

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/24/00593/FPA
FULL APPLICATION DESCRIPTION:	Full application for the development of 71 new residential dwellings (Use Class C3), including access, open space and landscaping details
NAME OF APPLICANT:	Project Genesis Ltd
SITE ADDRESS:	Land North West Of 20-26 Duchy Close, Consett DH8 5YT
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Callum Harvey Senior Planning Officer Tel. 07393 469 380 Callum.Harvey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an open landscaped space measuring 7.03 hectares (ha) in total area. The site is located at the western edge of the settlement of Consett. To the east are neighbouring dwellings on Duchy Close, to the south is an open landscaped area, and to the west and north are small areas of woodland. Further west is the edge of an escarpment, with levels then dropping further to the west. The northwestern edge of the site benefits from long distance views across into Northumberland, whilst the southern edge of the site benefits from long distance views to the south and southwest.
2. The site is outwith the built-up area of Consett and is therefore open countryside. The site is not within a designated landscape area (Area of Higher Landscape Value), the closest being approximately 500m to the west and southwest.
3. The site forms part of the former Consett Steelworks, which has been cleared and the site remediated following its closure in 1980. The site therefore has historic contaminated land constraints.

4. Part of the site lies within the Coalfield Development High Risk Coal Area as identified by the Coal Authority, with the remainder of the site within the Low Risk Coal Area. The site also lies within the surface mined coal resource area and mineral safeguarding area as defined in the County Durham Plan. There are no known mineshafts within or adjacent to the site, with the nearest approximately 250m to the east as identified by the Coal Authority.
5. National Cycle Network Route 14 runs north-south through the eastern part of the site, adjacent to Duchy Close. The route runs from Darlington, through County Durham to Consett, and on to the River Tyne east of Blaydon. The route is also a Coast to Coast (C2C) route.
6. There are no designated heritage assets within or adjacent to the site, with the nearest listed building being the Grade II listed Church of Our Blessed Lady Immaculate, a 19th century church located on St Mary Street approximately 500m north of the edge of the site. Blackhill Conservation Area is located approximately 450m northeast of the site.
7. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land across the site which are at Medium Risk and some at Low Risk of pluvial (surface water following rainfall) flooding, located to at the western and central areas of the site.
8. The site is not covered by a Tree Preservation Order.
9. There are no ecological designations within the site, with the nearest being the Grove Ponds Local Wildlife Site (LWS) located approximately 300m southwest of the site. Sodfine and Howden Wood, a LWS and an Ancient Semi-Natural Woodland, is located approximately 500m west of the site, on the opposite side of Pemberton Road.

The Proposal

10. The application seeks full planning permission for 71 dwellings, and associated landscaping and infrastructure. The proposal seeks consent for the following mix of dwellings:
 - 7 two-bedroom bungalows;
 - 3 three-bedroom bungalows;
 - 33 three-bedroom houses; and
 - 28 four-bedroom houses.
11. The application submits the following Affordable Housing provision:
 - 7 two-bedroom bungalows.
12. 183 private parking bays are proposed, with an additional 24 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. Garages would measure a minimum of 6m x 3m internally.
13. The proposed vehicular access to the site would be from Abbots Way to the east of the site, south of Fawcett Park. Access to the wider highway network would be from Abbott's Way, onto Monarch Road, onto Genesis Way.
14. The existing C2C route at the eastern edge of the site would be amended to reflect the proposed vehicular access arrangement south of Fawcett Park, whilst a new spur of the route is proposed around the southern, western and northern edges of the site, enclosing the proposed housing development in a loop.

