

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03514/FPA
FULL APPLICATION DESCRIPTION:	Proposed Construction of 84no. Affordable Dwellings with Associated Car Parking, Landscaping and other Infrastructure including diversion to a Byway and Footpath
NAME OF APPLICANT:	Adderstone Living Ltd
ADDRESS:	Land to rear of Consett Park Terrace Moorside DH8 8ET
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is formed of 3.78ha of countryside and the cleared site of the former Moorside Hotel to the side and rear of Consett Park Terrace in Moorside, a settlement between Consett and Castleside. The site is located east of the A692, a busy and undulating route that connects Consett to the A68 at Castleside.
2. Consett Park Terrace, which sits between the larger part of the site and the A692 is a mix of inter-war brick semis and stone built Victorian Terracing, all with long rear gardens, the latter served by a rear lane and particularly long private garden areas – up to 65m in length. South of this terrace and bounding the site is Castleside Industrial Estate, a protected employment site of 5.5ha protected under Policy 2 of the Development Plan. The area of the site formed of the site of the former Moorside Hotel is cleared brownfield land without designation.
3. The previously undeveloped part of site and the countryside to the east is designated within an Area of High Landscape Value, both for its intrinsic value and in forming the setting of listed Hownsgill Viaduct, 0.4miles to the east as a landscape feature. Undesignated countryside sits north of the site. A byway crosses the south part site from the A692 accessing Todd Hill Farm and a lower part of the Industrial Estate. A footpath runs east of the site, connecting to the byway at the farm and cutting across the northern part of the site to the A692 further north.

4. The site falls down from west to east and the higher ground of the gardens and boundaries of Consett Park Terrace into a small valley. A single stone wall bisects the site behind the longer gardens. This previously undeveloped part of the site is largely formed of sloping unimproved grassland, with scrub and small trees in the valley. Where the site sits adjacent the A692, it is formed of the cleared site of the Former Moorside Hotel, which was a detached two storey public house, with only its associated surrounding hardstanding and some low walls still visible. There is a stepped difference in levels between the former pub site and the adjacent countryside. There are small bushes/trees in the lower valley part of the site and a hedge along part of the north boundary.

The Proposal

5. The application comprises of 84 no. 2 and 3-bedroom properties, consisting of bungalows and 2 storey semi-detached and terraced houses. Key points of the provision as described by the applicant include: there will be 100% affordable housing provision on the site; 18no. bungalows (21%) will be level-access; 75% of the properties will be accessible M4(2); 100% of the properties will meet the NDSS space requirements. The dwellings will be highly sustainable.
6. A single point of vehicular access is proposed, from the A692, south of Consett Park Terrace at the site of the former Hotel. This access point will maintain access to Todd Hills Farm and the adjacent unit in the Industrial Estate. Revised plans show a link to the existing footpath at the north of the site.
7. Development will be set with a lower estate road separating the built development from the lower part of the site that will be used to provide for Public Open Space, Ecology and Sustainable Drainage. Two storey development will front the A692 to reflect that at Consett park Terrace, behind which the bungalows proposed will be sited, closest to the nearest facilities and on the flattest part of the site. Two further cul-de-sacs will serve dwellings on the higher part of the site, where adjacent the rear gardens of the existing settlement and at its northern extent,
8. This application is being considered by Committee as a major development proposal.

PLANNING HISTORY

9. The planning history of the site relates to the area of the former hotel alone:
 - DM/19/03404/RM: Reserved matters application pursuant to application DM/19/00815/OUT.
 - DM/19/00815/OUT: Outline consent for 7 Self build plots with all matters reserved except access.
 - DM/16/03863/FPA: Erection of 12no. houses with associated parking and landscaping (Revised and resubmitted).
 - 1/2011/0033: Renewal of extant planning permission 1/2007/0938 for the erection of three terraced houses, seven flats and four detached houses.
 - 1/2007/0938: Demolition of existing public house and erection of three terraced houses, seven flats and four detached houses.
 - 1/2000/0429: Erection 15M flagpole as telecoms mast and cabin.

PLANNING POLICY

NATIONAL POLICY

10. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
11. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 – Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
14. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing

climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

19. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
20. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

22. *Policy 6 Development on Unallocated Sites* supports 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 character of the 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; makes use of previously developed land and reflects priorities for urban regeneration.
23. *Policy 11 Rural Housing and Employment Exception Sites.* New housing and employment related development that is contrary to Policy 6 and Policy 10 will be permitted where (for housing), the development is well related to the settlement, there is an identified need for affordable or specialist housing to justify its scale and nature, market housing is kept to a minimum and only included where justified for the viability

of affordable provision and the affordable housing is made available to the local community identified as being in need.

24. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities 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.
25. *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.
26. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
27. *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.
28. *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.
29. *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 area's 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).
30. *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.

31. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
32. *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.
33. *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.
34. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Development affecting defined Areas of Higher Landscape Value, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
35. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
36. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
37. *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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Highways* – no objections are raised to the revised scheme subject to a condition to secure full engineering details of the site access, estate roads, traffic calming, pedestrian footways and improvements to the two bus stops on the A692 as indicated on the submitted plans to be approved in advance of development works. 'Informatives' to direct the applicants to the required formal Highways agreements are also requested.
39. *Highways England* – No objection.
40. *Historic England* – offer no advice, deferring to the views of the Council's own specialist advisors.
41. *Northumbrian Water* – offer no objection subject to a condition requiring compliance with the submitted proposed flows.

INTERNAL CONSULTEE RESPONSES:

42. *Affordable Housing* – write: 'Policy 11 of the CDP Rural Housing and Employment Exception Sites is relevant to this application. The Policy notes that where housing is proposed it must be shown that: b) there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development.'
43. The proposal is for a 100% affordable scheme, stating that there is a need for affordable homes in the area. This fact is not in dispute with the Council as evidence has been shared with the developer illustrating that Moorside, along with most other settlements in the county, has a need for affordable housing, indeed there is a net shortfall of affordable homes across the County.
44. It is notable that criterion b) of Policy 11 requires applicants to identify the local need for affordable housing in an area and to justify the scale and nature of the development based on this need. This would include the quantity of homes provided and the configuration of the scheme, including tenure make-up.
45. The proposal as submitted included 26 shared ownership properties, with the remainder as affordable rent. The Housing Development Team expressed concerns as to the quantum of shared ownership products included as part of this proposal, as it is considered this would likely represent an oversupply of this tenure in this location. Furthermore, concern was expressed that the application did not satisfactorily identify local needs or identify how the proposal has been developed to meet these needs. The scheme has since been amended to reduce the number of shared ownership properties on the site to 10 units. However, concerns remain in that it is not clear that the proposal has been developed to meet an identified local need. It is noted that the applicant has provided general information in relation to the broader business intelligence, however this is not specific to local needs.
46. Given that insufficient evidence has been provided in support of the scheme, at this time the Housing Development Team are not able to support this application.

