

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01929/OUT
FULL APPLICATION DESCRIPTION:	Outline consent for Use Class C3 residential development of up to 18 units with access (with all other matters reserved)
NAME OF APPLICANT:	Mr M Lund
ADDRESS:	Land To The Rear Of 1 To 8 Wesley Terrace Castleside Industrial Estate Castleside DH8 9QB
ELECTORAL DIVISION:	Lanchester
CASE OFFICER:	Scott Henderson Senior Planning Officer Telephone: 03000 256286 scott.henderson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site and Proposals

1. The application site is 0.65ha of sloping unimproved open grassland, formerly included within the area of Castleside Industrial Estate at Moorside, between Consett and Castleside. The land fronts onto the A692 that connects those two settlements, being surrounded on three sides by existing residential development – modern detached and semis, post-war semis, a bungalow and detached and semi-detached Victorian – all of which back onto the site. The remaining boundary is shared with the access road to the industrial and commercial buildings in the adjacent employment area - a designated Public Right of Way runs on this boundary, the path of which is included within the extended site boundary as it runs along the rear of the new housing development of Wesley Lea where it connects with countryside designated as an Area of High Landscape Value. This Area includes a Local Wildlife Site and Ancient Woodland in the immediate vicinity.
2. On-site features are restricted to two areas of unmaintained scrub and small trees on the south and west site boundaries. The land is defined by its topography, sloping steeply from south to north, with a rising embankment defining the boundary with the industrial estate road. The modern housing development of Wesley Lea, on the higher slope to the south is further set above the site by a retaining wall.
3. The application is in 'outline' form, asking consent for the principle of development for a residential scheme of up to 18 units. Only the access into the site is requested

approved in detail at this stage. The applicants have submitted an 'indicative' layout to show that the scheme can accommodate the proposed upper number of units.

4. This application is being considered by committee as a 'major' scheme.

PLANNING HISTORY

5. DM/21/03388/OUT - Outline consent for Residential development of up to 21 units, including details of access, with all other matters reserved. Withdrawn May 2022.
6. DM/16/00986/OUT - Outline application for residential development of up to 21 units, including details of site access, submitted in March 2016 and resolved as 'Minded to Approve' by the Planning Committee in May 2016, subject to the applicant entering into a s.106 legal agreement to ensure the delivery of affordable housing on the site, and monies in lieu of on-site play- and open-space provision if not provided for in the detailed layout of any subsequent reserved matters application. The applicant had agreed in principle to these requirements, however ten months later, in March 2017 with no sign of any progress the application was 'Finally Disposed of'. The planning consent was not therefore granted.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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

20. *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.
21. *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.
22. *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.
23. *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.
24. *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.

25. *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.
26. *Policy 27 Utilities, Telecommunications and Other Broadcast Infrastructure* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
27. *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).
28. *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.
29. *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.
30. *Policy 33 – Renewable and Low Carbon Energy* – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

31. *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.
32. *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.
33. *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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
34. *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.
35. *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.*

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

36. *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.

37. There is no relevant neighbourhood plan within this area.

SUPPLEMENTARY GUIDANCE:

38. Residential Amenity SPD 2023.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

39. *DCC Highways* - These proposals are a reduction in the amount of units from the preapplication advice previously sought for 24 residential units. In regards to the design of the access junction and the roads and footways these are broadly acceptable for outline consent however an additional visitor parking space near the site access would be required with any full application submission.

No objections would therefore be raised subject to the following condition for any consent granted.

No development shall commence until full engineering details of the new access road onto Castleside Industrial Estate, consistent with that on approved drawing 22/030/02 layout plan, have been submitted to and agreed with the Local Planning Authority. The access scheme shall be designed to a width of 5.5m with 6m entry junction radii, site visibility splays of 2.4 x 43 shall be clearly demonstrated and shall include full details of the relocation of any public infrastructure to the site entrance. The development shall thereafter be completed in accordance with the approved details prior to first occupation of any dwelling and the access shall be, as approved, retained for the lifetime of the development.

40. *The Lead Local Flood Authority* considers that the submitted Drainage Strategy is an acceptable solution for surface water management at outline stage.