15. The proposal also seeks to create a Sustainable Urban Drainage System (SuDS) basin at the southern edge of the site. The proposed layout also indicates a chain of swales running north-south through the centre of the site.
16. The development would be a mix of single storey, two storey and two-and-a-half storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise predominantly brick elevations with some dwellings featuring stone and render. Concrete roof tiles, white upvc windows and black composite doors are proposed. Dwellings would feature a mixture of artstone and detailed brickwork window and door heads and cills. Boundary treatments are a mixture of brick walling, low timber railings, vertical timber fencing, hedgerows and low shrub planting.
17. Outline consent was granted for 'up to' 480 dwellings in April 2014, reference 8/CMA/1/93, on land east and southeast of the current site, with some overlap between that site and the southeastern edge of the current site. That development is known as Regents Park. During subsequent reserved matters applications, the number of dwellings was reduced to 409 once the detailed layout of each phase was considered by and agreed with officers. The current application seeks consent for 71 dwellings as an addition to the approved 409 dwellings, to a total of 480. The current application presents the current proposal as Phase 6 of the wider Regents Park development.
18. Within the previous development proposals, the current application site is indicated as being a landscape buffer to that scheme. Officers note there are currently breaches of the Planning Obligation under that previous consent in respect of unfulfilled cycleway improvement and open space schemes, which affect the southeastern edge of the current site. This will be dealt with as a separate enforcement matter.
19. The current proposal, the adjacent 409 dwelling development at Regents Park, and the adjacent Berry Edge housing development at Abbott's Way / Elliott Way, would all share the same access onto Genesis Way via Monarch Road, a total approaching 740 dwellings.
20. To the southeast of the current site and south of Duchy Close lie four small commercial units which fall under Use Class E, approved in November 2019 reference: DM/18/01746/RM. At the time of writing this report, one of the units is a cycle store, another is an indoor children's play area, and the remaining two are vacant.
21. The current application is being reported to the County Planning Committee as the site is more than 4 hectares.

PLANNING HISTORY

22. The site previously formed part of the Consett Steelworks. Following remediation of the site since the closure of the steelworks in 1980, the following applications were received though subsequently withdrawn on the advice of officers:
 - 1/2001/0540/13366 – Change of use to form model aircraft flying site.
 - 1/1992/0687/755 – Industrial and warehousing development (use classes B1, B2 & B8) on 300 acres (outline).
23. Outline consent was granted for 'up to' 480 dwellings in April 2014, reference 8/CMA/1/93, on land east and southeast of the current site.
24. To the southeast of the current site and south of Duchy Close lie four small commercial units which fall under Use Class E, approved in November 2019 reference:

DM/18/01746/RM. At the time of writing this report, one of the units is a cycle store, another is an indoor children's play area, and the remaining two are vacant.

25. An application for works within the site is still being considered by officers:
 - DM/20/01131/FPA – Proposed re-alignment and Landscaping works to C2C route, landscaping of Commercial Zone, including formation of Emergency Access and Pedestrian Access points to A692. Pending consideration.

PLANNING POLICY

NATIONAL POLICY

26. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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.
36. *NPPF Part 15 – Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
37. *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:

38. 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 (October 2020)

39. *Policy 1 – Quantity of Development.* Outlines the levels of employment land and housing delivery considered to be required across the Plan period.

40. *Policy 2 – Employment Land.* Identifies a number of sites across the County which are allocated for employment to achieve sustainable economic growth. The Policy goes on to state that in order to continue to progress the regeneration of Consett, the Council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies.
41. *Policy 6 – Development on Unallocated Sites.* States that development on sites not allocated in the County Durham Plan or in a 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 accords with all relevant Development Plan policies, and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
42. *Policy 10 – Development in the Countryside.* States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, by relevant policies within an adopted Neighbourhood Plan relating to the application site, or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and with the General Design Principles set out in Policy 10.
43. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* States that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
44. *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 and 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. The Policy states that on sites with 10 or more units, 10% of the homes provided

should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

45. *Policy 19 – Type and Mix of Housing.* States that on all 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.
46. *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.
47. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
48. *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.
49. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) 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).
50. *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.
51. *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.

52. *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.
53. *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.
54. *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.
55. *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.
56. *Policy 41 – Biodiversity and Geodiversity.* States that proposals 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.
57. *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.
58. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.

59. *Policy 56 - Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

NEIGHBOURHOOD PLAN:

60. The application site is within the designated Consett Neighbourhood Plan Area, approved by the County Council in November 2023. At the time of writing this report, a draft Neighbourhood Plan has not been published.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