47. *Archaeology* – On site investigations, agreed with the County Archaeologist have been undertaken, however the necessary archiving has not as yet been undertaken to the satisfaction of the County Archaeologist. This requires securing – either by condition or before a decision is made.
48. *Conservation Officer* - During the pre-application stage it was identified that the site lies within the setting of Hownsgill Viaduct (Grade II*). The applicant has submitted a heritage statement and LVIA, detailing the significance of the asset, the role the site plays in its setting and assessing the impact of the proposed development. The conclusions contained within the heritage statement are accepted.
49. *Design Officers* - have written directly and are a significant element of the Council's BfL Design Review Panel. They have written directly that, 'The applicant has made minimal changes to the proposed layout and therefore the development still appears overly dense in an edge of settlement location. The dense nature of the layout results in parking to the front of dwellings and therefore car dominated streets. A reduced density would respond to the edge of settlement location and allow parking to the side of dwellings, increasing the level of landscaping, ensuring buildings sit alongside landscaping to enhance the street.
50. With regard to the detailed design of the elevations, the applicant has revisited the approach and removed the stone detailing to the windows. Given the cladding treatment proposed, it may be appropriate to consider grey rather than white framed windows.
51. The amended scheme was assessed by the Design Review Panel in October 2022, receiving 4 'reds', 6 'ambers' and 2 'greens', following an assessment of the scheme as first submitted that gave 6 'reds', 5 'ambers' and 1 'green'. Improvements related to the enhanced connections and the layout of the public open space.
52. *Drainage and Coastal Protection* – Confirm that the scheme meets their requirements, subject to agreement of the detailed calculations and inclusion of permeable paving
53. *Ecology* – The site as submitted includes a shared area of Public open space that includes ecology and sustainable drainage features. Despite this area being extended outside the site boundary later in the application, into the extended land ownership of the current land-owner (as opposed to the applicant) there is still insufficient land available to mitigate the impacts of build development on-site and therefore the discussions have been undertaken to identify appropriate land to provide net-biodiversity gain, and the sum required to implement and maintain that over a 30 year period. This is undertaken in a strategic manner across the County's 300 Nature Reserves – the discussions here requiring around £165k in off-site contributions that would fund projects at the Tanfield Lane Nature Reserve. These monies would have to be secured through a s.106 legal agreement attached to any approval.
54. *Education* – The development is located within the North Durham local school place planning area. The nearest school to the proposed the development is Consett Academy that has a capacity for 1500 pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus.

In order to mitigate the impact of the development a contribution of £182,094 (11 x £16,554) would be required to facilitate the provision of additional teaching accommodation.

55. *Environmental Health (Air Quality)* – Required further information to support the approach to the construction phase of the development, including submission of a Dust management Plan, noting the potential for planning conditions.
56. *Environmental Health (Contamination)* - Officers agree with the findings and conclusions in the submitted reports concurring that remediation works are required. To this end conditions to ensure the standard phased approach to contamination investigation, remediation and verification are suggested attached to any approval. An informative is suggested for unforeseen contamination. There must be provision for precautionary Ground Gas measures.
57. *Environmental Health (Nuisance Action Team)* - The information submitted in relation to the potential for odour impact from one specific industrial process, that is styrene use, demonstrates that the application is likely to comply with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. There is unlikely to be significant interference with amenity. A condition is suggested to agree the detail of noise insulation measures to protect from traffic noise. The potential for noise implications from the proximity of the industrial estate is touched upon but no objection is raised. A condition is suggested to agree the detail of the lighting scheme. The first response concludes, 'I consider that.... conditions and recommendations in relation to noise and dust should be sufficient to mitigate the potential of a statutory nuisance and therefore if affixed will remove my objection to the development.
58. *Landscape* – The Landscape Team originally commented, 'The applicant has provided a landscape and visual appraisal which is well considered and has been used to inform the proposed landscape mitigation and site layout. However, the proposals would still cause some harm to the character, quality and distinctiveness of the local landscape and to the special qualities of the AHLV. Development of the site as proposed would be harmful to views to and from the listed Hownsgill Viaduct and it is unlikely that this could be reduced through design changes or additional mitigation. The proposals would conflict with Policy 29 and with the requirements of policies 6, 10, 29 and 40 unless the benefits of development clearly outweigh the harm'.
59. Following this overview, more detailed comments were provided, 'The proposed residential development site lies within approximately 750m of the Grade II* Hownsgill Viaduct. The site and the viaduct are situated within an Area of Higher Landscape Value (AHLV). In terms of background, in 2019 Durham County Council carried out a Local Landscape Designations Review (LLDR) to identify potential Areas of Higher Landscape Value for designation in the County Durham Plan. The study included assessment of Areas of High Landscape Value originally designated in the local Plan by the former Derwentside District Council with applicable policies saved by Durham County Council, prior to adoption of the County Durham Plan in 2020.
60. The LLDR confirms that the site was originally part of the former Area of High Landscape Value (refer to Figure 3.2 Existing designations in the 2019 LLDR). The 2019 review aimed to re-assess the landscape value of previously non designated and

designated areas by means of current Landscape Institute guidance, criteria and recognised attributes.