41. Healeyfield Parish Council – Neither objection or supports the application but requested the following if the application is approved:

1. The parish would like the provision of two salt bins on the estate, due to the gradient.

2. The parish would like the Public Right of Way recognised, footpath named Way of Light, and that it is appropriately surfaced for long term use

42. *DCC Affordable Housing* - request the following points should be incorporated within the design, layout and supply of affordable housing in the development: Affordable units should be delivered as houses or bungalows as there is no demand for flats/apartments/bedsits in this area, as either rented or home ownership units. Housing provided would be preferred as 3 bedroomed units for affordable home ownership properties. All units should meet NDSS as a minimum but larger units would be welcomed. Affordable Home Ownership above the policy requirement for First Homes should meet the definition as set out in the NPPF, however we would recommend that Discount Market Sale be considered in this area as there is demand for this product to meet local housing need. These points should be reflected in the layout and affordable provision of the site to avoid future revisions. However, should the developer have evidence of other housing need in the area from their own research we would ask that this provided in the form of a Housing Need Assessment. If Discount Market Sale is to be included the level of discount to be applied to a would not be agreed until Reserve Matters stage using a standard mechanism. In preparation for

this we would ask that the developer obtain accurate and up-to-date open market valuations of the properties which will be provided at this stage. Any units which will be provided as Shared Ownership will need a Registered Provider to be onboard as early as possible.

43. *DCC Design and Conservation* – note that this application is a resubmission of a previous outline application. The indicative layout plan is similar to that previously shown. The previous proposal was assessed by DCC internal design review. The concerns raised with regard to ‘character’ and ‘creating well-defined streets and spaces’ are still considered relevant. Any amended scheme should ensure those points are addressed and development appropriately integrates with the existing plan-form.
44. *DCC Ecology* – have no objections at Outline Stage subject to an off site contribution towards biodiversity net gain. The applicants have agreed to a £50,000 financial contribution.
45. *DCC Environmental Health and Consumer Protection (Pollution Control) (Contaminated Land)* – have no objections to the scheme subject to planning conditions in relation to land decontamination.
46. *DCC Environmental Health (Nuisance Action)* – notes that the development would see the introduction of receptors sensitive to noise, dust, odour and light impacts.

The applicant has provided an air quality assessment, which has also given some consideration to odorous activities from two of the industrial units, section 4.6.1 of the air quality assessment, the assessment has not actually undertaken any odour modelling in order to support the authors' assumption that odour from the industrial estate will not impact upon the amenity of future residents; that said given the location of the properties and the prevailing wind direction odour is not considered to be a limiting factor in relation to this application.

Consideration has also been given to controlling dust emissions and planners are recommend to secure control of noise and dust during the development phase through appropriate conditions, detailed below, should they be minded in granting permission. However, in terms of noise and light no consideration appears to have been given to protecting either the future occupants of any such development or the businesses which operate within the industrial estate.

The development will be subjected to traffic noise from the busy A692 Consett Road, situated in close proximity to the north and west of the development site, as well as noise from industrial vehicles, heavy goods vehicles, forklift trucks and other vehicles entering and exiting the industrial estate.

Planners are advised to apply the following condition in relation to traffic noise, conditions in relation to statutory nuisance are recommended further below:

- o Should the dominant noise source affecting the development site be identified as from transport, than an assessment should be provided as follows;
An assessment compliant with the Professional Practice Guidance on Planning and Noise (ProPG) (2017), to include the following:
Stage 1: A risk assessment providing an indication of the likely adverse effects from noise based on a "typical worst case" 24hr day. The assessment should demonstrate whether the effects of noise are negligible, low, medium or high.
Where the results of the risk assessment demonstrates that the potential effect without noise mitigation is low, medium or high, a stage 2 assessment will be provided.

Stage 2: Provide an acoustic design statement (ADS), proportionate with the risk identified in stage 1 and the scale of the development. This must include all relevant elements as defined in the ProPg guidance, to include demonstration of good acoustic design, adherence with the internal and external guideline values and full details of any mitigation measures found necessary.