61. *Highways* – Have noted the submitted Transport Assessment (TA) which submits that in light of the previously approved 480 dwelling scheme to the east of the current site, the currently proposed 71 dwelling scheme would not have an adverse impact on the local road network and on that basis no operational assessments of any junctions on the local road network have been undertaken. However, the Highways officer notes the last TA was submitted some considerable time ago in 2015 by White Young Green when traffic surveys and traffic modelling of local junctions were undertaken. There are key road junctions in the wider Consett area that are currently under stress, and the Highways officer has concerns that the previous modelling analysis was only predicted until 2023. Further to that modelling there has been additional traffic growth in this time period not factored by the applicant's transport consultant. There are committed housing sites and live housing applications coming forward, along with the new Shotley Bridge Hospital, that have not been considered in the TA submitted under the current application. The wider 'Derwent View' application for the site of the hospital mixed-use development included a selection of off-site highway works to junctions across the Consett area. Consequently, the Highways officer cannot make an informed judgement of the traffic impacts of the proposed development. A cumulative impact study is needed under the current application, the scoping of which would need to be agreed with Highways officer to ensure it is comprehensive enough, realistic and consistent in establishing the current traffic impacts on the local highway network.
62. Further information has been submitted in May 2024, which the Highways officer has responded to with updated comments in June 2024. The Highways officer advises that no scoping study has ever been agreed with the Highway Authority. They note that three recent housing application sites have been received within the Consett area that need a comprehensive cumulative impact study to be provided from each of the acting

transport consultants. The three sites are Templetown (DM/21/02861/FPA, 188 dwellings), Knitsley Lane (DM/21/01245/FPA, 122 dwellings), and the current application at Berry Edge/ Regents Park (DM/24/00593/FPA, 71 dwellings). The Highways officer advises that the comprehensive results of this study are needed so that they know which junctions are at or beyond capacity in the future in the Consett area, and what mitigation would be required along with trigger points for those improved capacity highway works.

63. In a technical note received May 2024 only three junctions (Monarch Road / Genesis Way priority-controlled T-Junction; Tesco Access / Genesis Way Roundabout; and A692 / Genesis Way / Front Street, Puddlers Corner Roundabout) have been assessed in the SAJ Transport study. The Highways officer considers a wider scope for the cumulative assessment that has been undertaken is necessary to fully establish the baseline conditions for the area and subsequent impacts.
64. A further document prepared by the applicant's transport consultant was received in June 2024, which submits that a wider scope is not necessary as the proposed development traffic will not result in severe cumulative impacts on the surrounding road network, and therefore should not be refused on highway grounds. The Highways officer has considered this further document and they advise that there are 4 sites that have come forward in the Consett area which all have an impact in traffic capacity terms on the network, so officers need to know the cumulative impact of them. These are the current housing application, the Templetown and Knitsley Lane housing sites referred to above, along with the Shotley Bridge Hospital development. The Highways officer feels the received appraisal has not been fully scoped. Regardless of whether the applicant feels that the application has been sufficiently scoped it is within officers' gift as the Local Highway Authority to request additional information that they consider necessary to properly assess the impacts of the current application.
65. The Highways officer notes that Paragraph 115 of the National Planning Policy Framework states "*Development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". They advise that the Local Highway Authority are unable to ascertain at this time the cumulative impact of the residential traffic generated from the proposal, therefore they recommend that this application should be refused.
66. Regarding pedestrian connectivity to the local bus stops on Genesis Way to east of the site (adjacent 86 Richardson Way), the Highways officer notes the routes submitted in the application are not currently street lit footpath connections. A footpath link is proposed through Fawcett Park which is currently unlit by means of public streetlights. Another proposed route appears to connect over a private driveway at 84 Elliot Way. The Highways officer notes The Chartered Institution of Highways & Transportation (CIHT) guidance which advises journeys on foot distances to public transport links should be easily safe and accessible, and within a short 400m walking distance of the site.
67. Regarding the internal highway layout design, the Highways officer notes the amended plans which show sufficient car parking provision and an acceptable internal highway layout.
68. *Drainage & Coastal Protection (Lead Local Flood Authority)* – Have noted the submitted Drainage Strategy and plans, and note that the proposal lacks an acceptable integrated drainage system. The Drainage officer has also raised concerns with the proposed detailed design of the indicated highways and swales, which appears to prevent run-off from the carriageway joining the swales. Therefore, the

proposal as currently presented does not provide a suitable, sustainable solution to surface water management; which ensures the treatment of all surface water within the development site is provided by applying SuDS methods throughout the development.