61. The County Durham Landscape Value Assessment (2019) indicates that the land within the site is typical of the landscape surrounding the settlement of Moorside, known as 8g i Upper Derwent Valley character area.
62. Contributors to landscape value within this sub-area are assessed by consideration and judgements on the following attributes: Landscape condition: medium to high, Scenic quality: medium to high, Rarity: medium to high, Representative-ness: medium to high, Conservation interests (natural): medium to high, Conservation interests (historic) medium to high, Recreational value: medium to high, Perceptual aspects: low to medium and Cultural associations: not assessed. The results of the 2019 assessment confirm that the landscape within and surrounding the site is a valued landscape and therefore worthy of inclusion in the current Area of Higher Landscape Value (AHLV).
63. The above attributes considered in the 2019 assessment are elements of value which form the special qualities of the existing AHLV. Special qualities assessed include historic conservation interest, as the designated area including the proposed site forms the landscape setting of the Grade II* Hownsgill Viaduct. The landscape experienced from the listed structure looking west north-west, towards the site forms part of a landscape composition made up of the valley and ancient woodlands below, borrowing the landscape within the AHLV to the rear of the site with the view extending out into rural Northumberland and the designated Area of Outstanding Natural Beauty (AONB) to the west.
64. The scenic qualities of the valley landscape and AHLV are derived from a combination of factors including the unusual geodiversity of natural conservation interest, strong topography, presence of ancient woodlands and the historic dimension of the listed viaduct. The glacial meltwater channel provides an incised connection with the Browney Valley and River Wear to the east and the steep wooded bluffs of this valley to the west connect to the rivers Derwent and Tyne. The steep sided valley is bridged by the listed viaduct which forms an integral part of landscape character, unique to this location, offering dramatic views along the valley landscape to the east and to the west.
65. The surrounding landscape and the listed Hownsgill Viaduct are therefore inextricably linked as originally intended, creating a strong sense of place and dramatic setting. The proposed site is visible from the Hownsgill Viaduct when looking west and the listed structure is visible from the site when looking to east south-east.
66. The submitted Landscape and visual Appraisal (LVA) Rev A dated March 2022 and Draft LVA of October 2020 submitted with the pre-application enquiry PRE28/20/03718 are informative and include panoramic images from applicable vantage points.
67. The Hownsgill Viaduct is a Multi-User Railway Path which forms part of the Coast to Coast (C2C) strategic cycle route and a route known as the Waskerley Way. The route is a popular thoroughfare and is frequented by both locals and visitors from outside of the area and region.
68. When looking west north-west from the viaduct, the proposed site forms a green ridge and existing housing on Consett Park Terrace is filtered by vegetation present within long back gardens to the extent that the existing settlement edge is not visually

prominent and assimilates with the surrounding land within the AHLV and landscape setting of the viaduct.

69. Development on the rising topography of the site of a comparatively dense residential character would change the landscape within the view and extend the edge of the settlement into the designated AHLV. Given the topography of the site and limited space allowed for trees within the area of proposed housing, the development would be prominent and difficult to visually mitigate with the landscape planting proposed.
70. Residential development in this location would inevitably cause harm to the character, quality and distinctiveness of the local landscape and to the special qualities of the AHLV and would be harmful to visual amenity, considering the views to and from the listed Hownsgill Viaduct and the associated landscape setting of the Grade II* listed structure. The proposals would conflict with Policy 39 and with the requirements of policies 6, 10, 29 and 40 unless the benefits of development clearly outweigh the harm.
71. A key member of the Design Review Panel, Landscape Officers' response to the further information set out in the applicant's 'County Durham Building for Life SPD Questions and Building for Healthy Life Assessment', undated by submitted 27 September 2022, acknowledged that there were efforts and improvements to the internal landscaping within the scheme that attempted to address views from the countryside and viaduct, and that the nature of the maintenance regime in a rental tenure would secure the retention of in curtilage planting. However, the in-principle implications of the incursion of built development into the designated countryside remained as set out in their detailed comments.
72. *NHS Local Healthcare* – The Queens Road Surgery currently is operating at full capacity. In order to meet the demands likely to be generated by the scheme, using a standardised formula, a request is made for the development to provide £40,572 to mitigate the demand for services it would create.
73. *Public Rights of Way* – Officers note (partly abbreviated), 'as part of the proposed footpath improvements.... the applicant intends to surface an existing desire line walked by the public rather than the legally recorded line of footpath no. 48. This may be acceptable on the land known as Whinny Hill, which is registered as open access, although the consent of DCC Corporate Land and Property will be required, as the land is owned by the County Council. The Council's Rights of Way team will not assume responsibility for the maintenance of the surfaced desire line path as it is not a recorded public right of way. The developer may therefore wish to consider applying to divert the legal line of footpath no. 48 on to this desire line or provide and commit to a long-term maintenance plan secured by condition'.
74. 'I would be supportive of the proposed surfacing of the footpath'... 'The proposed specification is broadly in line with that routinely used for rural / semi-rural public footpaths. There is currently no footway where the path joins the A692, therefore I strongly recommend that a mobility kissing gate or chicane is installed on the footpath close to the roadside, with landowner consent, depending on the intended public use of the footpath, i.e. pedestrian or multi use. Future maintenance of the gate / chicane will rest with the landowner or developer, depending on what is agreed'.
75. *Spatial Policy* - Officers write: Policies 11, 29, 39 and 44 form the key policy considerations for assessing this development proposal. Policy 39 in particular directs that development affecting Areas of Higher Landscape Value will only be permitted

where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

76. Policy 44 informs that great weight will be given to the conservation of all designated assets and their settings in a manner appropriate to their significance. Policy 29 requires proposals to, amongst other things, contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
77. The applicant maintains the delivery of affordable housing is of sufficient benefit to outweigh any harm (to landscape, heritage, setting etc.). However, a balancing exercise must be undertaken, and it is questioned as to whether a mixed scheme would be of more benefit in this location given the existing balance of tenure and relative affordability'.
78. They note that the site was assessed in two parts in the SHLAA – the brownfield element already benefitting from consent, the larger area to the rear of Consett Park Terrace raised, 'concerns in relation to a lack of containment to the east and that development would result in an incursion into a very scenic area which forms an attractive setting for the former railway viaduct to the west which also contributes to the setting of the settlement itself. There would be a significant adverse impact on the AHLV'. The formula to use the Policy 11 'Exception Site' is set out at length, concluding that, 'The policy is clear, therefore, that development must be well-related, in scale and keeping with the form and character of any nearby settlements and the local landscape. However, given the aforementioned issues, it is probable that the proposal would have harmful impacts in relation to the form and character of the settlement and local landscape. The applicant must also demonstrate a local need for affordable or specialist housing sufficient to justify the scale and nature of the development in accordance with Policy 11 requirements. Paragraph 77 NPPF is clear that rural exception sites should provide affordable housing to meet identified local needs'.
79. The extended detailed Policy assessment notes the need for 66% of the development to meet M4(2) accessible standards, with 10% designed to meet multi-generational family needs.
80. Green Infrastructure and Open Space assessments are provided, identifying a need for a contribution of £125,505 to mitigate the likely impacts of the number of residents the scheme can accommodate. Any approval would be required to ensure that the scheme can provide for high-speed broadband connectivity – usually by condition. Policy 29 requires major residential proposals should achieve reductions in CO2 emissions of 10% below the Dwelling Emissions Rate against the Target Emissions Rate based on current Building Regulations. Compliance with Nationally Designated Space Standards is required
81. *Sustainable Travel* - The submission of a Residential Travel Plan is welcomed for this development, but as the total number of households is less than 100 there is no requirement for a Travel Plan condition.
82. *Trees* – The submitted scheme must show species appropriate for meeting tree, scrub and shrub species appropriate for use adjacent built structures, in line with the appropriate British Standard.

