the A691 / Stockerley Lane T-Junction as shown on plan: 20-073/002 by Milestone Transport Planning shall be constructed and operational.

*Reason: To ensure that impacts from the development upon highway safety are mitigated in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

31. No external lighting shall be erected/installed until a detailed lighting strategy for the development hereby approved has been submitted to and approved in writing. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework*

32. The development shall be carried out in accordance with the recommendations outlined within Section 6 of the Ecological Impact Assessment Version V2 dated November 2021 by OS Ecology Ltd.

*Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

33. The development shall be carried out in accordance with the drainage scheme detailed in the following documents and plans;

- Flood Risk Assessment and Drainage Strategy Issue by Queensberry Design Limited dated 23/03/2022
- Memo/Technical Note for DCC for Durham CC LLFA comments dated 20<sup>th</sup> April 2022
- Drg. no. QD1724-00-01 Rev. C Engineering Layout Sheet 1
- Drg. no. QD1724-00-02 Rev. C Engineering Layout Sheet 2

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.*

34. The development hereby approved shall include 191 units which meet the Building Regulations Standard M4(2) Accessible and Adaptable Dwellings. No development shall take place until verification identifying which dwellings will be built to Buildings



Regulations M4(2) standard, from a suitably competent and qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed fully in accordance with the approved details.

*Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.*

35. All of the dwellings hereby approved shall be provided with electric vehicle charging points and said charging points must be installed and available for use before occupation of each dwelling.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

36. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

*Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.*

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

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

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

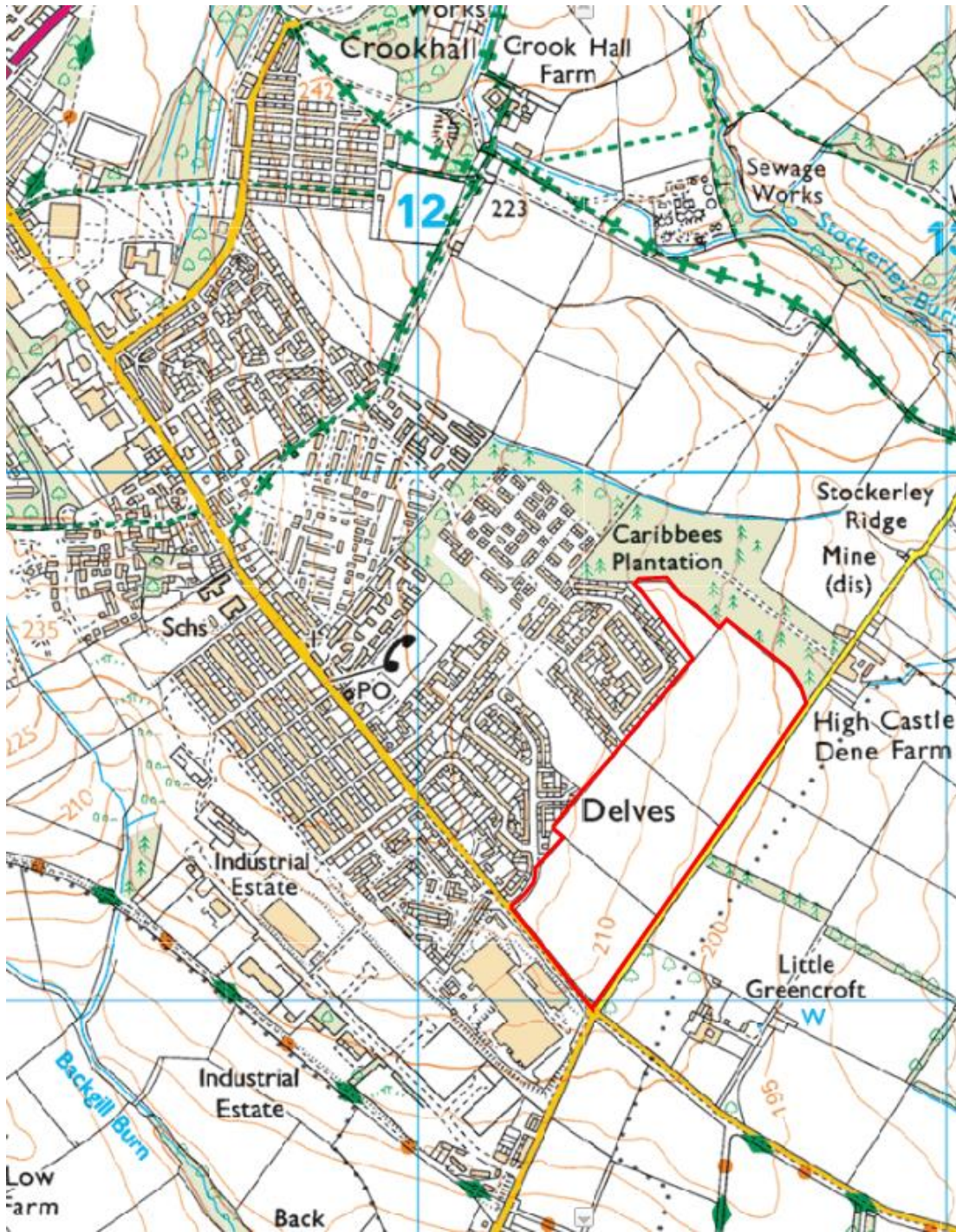
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## **BACKGROUND PAPERS**

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

- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response
- County Durham Strategic Housing Land Assessment Report (2019)
- County Durham Strategic Housing Market Assessment (2019)
- Settlement Study (2018)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Landscape Character Assessment: West Durham Coalfield (2019)



**Planning Services**

DM/21/03839/FPA

Erection of 288 no. dwellings with associated access, landscaping and infrastructure (revised description 28/02/2022)  
 Land North Of Delves Lane  
 Consett

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**Comments**

**Date** 3<sup>rd</sup> May 2022

**Scale** Not to Scale