Where significant noise from commercial activities/processes/plant be identified then the following assessment should also be carried out:

A detailed noise impact assessment, compliant with the methodology stated in BS 4142: 2014, demonstrating the noise rating level from nearby commercial noise sources. Should the assessment demonstrate that the rating level of existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be proposed. The industrial estate itself is immediately adjacent to the development site, situated to the north and east, several of the industrial units operate on a 24-hr basis, or have the capability to do so. Complaints have been received over the years from existing residential properties relating to noise and odours from industrial operations and there are concerns relating to this application due to the potential impact on existing commercial business operations, the siting of further sensitive receptors could see a restriction on both existing operations as well as restrictions on the units to develop in the future.

In addition, I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows:

Having considered the information submitted with the application I am of the opinion that the granting of planning permission for the development may potentially result in a statutory nuisance being created, as clarified below.

Noise and lighting involved with industrial operations on the Castleside Industrial Estate may give rise to statutory nuisance for future residents of this proposed development; dust and noise during the construction phase of the proposed development may give rise to nuisance to existing sensitive receptors.

However, I consider that the following conditions are sufficient to mitigate the potential of a statutory nuisance and therefore if affixed will remove my objection to the development.

1. Before the commencement of the development a detailed noise impact assessment should be provided, compliant with the methodology stated in BS 4142: 2014. The aim of the assessment shall be to demonstrate the impact of noise from commercial operations on the proposed residential development. Should the assessment demonstrate that the rating level of proposed/existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be submitted and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

2. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any

nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

- o A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- o Details of methods and means of noise reduction
- o Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- o Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- o Designation, layout and design of construction access and egress points;
- o Details for the provision of directional signage (on and off site);
- o Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- o Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- o Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- o Routing agreements for construction traffic.
- o Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- o 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.

3. In undertaking the development:

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

No internal works audible outside the site boundary shall take place on the site other than between the hours of 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.

47. *Local Education Authority* - confirm that 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 be sufficient space to accommodate the pupils generated by the development for primary education, however there would be a shortfall for secondary education, requiring mitigation through a payment of £49,662 (as 3 x pupils @ £16,554) to facilitate provision of additional teaching provision.
48. *DCC Public Rights of Way* – note the presence of a footpath running alongside the site's northern boundary: A section of the footpath would be affected by the proposed estate access road crossing over it, where it will require dropped curves or defined pedestrian crossing points either side of the estate road. The footpath appears to remain unaffected by the proposal where it leaves the adopted highway running in a southerly direction then in a south-easterly direction. Any proposed new fencing or hedging alongside must not detrimentally affect this path or diminish its width.
49. *DCC Spatial Policy* – states that the site is located within the built up area of Castleside and residential development is considered acceptable in planning terms. Policy 6 sets down a number of criteria, alongside a range of further policy requirements including those under Policies 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 40 and 41 that would need to be satisfied in order to accord with the development plan.
50. *DCC Tree Officers* – raise no landscape concerns subject to compliance with the Arboricultural method statement and recommend additional planting to be designed at Reserved Matters stage.

EXTERNAL CONSULTEE RESPONSES

51. *The County Durham NHS Care Commissioning Group (CCG)* notes that the level of development is below the threshold for developer contributions.

PUBLIC RESPONSES:

52. The application was publicised as a major development by way of press and site notice. Additionally, 39no. notifications lettersz were sent directly to neighbouring properties. 5 objections and 1 representation were received.
53. The main reasons raised in the objections are as follows:
 - Loss of privacy to existing residential properties.
 - Increase in traffic.
 - Unacceptable impacts from the nearby industrial uses.
 - Loss of wildlife habitat.
 - Loss of views.

- Devaluation of properties.
- Loss of light to existing residential properties.
- There is sufficient housing stock in the area.
- Modern designed homes do not reflect the character of the area.
- Land drainage is a problem.
- The development will contaminate the natural spring on the site.
- Lack of play space.

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=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

54. 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, highway safety and access, landscape and visual impact, ecology, flooding and drainage.