PUBLIC RESPONSES:

83. A public consultation exercise consisting of Site Notices, and advertisement in the local press and 69 direct mail letters to local residents resulted in 38 responses including from Durham CPRE 'The Countryside Charity', and the adjacent commercial unit in the industrial unit. It should be noted that this includes a reconsultation exercise and some repeated representations or from the same property. 35 responses were objections. At the request of a Local Member, Officers also attended a site meeting with local residents where the site was inspected from the byway and private gardens, and residents pointed out their concerns and suggestions for points of inspection.
84. The main reasons for objection are as follows:
- Highways is a significant area of concern for objectors who consider the share access arrangement proposed to be unsafe – with HGVs entering and exiting the lower part of the industrial estate and risks to pedestrians, cyclists and other motorists identified. The undulating A692 which includes drives and rear lane access is increasingly busy with traffic accidents in the recent years. The interaction between this heavy traffic and proposed pedestrian crossing is a risk, with the proposed access also too close to the existing junction of Sussex Road. Proposed parking levels are insufficient. Bus stops near the site are not active in the immediate vicinity.
 - In particular, the operator of the Industrial unit accessed through the residential development object at the implications for highway safety and residential amenity from their existing and established HGV operation.
 - For Landscape concerns, the site is contended to be within an AHLV with extraordinary landscape of intrinsic character, beauty and tranquillity which is enjoyed by residents and visitors, including those visiting Hownsgill Viaduct, that was especially important during lockdown for access to unspoilt open space Stunningly pretty landscape which should not be changed. The proposal would give rise to unacceptable harm to the heritage of the area by spoiling both the historic setting of the Hownsgill Viaduct and the view from it.
 - In relation to Noise, the industrial units nearby will cause noise issues for future residents, and it is understood that noise tests were carried out during the lockdown. There is existing noise from Labones which is likely to generate complaints from houses close to the factories and therefore cause economic issues, with acoustic fence is proposed insufficient mitigation.
 - For Design and Amenity, the proposed dwellings do not relate well to the surroundings, with the proposal too dense: the SHLAA estimating a yield of 55 dwellings whereas this site proposes 84. The proposed finishes are not sympathetic to the rural setting of the area, likewise the density. There will be loss of privacy in existing gardens. Quality of life will be diminished by the development, with one resident worried for loss of privacy to from bedroom on an extension.
 - Ecology concerns are outlined for hedgerow impact, the presence of newts, the potential for pollution in existing wetland areas, impacts on ancient woodland and existing garden trees, and an extended range of species including grouse, pheasants, foxes, owls, bats.
 - Other issues and points include conflict with housing allocation policies, inadequate drainage, the availability of brownfield sites elsewhere, existing unimplemented consents, capacities of schools and surgeries, the need for

affordable housing and demand for housing generally, effects on local businesses, introduction of light pollution and the effects of construction works.

85. The letters of support from an individual representing Consett Rugby Club welcomes new housing, notes a commutable relationship to Consett and supports availability of affordable dwellings.

APPLICANT'S STATEMENT:

86. The application proposes the construction of 84no affordable dwellings, including much needed bungalows, and will deliver both affordable rent and shared ownership tenures on site.
87. The front of the site is the Former Moorside Hotel, which has permission for housing. The site is therefore part brownfield and directly adjacent to the settlement of Moorside. The proposal is a logical "rounding-off" of Moorside with 100% affordable housing provision for local people.
88. The site is partly located within an Area of High Landscape Value (AHLV). The design of the scheme has been landscape-led with a significant amount of open space, including SuDS, extensive areas of planting including areas of species rich grassland, wetlands and trees. Any potential impact to the landscape has been mitigated against with the large area of landscaping.
89. The Applicant undertook extensive pre-application discussion with the Local Planning Authority which included advice from the Affordable Housing Team. The advice recommended specific tenures and house types which were required for the local area. The Applicants team followed the advice from the Affordable Housing Team and have proposed the housing scheme which delivers what housing need is required for the local area.
90. The Affordable Housing Team stated in their pre-application response that the bidding in this area for rental properties is one of the highest in the area, of the 11 properties that were available to bid on since January 2022 almost 200 bids were received. The most popular type of housing within this area was identified as 2 bed units. The proposal provides 54no 2 bed dwellings which will provide a significant contribution to addressing the identified need within the local area.
91. The proposal significantly contributes to the affordable housing need of the area by providing both affordable rent and shared ownership properties with a large proportion of those dedicated to 2 bed dwellings of which there is a significant need. The delivery of affordable housing in an area which has clearly identified need is considered to outweigh the limited impact on the landscape which has been mitigated against.
92. There are many benefits arising from the proposal, including economic, social and environmental benefits. Every property has photovoltaic cells with battery powered storage. The construction of the proposed dwellings has highly sustainable construction methods with timber frames. The construction period will allow for local employment of 75-100 tradesmen. The policy of Adderstone Living is to use local manufacturers, with the aim being 50% of the materials coming from a 10-mile radius of the site. The application includes an energy and sustainability statement which sets out the high energy efficiency of the proposed dwellings with the proposed enhance fabric specification which reduces the average Dwelling Emission Rate 10.21%, exceeding the requirements of Policy 29 of the Local Plan. The properties will be built

to an energy efficiency rating of A, meaning energy bills will be significantly reduced for the occupiers.

93. The proposal will deliver significant financial contributions via a Section 106 Agreement for Open Space, NHS, Education and Biodiversity Net Gain.
94. The applicant has continued to work alongside Planning Officers to deliver a proposal which represents sustainable provision of 84no affordable dwellings within Moorside. There is a clear identified housing need for local people and the proposal provides a significant contribution this by delivering the type and tenure of housing required for local people.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R0SVFAGDIQE00>

PLANNING CONSIDERATIONS AND ASSESSMENT

95. 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 in designated countryside on the edge of the settlement with the justification of affordable housing need.