69. *Northumbrian Water* – Have noted the submitted Drainage Strategy which contains a proposed S104 layout for the adjacent site to the east, however it does not clarify if there is an agreed connection point on to Northumbrian Water's network for the site subject of the current application. Therefore, as currently presented the application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their network capacity to treat the flows from the development. They have however advised that details could be secured by a 'prior to commencement' condition.
70. *Coal Authority* – Note that the application site falls within the defined Development High Risk Area. Their records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coalmine workings associated with thick coal seam outcrops, which may have been worked from the surface. Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The Coal Authority notes the submitted Desk Study Assessment (February 2024, prepared by Shadwell Group), which accompanies the planning application and which correctly identifies the coal seams which outcrop within the context of the site. However, based on a review of appropriate coalmining and geological information, the submitted report confirms that the seams will not have been worked, specifically owing to the significant depth of overlying superficial deposits. The report reinforces this by confirming that the Coal Mining Report confirms no probable shallow workings.
71. In relation to mine gas emissions from historic coal workings, they note the associated risks should always be considered by the County Council as the Local Planning Authority. This will be considered by the Council's Environmental Health (Contamination) officer.
72. In relation to the design of SuDS features such as basins, they advise that consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system, and ground stability, including the implications this may have for any mine workings which may be present beneath the site.
73. To summarise, the Coal Authority considers that the content and conclusions of the Desk Study Assessment submitted with this application are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. No conditions are recommended.

INTERNAL CONSULTEE RESPONSES:

74. *Spatial Policy* – offer key policy observations in relation to the proposed development. They note that the site is not allocated for housing development, and that the site was previously deemed unsuitable in the County's Strategic Housing Land Availability Assessment (SHLAA) which formed part of the evidence base for the County Durham Plan (CDP), due to the site being an incursion into open countryside which would not

be well contained within the existing built up area, and due to poor connectivity to the wider settlement including Consett town centre. The site is considered remote from most amenities and services, meaning that most trips by occupiers of the development would likely be undertaken by private vehicle resulting in less sustainable patterns of travel. The SHLAA assessment of the site was also deemed to lead to some adverse residual landscape and visual impact following mitigation.

75. The Spatial Policy officer notes that the site falls within the Project Genesis site, which the CDP identifies as being suitable for 'mixed use' development under Policy 2, providing the development accords with other relevant policies within the plan, which includes the main 'windfall' Policies 6 and 10. As this site is not allocated for housing the proposal would need to be assessed against Policies 6 and 10 of the CDP given the location of the site on the edge of and outside of the main built-up area of Consett.
76. They also note that that the site would be located beyond the main cycle/pedestrian link which currently serves to define the extent of the built up area to the east of this site. The proposed development would extend beyond this notional line and bisect the route. The Spatial Policy officer understands that landscape works are outstanding and under consideration within the vicinity of Duchy Court, linked to that scheme and previous development off Monarch Road. Those works are required to help integrate that existing development into the surrounding countryside, whilst those works also recognise the edge of settlement nature of the existing development and the requirement for better linkages to the informal recreation land to the immediate west of Regents Park. Aerial photography shows trodden pathways across the site and anecdotal evidence show that the site is part of a wider tract of land that is well-used for recreation purposes, including dog walking. It is noted that criteria 'c' of CDP Policy 6 informs that proposals should not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for. This links to CDP Policy 26 considerations.
77. Regarding whether the site is Previously Developed Land (PDL), the Spatial Policy officer notes that historically and for monitoring purposes the remediated areas within the Regents Park site have been regarded as PDL, which was consistent with its former use and the redevelopment objectives for the land. Historic mapping shows that the current application site was part of the steelworks complex, utilised it appears for dumping waste materials, which have formed the plateau. Nevertheless, the current NPPF informs that land where provision for restoration has been made through development management procedures, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape, cannot be regarded as PDL. Therefore, on balance, the Spatial Policy officer considers that the proposal may gain little traction from the requirements set down under criteria 'i' of CDP Policy 6.
78. Regarding housing mix, the Spatial Policy officer advises that 10% of proposed dwellings are required to be bungalows, with 66% required to accord with M4(2) standards.
79. Regarding affordable housing provision, the Spatial Policy officer advises that 7 affordable units are required (10% of total), 5 of which are required to be discount market sale, with the remaining 2 required to be first homes/starter homes as defined by the NPPF.
80. *Affordable Housing* – considers the total number of and proposed location of affordable units across the development as acceptable, however details of the precise

mix, the level of discount applied to the affordable units, and details of a Registered Provider remain outstanding.