PRINCIPAL OF DEVELOPMENT

55. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this respect the development plan for the area consists of the policies contained with the adopted County Durham Plan (2020)
56. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses 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.
57. As detailed above policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered that the proposal can draw in principle support from this policy given that it is within the built up framework, the site is located within close proximity to compatible residential uses and would not be prejudicial to any existing or permitted adjacent uses (criteria a) whilst it is acknowledged that the site is close to industrial and commercial uses, the Councils Env. Health section have no objections in principle subject to a noise assessment to establish the relevant noise mitigation measures, it is within the existing built framework of Castleside and as such would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c), would not result in the loss of

a valued village facility (criteria g). Consideration of criteria d, e and f of policy 6 are considered elsewhere within this report. It is not considered that criteria h, i and j are relevant due to the outline nature of the proposal.

58. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

SUSTAINABLE DEVELOPMENT

59. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
60. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.
61. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
62. The proposed development is located within the envelope of the existing settlement of Castleside with residential uses to the North-west and South-west. The site has easy access to sustainable transport links with bus routes directly to the front of the site within approx. 150-300m from the main entry to the estate providing direct access to main conurbations and attractions of Durham as well as various other local villages and centres. The proposal will have easy access to various amenities and services within approx. 150m of the site. It is therefore considered that the site is a suitable sustainable location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viability of communities.
63. Policy 15 additional requires that all housing developments provide a minimum of 66% of the units to be Building Regulation M4(2) compliant and 10% suitable for older persons. In this regard as the application is all matters reserved these matters are not known at this time, however, this element can be secured by planning condition.
64. Policy 19 of the County Durham Plan requires that developments 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. In this regard the development would provide the opportunity for a mix of dwelling types potentially including bungalows. It is therefore considered that the mix of dwellings within a self-build development is acceptable and in accordance with the provision of Policy 19.

Principle of development summary

65. In this instance, subject to the proposal securing the relevant planning contributions and obligations as required by policy 25 of the CDP then the application would be considered to be in general accordance with Policy 6 of the County Durham Plan and Section 9 of the NPPF.

Impact on the character and appearance of the streetscene

66. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
67. The application seeks outline planning permission with all matters reserved except access and as such some of the detail provided are indicative. However, a number of comments have been made in relation to its impact on the character and appearance of the area. However, given that this is an outline application consideration in terms of the design and layout to reflect the local character will be considered at the reserved matters stage. It is however considered that an appropriate scheme can be developed in principle.
68. It is therefore considered on that the principle of residential development and the access arrangements are suitable in this location to not impact the character of the area, whilst the final design and layout concerns will be addressed at the reserved matters stated that the proposal is acceptable in line with policy 29 of the County Durham Plan.

Landscaping

69. Policy 39 (Landscape) of the CDP states that 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.
70. The site is not located within any National or Local designations. As this is an outline application final details in relation to the hard and soft landscaping will be considered at the reserved matters stage. However, it is noted that the indicative layout does provide areas of attractive landscaping. As such it is considered that the development would be capable of being in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate consideration at the reserved matters stage.

Planning Obligations

71. CDP policy 25 relates to planning obligations and set out requirements for new development to contribute towards the provision and or improvement of physical, social and environmental infrastructure depending on the nature and local/strategic needs. In this in accordance with Policy 25 (Planning Obligations), Policy 15 (affordable housing) and Policy 26 (Green Infrastructure) the development will need to provide certain contributions.

Affordable Housing

72. Policy 15 requires that a development of this nature will be necessary to provide a contribution towards affordable housing. As this site is within a low viability area, 10% of affordable homes would ordinarily be required. NPPF paragraph 64c recognises that the specific requirement for 10% affordable home ownership does not apply on self-build sites, however, affordable provision is still applicable to such schemes in line with para 63 of the NPPF which states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
73. However, given the site is outline the contribution necessary could not be calculated until the precise details of the scheme are available to the Council's Affordable Housing Team are known at reserved matters stage based on the number, type and size of units to be delivered and their value and would be secured via a s106 agreement.