Principle of the Development

The Development Plan

96. 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.
97. 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;
98. The determination of this application is considered to be an assessment of the balance between Policies 6 and 11 – ‘Development on Unallocated Sites’ and ‘Rural Housing and Employment Exception Sites’ and Policy 39 ‘Landscape’.
99. Policy 6 relates to 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 list of ten detailed criteria, including at d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

100. The frontage of the site, where formed of the brownfield land associated with the former Moorside Hotel is well related to the existing settlement sitting between Consett Park Terrace and the site of a former petrol filling station currently being developed as a convenience store in front of Castleside Industrial Estate. However, as the larger part of the site wraps around the rear of the Terrace it becomes physically and visually separated from the built form of the existing settlement. The existing sixteen terraced dwellings have gardens around 65m long and a further separation of a 5.5m rear lane separating their rear yards from the site boundary. The gardens of the existing detached dwellings are shorter, ten being around 30m long, and the four near the site entrance being around 10m long. This gives a clear separation in plan form from the existing settlement, placing the development as an appendage to the settlement rather than integrating with it.
101. The landform effectively 'crests' in the longer gardens described above, so the countryside the site sits on falls to the east and the existing built settlement falls to the west, beyond the summit. This is apparent from the well-used countryside to the west of the site which includes footpaths 46, 48 and 49 and a network of informal and unmarked footpaths that feed towards the viaduct, an established pond, a local wildlife site, ancient woodland and the established general woodland on the facing valley sides. In this area, surrounded by wooded slopes and open countryside, the settlement is visible beyond the skyline. The proposed scheme, notwithstanding efforts to mitigate through planting within the layout will be clearly visible as an urban intrusion into this landscape. The development is critically also apparent in views from the viaduct itself, particularly at its north end. With the sloping landform precluding the opportunity for viable screen planting, the intrusion into the countryside and the separation from the existing settlement is accentuated. This conflicts sharply with the applicant's contention that the development is 'well assimilated into the landscape and appears as a logical rounding-off of the settlement.
102. In terms of these assessments, the proposed development is concluded to not visually, physically or on plan, be in terms of the layout, location form and setting, well-related to the settlement. The proposal is contrary to Policy 6.
103. Policy 11 states that new housing and employment related development that is contrary to Policy 6 will be permitted where a number of criteria are met, which for housing include; a. the development is well-related to a settlement; b. there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development; and d. the affordable housing is made available to the local community identified as being in need, with priority given to occupation by households with a local connection.
104. The explanatory text that supports the Policy gives further detail: 'affordable housing which is being proposed should meet local needs, reflect demand for particular sizes, types and tenures of housing and conform with the definition in the National Planning Policy Framework (NPPF). It must be justified on the basis of a pressing local need for affordable housing which is demonstrated by appropriate evidence, including a local needs study relating to the area concerned. Those regarded as being in local need are: people who need to be housed but are unable to compete in either the open market for house purchase or are unable to afford private sector rents; and people who are local to a village or a group of villages by birth, previous or current residence, employment or by virtue of having a close family member living in the area'.

105. The applicants submitted their final iteration of their affordable housing statement (titled updated October 2021) which following discussions with Housing and Planning Officers alters the proposed tenure mix of the 82 affordable houses to a split of 88% affordable rent and 12% shared ownership. The statement includes an assessment of average house prices in the areas of Moorside, Castleside and Consett, with the figures for Moorside noted as 'substantially skewed' by the existing stock, compared to new-build properties.
106. There is an undeniable need for affordable housing across County Durham. The amended housing mix reflects Housing Officers working knowledge of affordable housing needs in this area. The level and focus of detailed evidence to demonstrate a specific need for the housing proposed for the residents of Moorside has been a contention between Officers and the applicant and their agents. The degree of detail required could potentially be appropriate on undesignated edge of settlement land, however it is considered that the degree and detail of required evidence is raised by the designation of the land in the following Policy.
107. Policy 39 seeks to protect Landscape. This states that, 'Proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects'. Relevant on this site: 'Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm'.
108. Read in conjunction with Policy 11, Policy 39 clearly raises the bar in terms of the level of benefit that must be offered to outweigh harm to countryside identified as of high landscape value where a development does not conserve or enhance the countryside. It is material that the extent of the AHLV has fairly recently been examined and accepted through the Local Plan examination and adoption of the County Plan in October 2020. It is also clear from the Landscape Officers comments that the proposal is considered harmful.
109. Whilst it is acknowledged that the Conservation Officer does not consider the proposal, 0.4 miles from the listed structure, to affect the special character and appearance nor setting of the heritage asset, the wider protection of the viaduct as an important feature within the landscape is clearly apparent in the extent of the AHLV. It is also clear that the designation is not restricted to this relationship, but sweeps to the west, following the hillside, which includes ancient woodland, and Local Wildlife Sites as far as the extent of the North Pennines Area of Outstanding Natural Beauty (AONB) around Castleside.
110. To follow the structured Policy assessment set out in paragraph 98 of this report, Policy 39 requires that in the Area of High Landscape Value, the benefits of development in that location must clearly outweigh the harm. The case for the affordable housing is not considered detailed enough to outweigh the harm raised protection that the site benefits from in its inclusion within the AHLV.
111. Officers consider that the proposal does not meet the requirements of policies 6, 11 and 39 for the principle of development.

112. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 and the BfL Design Review process 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 refused on transport grounds where the residual cumulative impacts on development are severe.
113. The site access, replicating by degree an existing access serving Todd Hill Farm and part of one unit on the adjacent Industrial Estate is a significant concern to local residents, whose own drives and the crest of the A692 are features of the main road approach to the site from the north. Highways Officers, do not share these concerns and consider the proposed junction arrangements safe, further taking into account the new convenience store currently being erected on the former petrol filling station site, immediately to the west.
114. The layout and parking provision proposed is confirmed as acceptable. Highways Officers raise no objection to the scheme subject to conditions.
115. Sustainability is also a component of the highways policy assessment. Recent amendments to the scheme propose the enhancement of footpath 48 to bring additional connectivity north from the site, albeit the surgery on the main road is equidistant from this and the main site entrance. There are some proposed dwellings that sit beyond the recommended distance from bus stops as a basic indicator of sustainability. Mitigating this by degree is the fact that the proposal includes for improvement of two nearby bus stops. At present the bus route goes through the local authority-built estate to the north of the A692 so whilst the proposed upgrades to the bus stops are useful infrastructure upgrades, in the short term they will provide little sustainability benefit.
116. Cycle storage is proposed across the site in line with the detailed requirements of Policy 21. The Consett and Sunderland Cycle path that crosses the viaduct is part of the National Cycle Network and available nearby – albeit elsewhere in the immediate area the topography does not encourage the casual cyclist.
117. For footpaths, subject to a suitable scheme to secure the offered upgrades described in the Footpath Officers' comments in an appropriate manner – and include mitigation of some local concerns that the upgraded footpath route could be used inappropriately by off-road vehicles – this element of the scheme is concluded on balance as acceptable.

Layout, Design and Residential Amenity

118. 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.