81. *DCC Active Travel* – raise concerns in relation to the site being poorly connected to key facilities and amenities including schools and GP surgeries. Further information is also requested in relation to the provision of sufficient cycle parking for each dwelling which does not benefit from a garage.
82. *DCC Sustainable Travel* – note that a Travel Plan is not required due to the proposal not meet the threshold number of dwellings for a Travel Plan.
83. *Access & Rights of Way* – note there are no registered public rights of way in the vicinity of this development site. The C2C/National Cycle Network Route 14 is not a registered public right of way. The Rights of Way officer notes there are several clear desire lines evident across the site indicating public recreational use of the land, however they have no information as to the frequency or length of time they have been in use.
84. *Education* – based on methodology set out in the Council's adopted 'Securing Developer Contributions towards Education Provision in County Durham' document, the proposed development of 71 dwellings would produce 5 pupils of Nursery age, 19 pupils of Primary School age, 10 pupils of Secondary School age, 1 Post-16 pupil and 0.7 SEND pupils.
85. In relation to Primary School pupils, there would be sufficient space at the Primary Schools which are located within 2 miles of the site, to accommodate the pupils generated by the development. Therefore, no contribution would be required to facilitate the provision of additional teaching accommodation for Primary Schools.
86. In relation to Secondary School pupils, it is noted that the nearest school to the proposed development is Consett Academy School, which has capacity for 1,500 pupils. Based on the projected rolls of the school, taking into the account the likely implementation timeframe of the development, build rates and other committed housing sites, there would not be sufficient space to accommodate pupils generated by this development whilst maintaining a 5% surplus. In order to mitigate the impact, a financial contribution of £243,120 (10 pupils x £24,312) would be required to facilitate the provision of additional teaching accommodation at Consett Academy.
87. In relation to SEND pupils, the Education officer advises there is a shortage of SEND places across the county. In order to mitigate the impact of the development on SEND provision, they advise a contribution of £58,786 (0.7 x £83,980) would be required. Both contributions can be secured by way of a Section 106 Agreement.
88. *Design and Conservation* – refer to the comments provided through the internal Design Review process. The Design Review re-score on 22nd May concluded that the amended proposal received 6 'Red', 5 'Amber', and 1 'Green' scores.
89. The 6 'Red' scores relate to:
 - Convoluted proposed re-routing of and insufficient width of the C2C route, leading to poor connections between the site its surroundings. This leads to a Red score for Question 1.
 - The development would lack safe, convenient and attractive pedestrian connections to the nearest amenities. This leads to a Red score for Question 2.
 - The proposal would be a clear incursion into a landscaped area of open space of recreational value, beyond a legible edge of the settlement, leading to a development which would not be well-related to the settlement. This area was also

indicated as being left as an undeveloped tract of land to the northwest of the previous development to the east of the current site. This leads to a Red score for Questions 5 and 6.

- The approach to street hierarchy and tree-lined streets is poor, whilst the development should be more outward facing onto spaces within the site and to the north. This leads to a Red score for Question 7.
- The proposal would result in the loss of amenity open space which is a valued recreational space for local residents, as highlighted in the received representations. The Drainage officer has also raised concerns with the lack of sufficient integrated drainage across the development, whilst the detail of the design of the swales and their relationship with the highway requires amendments. The received plans also indicate that the proposed SuDS basin would be fenced off, therefore diminishing the basin's ability to be used as amenity open space. This leads to a Red score for Question 11.