Open space / Green Infrastructure

74. Paragraph 98 of the NPPF states 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 and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. The Council prepared its Open Space Needs Assessment (OSNA) in 2018 as part of the preparation of the County Durham Plan and as such it is considered that this is the most up to date assessment of need for the purposes of Paragraph 98 of the NPPF.
75. Policy 26 (Green Infrastructure) states that development will be expected to maintain, protect, and where appropriate, improve the County's green infrastructure network. In accordance with Policy 26 and in accordance with Table 19 of the Councils Open Space Needs Assessment (OSNA), schemes of this number dwellings (less than 20) would not normally be required to provide amenity amenity/natural green space onsite. However, it is noted that the indicative layout includes two small areas of amenity space. As such providing this is area retained within the final detailed layout as part of the reserved matters it is considered that the development is required to provide an offsite contributions of **£28,620** towards allotments, parks and recreation, and play space. If the final design layout does not provide the open space shown on the indicative plan an additional contribution of **£3,000** equivalent to 600m² of open space will be necessary.
76. Policy 25 requires new development to mitigate any matters necessary to make the development acceptable through either planning conditions or planning obligations.

Education provision

77. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that a contribution of **£49,662.00** towards secondary education provision is necessary to accommodate the development.

Health Contributions

78. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that a contribution is not necessary to provide sufficient local health service facilities to accommodate future residents of the development.

Developer contribution conclusion

79. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the completion of a s106 agreement to secure the obligations.

Impact upon Residential Amenity

80. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
81. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21.0m between two storey buildings and 18.0m between bungalows and provide rear garden lengths of at least 9.0m.
82. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
83. It is acknowledged that given that the application seeks outline planning permission with all matters reserved (except access), it is not appropriate to assess the proposal against these considerations at this stage and that will be for considerations at the reserved matters stage to ensure the residential amenity of existing and proposed residents will be acceptable. However, sufficient information has been provided to assess the extent to which the site could accommodate the 18no. dwellings listed in the application description, taking into consideration the separation distances required by the SPD. These matters can be secured through conditions to ensure a satisfactory development in regards to the policy requirements of Policy 29 of the CDP.
84. Policy 27 of the County Durham Plan requires that all new residential development should be served by high-speed broadband connections. The UK Government defines

superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are served by Ultrafast internet connections of upto 1000mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.

85. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in a residential area it is considered that in principle the proposal has the ability to meet the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.
86. 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.
87. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to be impacted by the neighbouring industrial uses and traffic in relation to noise and odour. However, they have confirmed that subject to planning conditions these potential nuisances can be adequately mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.
88. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of policies 29 and 31 of the County Durham Plan, the Residential Design SPD and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Highway and Pedestrian Safety

89. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
90. The Council's Highway Engineers have assessed the proposal and concluded that the development and proposed access is acceptable in highway safety terms, and have offered no objections alterations to the road layout and the engineering arrangements of the access point are acceptable subject to a condition securing the works are complete prior to the first occupation of the dwellings. It is therefore considered on the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.

91. Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site is considered to be in an sustainable location.
92. In light of the above it is considered that the proposal is on balance acceptable in line with Policy 21 of the County Durham Plan, and Part 9 of the NPPF subject to the condition set out below.
93. Policy 40 (Trees, Woodlands and Hedges) of the CDP states that 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.
94. The Council's Arborist has assessed the proposal and concluded that despite the loss of some poor tree specimens the scheme is acceptable in this regard subject to replacement trees being provided as part of the reserved matters for landscaping.
95. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted as reserved matter stage the proposal is in compliance with Policy 40 of the CDP.
96. 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.
97. The Council Env. Health team in relation to contaminated land have considered the proposal and concluded that the application is acceptable subject to planning conditions in relation to further investigation works.

Ecology

98. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
99. Policy 43 (Protected Species and Nationally and Locally Protected Sites) of the CDP ensures that 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.