119. Policies 29 and 31 of the County Plan 2020 supported by the adopted Residential Amenity Supplementary Planning Document (SPD) state 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. The Policies and SPD reflect the advice in parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
120. The layout of the site is constrained by the single access, the landform and the shape of the site which necessitates a lower main road from which two cul-de-sacs climb the slope then follow the contours. Significant improvements in process for the lower road are evident, with this frontage of the site overlooking the open space now less car dominated. In plot landscaping contributes to this to the betterment of the layout, but not to the extent where it is considered that it mitigates the intrusion of urban form into the designated countryside. It is worthy of note that the in-curtilage planting will largely remain given the nature of the tenures and the applicants maintenance of the site. The County Tree Officer suggests detailed control of this via condition.
121. Acknowledging efforts have been made in the upper parts of the site there are still sections where urban form and hard landscape is dominant, reflected in Design Officers comments that the scheme is dense. Whilst the density is an issue in some parts of the site, in terms of the general layout, in reflecting the contours the straight streets proposed could be argued by degree to reflect the nearest urban form - that is of Consett Park Terrace itself. The scheme in itself – within the site boundaries is accepted as meeting the design requirements of Policy 29a., and the parallel advice in part 12 of the Framework. The simplified architectural approach and materials palette is likewise accepted as meeting this Policy compliance.
122. The scheme has a mix of dwellings available that brings alignment with Part 8 of the Framework's advice for creating mixed communities, with bungalows and family dwellings providing the mix. This is slightly compromised by the scheme being presented as 100% affordable, acknowledging there is a tenure mix within this. Whilst the principle of affordable housing is accepted as of positive weight in the planning balance, large schemes of wholly affordable housing do have implications for achieving varied social interaction.
123. The scale, character and layout of the scheme is accepted within the site boundaries, and in appropriately reflecting the character of the nearest elements of the exciting settlement for those requirements of Policy 29.
124. For residential amenity, 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. It is advised that additional separation may be required where there are changes in levels across a site. The site indicative layout shows that generally separation distances between dwellings in the development meet or are in excess of that advocated by the SPD, however this will be scrutinised in detail at the reserved matters stage to ensure compliance.
125. The internal layout of the scheme has been amended, and likewise the house-types simplified to better reflect these Policy requirements. All but two rear garden lengths now meet the standards set out in the Residential Amenity Standards SPD, and those, either side of the site entrance, are less than 1m substandard. All separation distances are exceeded and met as required for facing distances for main living rooms. The relationship between plot 1, a HT12 unit with a small first-floor stair window and narrow

ground-floor hallway window in its side elevation and the gable of 30 Consett Park Terrace, which has side windows in its garage extension and functional windows on its upper floor, the higher elements of the two buildings separated by 9.2m, is considered acceptable.

126. Other residential amenity relationships to be acknowledged include that to the convenience store currently under construction adjacent plot 7 and visible from the rear of plots 8/9. This is considered a fairly standard relationship in terms of the implications of lighting, vehicular movements and hours of use. There is also the relationship to the industrial estate south of plots 8/9, which includes a large service/storage yard with illumination, that whilst apparently significantly underused at present, has the potential to be brought into a greater level of intensity. Access to this unit is through the site, having previously utilised the poorly surfaced byway that leads to Todd Hill Farm. This will pass two of the bungalows. Highways and Environmental Health Officers raise no objection to this relationship, with the latter having addressed significant focus on some of the industrial premises apparent on the employment land. Conditions are suggested to mitigate potential impacts including for acoustic fencing. The employment site includes some trees and shrubs within it that visually separate the existing and proposed uses. This is a potentially uncomfortable relationship, but one which in light of the specialist consultees' advice is considered acceptable with the imposition of conditions and in the wider planning balance. The commercial operator also asks for guarantees of access during construction works which would likewise require securing by condition. Compliance with Policy 31 is concluded.
127. For sustainability and accessibility, 72% of the scheme are accessible, against a Policy 15 requirement on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. Those struggling to achieve this aspiration are plot 40-55, where the site levels necessitate stepped front door access and for many, terraced rear gardens. With bin stores and frontage parking, this part of the site remains significantly car dominated despite an attempt to introduce street trees. On the plus side, these trees and others in front gardens and rear gardens, relied upon to also mitigate the impact of the development in longer views, will largely remain within the control of the applicants when in their rental stock.
128. The Design Review Panel discussed the sustainability of the location at length. The approval for the convenience store on the adjacent former petrol filling station site adjacent has begun during the course of this application. The site entrance is 270m from the arcade of shops in Derby Drive, although it is then another 350m to the end of the site. The applicants propose an agreement to upgrade the footpath – currently a grass track – to a more formal surfaced track. This will increase the opportunity for pedestrian permeability, but unfortunately brings the nearby doctor's surgery no nearer as equidistant from the main and footpath entrances. It is proposed to upgrade two bus stops on the A692 – a useful infrastructure improvement, albeit one that at present is not served by a current bus route – the existing service going through the local authority-built estate to the north of the A692 that constitutes the majority of the settlement.
129. In wider locational sustainability terms, the site has employment land adjacent, is located around 1.4 miles from the supermarkets and large retail and food outlets at the edge of Consett, with the town centre a short distance beyond. It is close to leisure routes and is afforded easy access to the countryside by the connected footpaths. The development as presented is concluded to be sustainable in terms of its location and relationship to its functional surroundings.

130. The amended scheme has been re-presented to the Design Review Panel during its assessment, and whilst some criticism from the Panel's first assessment has been overcome, 'red' scores remain, reduced from 6 to 4. This represents a fail against the requirements of Policy 29n. which states, 'Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons'. The 'reds' reflect the Policy 6 issues with the relationship to the existing settlement and landscape character.

Heritage and Archaeology

131. 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.
132. 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.
133. 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 also, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
134. Howngill Viaduct, a grade II* listed building, around 750m south-east of the proposed development is the sole designated heritage asset potentially affected by the application. Consett Park Terrace first appears on the 1923 OS, too late generally to be considered a non-designated heritage asset. Objector's suggestions that parts of Todd Hills farm are NDHAs are not accepted. Council Conservation Officers raise no concerns for the relationship with or harm to the viaduct and its setting, and it is therefore concluded in this regard there is no conflict with Policy 44, nor the duties set out under the Act.
135. On site archaeological works have been undertaken. An essential part of these investigations is the archiving of the findings to advance understanding of heritage assets. As this report is written the County Archaeologist has confirmed that this has not happened albeit a receipt has been provided by the applicant to show at least some of the documentation has been deposited. A condition is required to achieve this if this is not resolved before the decision is made. This depositing is a requirement of Part 16, paragraph 205 of the Framework.