90. *Archaeology* – Advise that given the modest extent of the area affected and the absence of any known archaeology in the immediate vicinity, there would be no need for any archaeological constraints on any grant of planning permission. Therefore no conditions recommended.
91. *Landscape* – In comments provided April 2024, the Landscape officer noted that the site does not lie in an area covered by any national or local landscape designations. They also note that the site is made up of accessible informal recreational space, and that the Sustrans C2C National Cycleway Route 14 (the C2C) passes the eastern boundary of the proposed site. They also noted that the trees within the site are not covered by a Tree Preservation Order (TPO).
92. In respect of visual receptors, the Landscape officer noted that the site is visible from two storey dwellings to the east, whilst views from immediately neighbouring single storey and one and a half storey bungalows would likely be affected by boundary fences and walls. There are views of the site from dwellings, roads and footpaths situated on higher ground both to the north-east on the edge of Blackhill and to the east on the edge on Consett. The site is visible at close range to recreational receptors such as the C2C and at Fawcett Park. They noted the site is situated on a flat plateau which is partially contained by trees situated adjacent to the western boundary. The landform drops away steeply to land of lower elevation to the west, north-west and south-west. Distant views into the site are available from locations within the higher areas of Castleside, Healeyfield and Waskerley when looking north-east toward the site, and from land surrounding Kiln Pitt Hill in Northumberland when looking east and south-east toward the site. The site would be seen at these distances as being within the context of the existing settlement.
93. The Landscape officer noted that the site forms an area of informal grassed open space which appears to be maintained, with a network of informal paths passing through it, including the more formal C2C route. The site does not appear to be recorded as part of the Open Space Needs Assessment (OSNA). However, it does form part of a network of greenspaces that form a landscape buffer to the settlement and a transitional gateway to the surrounding countryside. The development would result in the loss of accessible informal grassland, which currently provides the community with both a recreational and landscape resource. The Landscape officer considers that the anticipated loss of this land due to proposed residential development would therefore be harmful to the character of the settlement.
94. The officer considers that as a baseline, the site has a landscape value ranging from low/moderate to moderate. The site is adjacent to recently built housing and provides green infrastructure forming part of a wider landscape masterplan, which considers

and includes landscaped open spaces. The proposed development of this area of land would increase the presence of urban form with a corresponding decrease in the quantum of accessible open space on the edge of the settlement. The presence of adjacent existing housing would influence the susceptibility to change of the landscape within the site.

95. In their initial comments from April 2024, the Landscape officer noted that given the outline plan, proposed landscaping and anticipated loss of greenspace, landscape effects would be moderate to substantial and adverse at site level, with moderate and adverse landscape effects on the wider settlement and surrounding area. The Landscape officer advised in their initial comments that the development would therefore be harmful to the landscape of the site and the surrounding area.
96. In their initial comments from April 2024, the Landscape officer noted that in respect of impact on designated landscapes, due to variations in topography and the distance of the site from the Area of Higher Landscape Value (AHLV) which lies to the west, the development would not be detrimental to the special qualities of that designated landscape. There are views towards the site from the south-west, from vantage points within the designated North Pennines National Landscape (NPNL). From these points the proposed development would appear as a distant part of the settlement edge and would be to an extent buffered by surrounding trees, and therefore harm to the special qualities of the NPNL was not envisaged. There has been no change to this position in the updated Landscape comments in June 2024.
97. The Landscape officer also advised in April 2024 that substantial and adverse visual effects would be experienced by residential receptors who overlook the site from nearby properties. Visual receptors to the north-east in Blackhill and those on the edge of Consett to the east would experience moderate and adverse visual effects, due to the proposed change. In terms of receptors looking towards the site from Castleside, Healeyfield and Kiln Pitt Hill, there would be a reduced magnitude of change due to distance and effects are anticipated to not exceed minor and adverse. Substantial and adverse visual effects would be experienced by road users and recreational receptors passing through or by the site. Given that there are panoramic views to the south-west and north-west, these receptors would value the views from both formal and informal routes near and within the site and would have a high susceptibility to a housing development in the proposed location. The Landscape officer concluded in April 2024 that harm to visual amenity was therefore predicted as a result of the development proposal. This harm would have reduced in severity as the proposed landscape planting develops to maturity.
98. Further comments have been provided following receipt of a Landscape Visual Impact Assessment in May 2024, which the Landscape officer has found informative.
99. The Landscape officer notes that in terms of landscape effects the initial change from open grassland to urban housing should be considered, as there would be some localised harm in accordance with the anticipated landscape effects discussed in their previous landscape advice. Landscape effects and visual effects resulting in localised harm to the character of the site and the settlement, and to visual amenity, would be reduced in the longer term as the proposed tree planting within open spaces on the site develops to maturity.
100. In relation to street trees, the Landscape officer notes the amended plans received May 2024, and notes the improvements made. However, the officer advises that street trees should still be provided between visitor parking bays along the southeastern edge of the development, services and utilities permitting, to reinforce street hierarchy.