100. In relation to the above a County Ecologist has considered the proposal and confirmed that further information in terms of BNG calculations will be needed at the reserved matters stage along with the finalised landscape scheme. However, the submitted information to date shows that there is likely a net loss on the site, and that a contribution will be necessary, although this will not be known fully until the reserved matters stage. The County Ecologist has confirmed a contribution is acceptable in this regard. Therefore, it is considered that the scheme is acceptable subject to the a s106 agreement to secure the biodiversity mitigation.
101. The application has been supported by a Ecological Impact Assessment which has considered amongst other matters the potential impact on European Protected Species on and near to the site. This report identified that there were no protected species present. This view was supported by the Council's Ecologist.
102. The application is therefore considered to be acceptable in accordance with Policy 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Drainage

103. 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.
104. Whilst 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.
105. The Council Drainage and Flooding section have assessed the scheme and concluded that the amended drainage scheme is acceptable subject to conditions..
106. It is therefore considered that the scheme in acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

Other matters

107. The relevant material planning considerations received through public representations have been taken account and addressed within the report, where appropriate. Matters relating to loss of view and devaluation of property are not material planning considerations and as such have not been taken into consideration.

Public Sector Equality Duty

108. 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.

109. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

1. In summary, it is considered that the site is located within a sustainable location with regards to access to shops, services, employment and education provision subject to appropriate mitigation in accordance with the relevant policies within the CDP and the NPPF.
2. It is therefore considered that the application on balance is acceptable in line with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 33, 35, 36, 39, 40, 41, and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework subject to the relevant conditions and contributions.

RECOMMENDATION

That the application be **APPROVED** subject to a 106 legal agreement to secure the following:

- £28,620.00 towards open space and green infrastructure within the Electoral Division;
- 600m² of onsite public amenity space or offsite contribution of £3,000
- Biodiversity Net Gain mitigation contribution to be agreed at reserved matters stages subject to final design;
- Secure 10% Affordable Housing
- £49,662 towards additional teaching provision within Consett Academy

And subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

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

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. 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.

5. In undertaking the development that is hereby approved:
- No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.
 - No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.
 - No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.
 - For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: 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.

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. The development hereby permitted shall be carried out in accordance with the submitted Drainage Strategy including the proposed downstream defender. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

9. As part of the reserved matters submission, a detailed noise impact assessment should be provided, compliant with the methodology stated in BS 4142: 2014. The aim of the assessment shall be to demonstrate the impact of noise from the nearby commercial operations and traffic on the proposed residential development. Should the assessment demonstrate that the rating level of proposed/existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be installed and implemented in accordance with the agreed scheme prior to the occupation of the first dwelling and thereafter shall be retained in perpetuity for the lifetime of the development.

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.

10. Further to Condition 9, should the dominant noise source affecting the development site be identified to arise from transport, then an assessment compliant with the Professional Practice Guidance on Planning and Noise (ProPG) (2017) including the following, shall be submitted to and agreed in writing by the Local Planning Authority:

Stage 1: A risk assessment providing an indication of the likely adverse effects from noise based on a "typical worst case" 24hr day. The assessment should demonstrate whether the effects of noise are negligible, low, medium or high.

Where the results of the risk assessment demonstrates that the potential effect without noise mitigation is low, medium or high, a stage 2 assessment will be provided.

Stage 2: Provide an acoustic design statement (ADS), proportionate with the risk identified in stage 1 and the scale of the development. This must include all relevant elements as defined in the ProPg guidance, to include demonstration of good acoustic design, adherence with the internal and external guideline values and full details of any mitigation measures found necessary.

The approved scheme shall thereafter be installed and implemented in accordance with the agreed scheme prior to the occupation of the first dwelling and thereafter shall be retained in perpetuity for the lifetime of the development.

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.

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

- No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.
- No removal of limbs of trees or other tree work shall be carried out.
- No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

12. Development shall not commence until full engineering details of the new access road onto Castleside Industrial Estate, consistent with that on approved drawing 22/030/02 layout plan, have been submitted to and agreed with the Local Planning Authority. The access scheme shall be designed to a width of 5.5m with 6m entry junction radii, site visibility splays of 2.4 x 43 shall be clearly demonstrated and shall include full details of the relocation of any public infrastructure to the site entrance. The development shall thereafter be completed in accordance with the approved details prior to first occupation of any dwelling and the access shall be, as approved, retained for the lifetime of the development.

Reason: In the interests of highway and pedestrian safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

13. Prior to commencement of development hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in Policy 29c and d) of the County Durham Plan

14. 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.