Ecology

136. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
137. The effects of development on wildlife and ecology are a complimentary element in the response to the public consultation exercise to concerns at the effects on
138. The County Ecologist raises no objection to the submitted site survey work and conclusions.
139. Despite the land available on the site, even when latterly extended to the north, the calculators used to work out net-bio-diversity gain indicate a requirement for offsite works. Detailed discussions are still underway as this report is prepared, however the extent of the shortfall has been agreed and a sum of around £165k has been identified as required to provide the required gain and maintain it for 30 years. Were the application to be approved, a specific figure would be required for the legal agreement.
140. Following the advice in the NPPF, County Ecologists follow a strategic approach to this provision across the network of County Wildlife sites. Contributions must have a specific intent where secured through legal agreements, with the destination of monies secured on this site to be used on a scheme at Tanfield. A legal agreement to secure the identified funds would meet the Policy requirements for this element of the scheme.

Flooding and Drainage

141. Policies 35 and 36 of the emerging 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.
142. For foul drainage, Northumbrian Water raise no objection to the proposals subject to a standard condition. With the lower part of the site unsuitable for development and available for sustainable drainage and with inclusion of permeable drives across the development, a drainage system that meets the requirements of Policies 35 and 36 is capable of approval by condition.
143. A positive approach has been undertaken to achieve a sustainable drainage system that has positive benefits to public realm, designed to accrue biodiversity benefits, informal paths for resident's recreation, connection to the public footpath and provide for play space. A management company will look after this multi-functional space which forms the end of the SuDS system. Permeable hardstanding areas lead the drainage chain and result in an approach that, secured by condition, can meet the requirements of Policy 35.
144. Northumbrian Water likewise indicate that subject to a standard condition the scheme can be acceptable, therefore bringing compliance with Policy 36.

Infrastructure and Open Space

145. 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 127 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).
146. 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.
147. The scheme includes open space as discussed above in the sustainable drainage area, however Spatial Policy Officers have identified a figure for off-site mitigation for typologies of open space not included within the development, as detailed below. Landscape Officers offer no objection to the landscape proposals in their own right – although again it must be acknowledged that they remain unconvinced that the scheme for the open space and within curtilage will mitigate harm to the protected landscape. Subject to the required legal agreement, the scheme meets the requirements of Policy 26.

Planning Obligations

148. 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. Were the application to be approved, a s.106 Agreement would be required to secure the following, each of which is considered to meet the required tests;
- The local NHS Healthcare Trust has noted that the local surgery that would serve this development is operating at capacity, and using a standardised calculation requests a s.106 payment of £40,572 to mitigate the shortfall that would be created. Noting that they would be unable to guarantee to provide sustainable health services in the area in the future should the contributions not be forthcoming.
 - The County Education Department has likewise identified a shortfall in capacity in secondary education at Consett Academy, with buffers and requests a contribution of £182,094 be provided to mitigate this to facilitate the provision of

additional teaching accommodation. The Government places particular importance on this issue, and with a development based around family dwellings, mitigation of the impact likely to be placed on the education system in the area is essential.

- Policy 41, 'Bio-diversity and Geodiversity' and Policy 43 'Protected Species and Nationally and Locally Protected Sites'. The requirement of the County Ecologist for off-site mitigation for the proportion of bio-diversity gain that cannot be achieved on or near the site is in the region of £165,000 (tbc – under current assessment).
- Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Open Space assessments are required to be provided for typologies not accounted for in the proposal, Spatial Policy Officers identifying a need for a contribution of £125,505 to mitigate the likely impacts of the number of residents the scheme can accommodate.
- The legal agreement would also need to appropriately secure the affordable housing offer in the event of an approval.

The above approach is in line with the requirements of Policy 25 of the County Plan. The applicant describes the potential agreement for Open Space, NHS, Education and Biodiversity Net Gain as significant. Officers weight these contributions as neutral – standard requirements to directly and proportionately mitigate the impacts of the scheme.

Other Considerations

149. Policy 29 of the emerging CDP sets out that major new build residential development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval.
150. The applicant stresses that the Energy Strategy on the site has changed since the initial submission. The Energy Statement has been updated to highlight the key additional features to be incorporated at Todd Hill Farm, including sample SAP calculations demonstrating the carbon emission reductions in line with Durham County Council's Policy 29. Whilst all plots do not need to be built to the new Building Regulations the decision has been made to upgrade all plots to ensure high energy efficiency and lower energy bills for the end users. This is especially welcome at the present time and will make the proposed dwellings more desirable.
151. This will be implemented by: PV Panels will be installed on every plot and all dwellings will be built to the requirements of new Part L1 2021. Highly efficient space and hot water heating systems with thermostatic controls, zoned heating and programmers will be installed. The houses will be constructed in Timber Frame – this method has the lowest CO2 cost of any commercial building method. High levels of insulation and air tightness will be achieved within the construction of the dwellings. Windows and doors

will be a minimum of 30% more efficient than minimum standards with the Building Regulations. Electric Vehicle Charging Points of bollards will be provided for each dwelling where possible. All dwellings will achieve an EPC Rating of A, demonstrating that the dwellings will be economical in terms of running costs for space and water heating, ventilation and lighting.

152. This brings compliance with the Policy and is afforded positive weight in the overall planning balance. The applicant however has contended that this is significant in consideration of the principle of development.
153. 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 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The proposals do not involve high quality agricultural land.
154. Following the requirements of Policy 32 and contamination and stability issues, as directed by part 15 of the Framework, the submitted Phase 1 and phase 2 reports' findings are accepted on the advice of Environmental Health (Contamination) Officers, whose requirements can be achieved by imposition of standard conditions for Phase 3 and phase 4 verification reports.
155. For Environmental Health (Air Quality) interests as framed within the requirements of Policy 31 and the protection of amenity, consultees are requesting more detail to inform the required Construction Management Plan to protect residential amenity in the build period. The required information and then the Construction Management Plan can be reasonably secured by condition.
156. The site is not affected by the coal mining legacy, with no records of historic mining activity. The site is at the edge of the existing settlement and in a protected landscape, at the edge of the Minerals protection area, and the potential for future mining activity, as protected by Policy 56 of the County Plan is not considered to be an issue.
157. The proposal has generated some public interest, with 38 representations, the significant majority in objection and one in support from local residents, amenity and sports groups. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

CONCLUSION

158. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
159. The application proposes a development of high-quality affordable housing, a type of development that would usually be significant in justifying an 'exemption' on non-allocated sites on the settlement edge in Policy 11.
160. The development however has two significant overlapping problems: firstly, it is not well related to the settlement, with, in the form of a cul-de-sac it's larger part separated on plan by the extended rear gardens of the existing edge of settlement terrace. The

physical separation is exacerbated by the topography, with the existing settlement of Moorside on the north slopes of a raise that crests in the rear gardens of Consett Park Terrace, and the proposed development on the south slopes – Policy 6 requires development that is, ‘appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement’. Officers do not consider this to be the case.