101. In relation to street trees located in close proximity to boundary treatments on Plots 61-71 along the northern edge of the development, the Landscape officer notes the relocation of trees further away from these plots and this is welcomed.
102. In relation to street trees located adjacent to the C2C route along the southeastern edge of the development, the Landscape officer notes that these are still in close proximity to the route and should be relocated further away from the route.
103. In relation to the east-west corridor through the centre of the site, the Landscape officer notes the provision of additional trees compared to the previous plans which is an improvement, however concerns remain in respect of orientation of dwellings to ensure a more attractive route.
104. In relation to retaining views from within the site out into the landscape to the west, the Landscape officer notes the amended plans and considers their concerns in this respect to be resolved.
105. In relation to a lack of trees and other landscaping to the east of the C2C, outside of the site though still within the control of the applicant, the Landscape officer notes the amended plans still show that insufficient landscaping is proposed to the east of the C2C, which if proposed would enhance the overall experience of users of the C2C as they pass the site.
106. In terms of connections between the development and the surrounding landscape, and provision of landscaping at the northeast corner adjacent to Fawcett Park, the Landscape officer notes that the amended plans are sufficient. The proposed tree planting adjacent to Fawcett Park is indicative only and further details of this could therefore be secured.
107. The Landscape officer concludes their updated comments by advising the proposed landscape scheme would help to mitigate and reduce landscape and visual effects associated with the development of open space for housing.
108. The Landscape officer makes reference to the requirements of Policies 6, 26, 29 and 39 of the CDP. Policy 39 is the key landscape policy. Should officers find harm there is potential for this harm to be reduced through further design and mitigation that would establish a more appropriate layout in terms of landscape and visual context. Whether the harm is acceptable or not would depend on the balance of planning considerations.
109. *Arboricultural (Trees)* – Note that selected trees within Group 2 will need to be removed to allow construction of new link public footpath. They advise that the Trees within Group 2 are young and were planted as a plantation, and that a proposed footpath could be installed with limited tree removal along its proposed route.
110. They advise that a single tree within the site boundary can be protected during the construction process by fencing described within BS 5837 2012, Appendix 7 of the submitted Arboricultural report. Trees within adjacent plantations are currently fenced off, this is thought to be adequate to prevent any incursion within the groups.
111. The Trees officer also advises that the proposal would have little impact on overall tree cover within the site, however visual impacts of the proposal must be taken into consideration. They refer to the Landscape officer's comments regarding landscape impacts and landscape planting.
112. *Ecology* – Following receipt of further information it is noted that the supporting ecological survey work is sound, with no priority habitats present. Potential impacts

on bats are not expected and the risk of impacts on great crested newts can be dealt with through a method statement to deal with any residual risk.

113. The received Ecological Appraisal recommends integrated bat and swift boxes will be provided within 50% of the properties; the locations of these figures should be incorporated into the site plans with their locations being informed by the ecological consultant and the relationship with soft landscaping. These details can be secured and subsequently agreed by condition.
114. In respect of Biodiversity Net Gain (BNG) the Ecology officers notes an off-site solution is required for the development to deliver a 10% BNG, with two locations proposed and are noted to be within the applicant's ownership. The Ecology officer notes that off-site delivery will enable the 10% BNG target to be met, and that the received Statutory Metric is considered sound with trading rules met.
115. However, the Ecology officer notes that the received Landscape Habitat Management Plan (LHMP) does not contain any information relating to the off-site areas, and that this information should be provided, especially as the aim is to enhance the existing habitats to Lowland Meadow which is a habitat of very high distinctiveness. Whilst officers are confident that the indicated areas could be acceptable, further information is required as to 'how' the applicant would achieve the necessary BNG on these off-site locations. The Council as the Local Planning Authority requires this information to ensure that the applicant understands the nature of the interventions required to deliver the target habitat and condition.
116. *Environmental Health and Consumer Protection (Air quality)* – Initial concerns regarding the submitted Construction Dust Assessment, the Construction Management Plan and the Air Quality Assessment have been addressed, subject to the Construction and Environmental Management Plan document being updated to reflect the details shown in the updated Air Quality Assessment.
117. *Environmental Health and Consumer Protection (Contaminated Land)* – advises that they have assessed the submitted reports and historical maps with respect to land contamination and that they are satisfied with the conclusions drawn in the investigative reports and the proposed remedial measures. A Phase 4 Verification Report is required upon completion of the remedial works. Given this, they have no objection subject to a recommended contaminated land condition.
118. *Environmental Health and Consumer Protection (Nuisance Action)* – advises that the submitted Construction Management Plan is acceptable in respect of noise nuisance. They therefore advise that they are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.