15. The development hereby approved shall comprise a maximum of 18 dwellings.

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

16. No development other than site clearance or remediation works shall commence until a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

17. A scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people, shall be submitted for approval alongside an application for reserved matters for the scheme. Thereafter the development shall be carried out 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.

18. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

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.

19. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

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.

20. No development 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

21. Prior to the first occupation of any dwelling hereby permitted details of 1no. electric vehicle charging point and location per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no extensions, additional storeys, alterations to roofs, porches or outbuildings shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area due to the constraints of the site and neighbouring uses in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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.

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

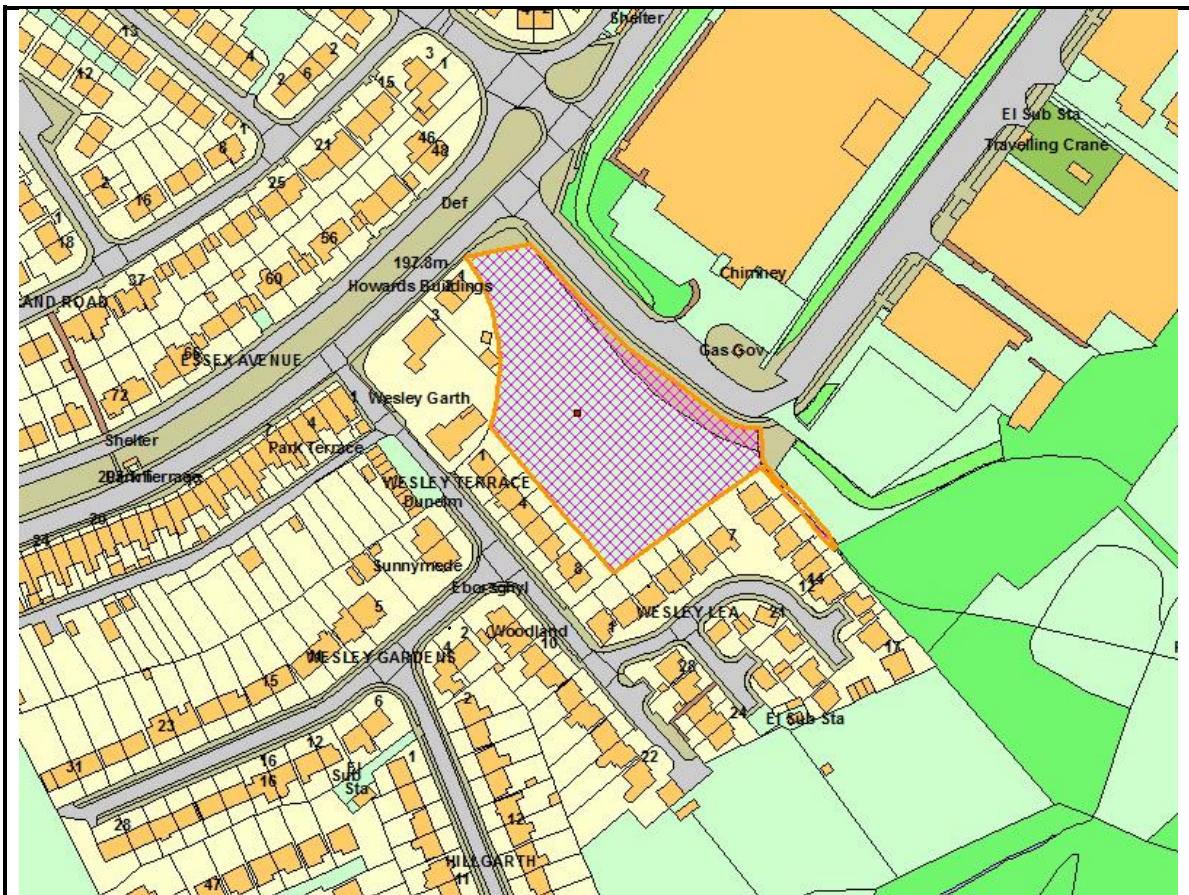
County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2023)



Planning Services

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