161. Secondly, Policy 39 allows for new development proposals, ‘where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views’. However, ‘development affecting Areas of Higher Landscape Value, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm’.
162. This raised level of protection leads Officers to the detailed wording of Policy 11 to see if the proposals ‘benefits’ ‘clearly outweigh the harm’. Policy 11 requires that, ‘there is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development’. The supporting text explains that development, ‘must be justified on the basis of a pressing local need for affordable housing which is demonstrated by appropriate evidence, including a local needs study relating to the area concerned. Those regarded as being in local need are:
 - people who need to be housed but are unable to compete in either the open market for house purchase or are unable to afford private sector rents; and
 - people who are local to a village or a group of villages by birth, previous or current residence, employment or by virtue of having a close family member living in the area’.
163. Affordable Housing Officers advise that this highly detailed level of evidence of pressing local need has not been provided. There is strategic and general local evidence, but not the macro level of evidence required with the raised level of protection the countryside enjoys from the AHLV designation that would justify an exemption under Policy 11.
164. The proposal has been amended during its extended determination period with amendments that have sought to address concerns for connectivity, parking layout, architectural approach, net-biodiversity gain and layout, resolving many of the issues identified. For the landscaping element the effect within the development is significantly bettered – however not to a degree where Officers consider it mitigates the proposed intrusion into the protected countryside. Other than the headline issues outlined above, Officers consider that all other Policy requirements are met, could be mitigated through the imposition of appropriate conditions or by the applicant entering into a legal agreement to mitigate specific identified issues.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

1. The proposed development is not allocated for housing in the County Durham Plan 2020 or well related to the adjacent settlement of Moorside, being not appropriate in terms of scale, layout, and location to the character, function, form and setting of the settlement, contrary to Policy 6 and reflected in the fail against Policy 29n. It is not supported by sufficient evidence of a pressing identified local need for affordable housing sufficient to benefit from the Rural Housing Exception criteria set out in Policy

11 being consequently contrary to that Policy. It therefore does not show that the benefits of development clearly outweigh the harm that will result to landscape character from the intrusion of built development into an Area of High Landscape Value contrary to Policy 39 of the County Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

In this instance, whilst the recommendation is for refusal, the extended determination period reflects Officers working with the applicants to allow them to make their best case, or as a fall-back position reduce the number of refusal reasons to focus on the main issue – reflected in the single refusal reason.

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

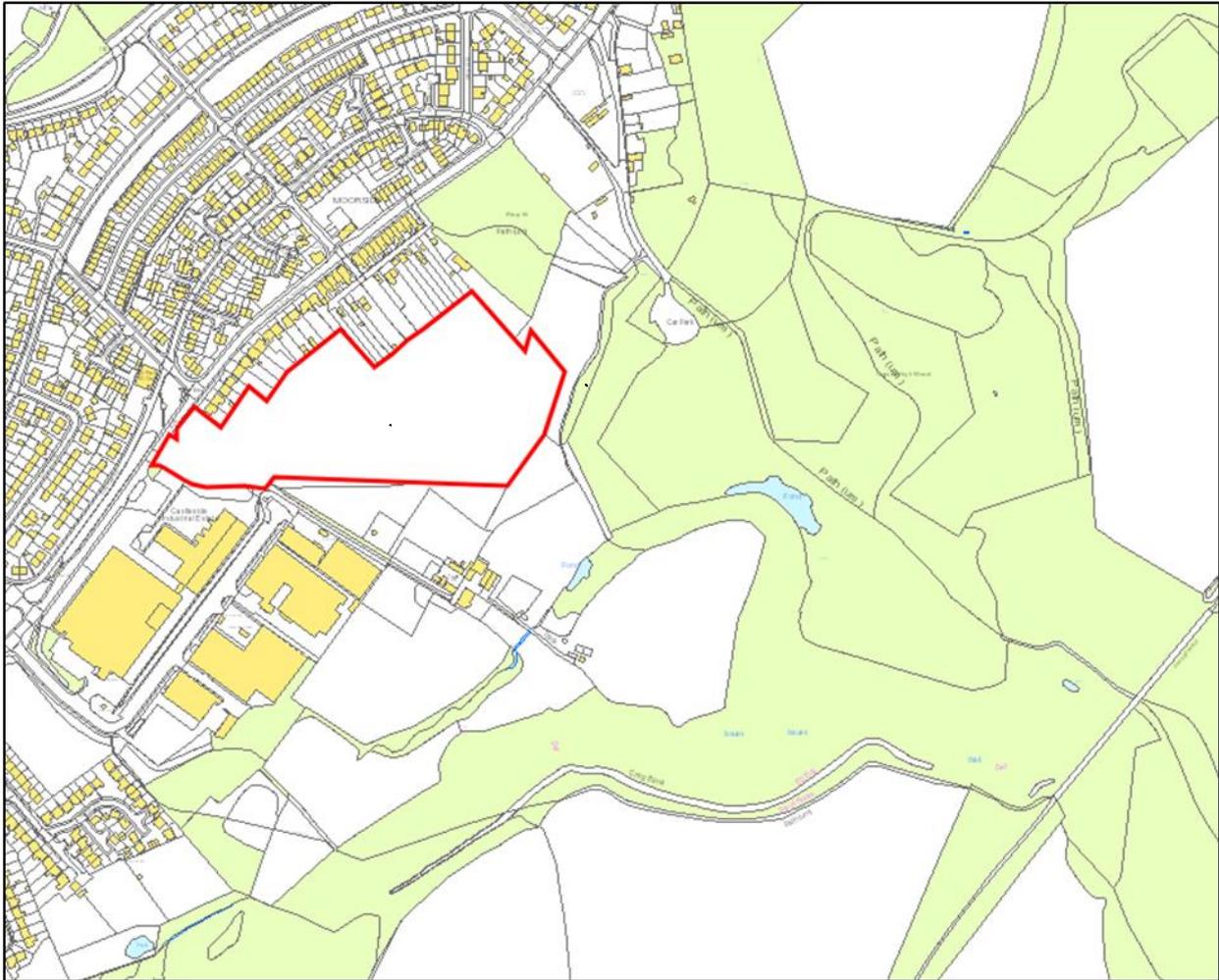
County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2020)

County Durham Building for Life SPD (2019)

County Durham Landscape Strategy (2008)



Planning Services

DM/21/03514/FPA - Proposed Construction of 84no. Affordable Dwellings with Associated Car Parking, Landscaping and other Infrastructure including diversion to a Byway and Footpath

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2005

Land to rear of
Consett Park Terrace
Moorside
DH8 8ET

Date 24th November 2022

Scale NTS