EXTERNAL CONSULTEE RESPONSES:

119. *NHS* – raise no objection subject to a financial contribution of £34,293 toward increasing GP surgery capacity. The sum can be secured by a Section 106 Agreement.
120. *Police Architecture Liaison* – raise no objection. Advice provided on design and layout of the development.

PUBLIC RESPONSES:

121. The application has been advertised in the local press (the Northern Echo), by site notice, and through neighbour notification letters sent to 179 individual properties as part of the planning procedures.
122. 116 objections have been received; 99 of which have been received from 68 different properties, with a further 17 received from no given address.

Objection

123. 116 representations object to the proposal, raising the following concerns:

- Loss of land of recreational value
- No need for further houses in Consett
- No need for further houses in County Durham
- Site is not allocated for housing
- New housing would not be affordable for existing local residents
- Visual impact within the site
- Visual impact on views from Northumberland
- Loss of views from the site toward Northumberland
- Character of Consett
- Impact on heritage assets
- Contaminated land due to historic use as Consett Steelworks
- Site is no longer Previously Developed Land
- Poor access to public transport
- Capacity of local road network, including existing Monarch Road/Genesis Way junction
- Impact on biodiversity
- No Biodiversity Net Gain
- The site has been aerated using equipment towed by a tractor since receipt of this application, potentially impacting ground nesting birds
- Drainage and surface water flooding
- Capacity of sewer network given the Environment Agency's reported sewerage spills into the River Derwent
- Effects of climate change on surface water flooding and sewer capacity as a result of more frequent heavy rainfall
- Lack of information on ongoing maintenance and management of the proposed SuDS basin
- Capacity of local schools
- Capacity of local GP surgeries
- Capacity of local dentist surgeries
- Increase in anti-social behaviour
- Increase in carbon emissions during construction and occupation of the development, including from vehicle trips
- Lack of information on whether solar panels and air source heat pumps would be used
- Use of natural resources during construction and subsequent environmental impacts
- Impact on amenity of neighbouring residents during construction from noise, dust and other forms of nuisance
- Overbearing, loss of light and overlooking impacts on neighbouring residents
- Adjacent houses to the east are bungalows whilst proposal includes 2 storey and 2.5 storey buildings
- Nearby homes were purchased on understanding the current site would remain an undeveloped landscaped area

- Fawcett Park, adjacent to the application site, is poorly maintained and regularly floods
- 93% of respondents to applicant's pre-application consultation exercise either disagreed or strongly disagreed that the site should be developed

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/search.do?action=simple&searchType=Application>

APPLICANT'S STATEMENT:

124. In 2015, outline planning consent was granted for 480 homes at Regents Park as part of a wider initiative to regenerate the former site of the Consett Steel Works. Since then, 409 homes have been secured via detailed consent, in response to requests from the Council for improved levels of open space, public realm and bungalows resulting in lower density development in an enhanced community setting. This application therefore seeks to deliver the remaining 71 homes on land immediately bordering existing residential development to fulfil the planned delivery of 480 homes at Regents Park, which is identified as a housing commitment for North-West Durham in the County Durham Plan.
125. The proposal would deliver much needed affordable homes and accommodation for older people in the local area in full accordance with the adopted Local Plan. Importantly, surrounding housing allocations within Consett have failed to come forward within anticipated timescales resulting in a shortfall of the planned delivery against trajectory within the Consett area – which coupled with the delivery of 71 fewer units than planned for Regents Park – has acutely impacted on local housing needs. The proposed housing and associated public realm would be delivered to a high standard, reflecting development quality and landscaping that has been delivered in the Regents Park development. High local demand for this proposal has already been demonstrated through a multitude of enquiries received for Phase 6.
126. The site is allocated as part of the wider Project Genesis site for mixed-use development (as explicitly supported in the Local Plan) to support the ongoing significant regeneration of the former steelworks (being previously developed land). This regeneration would continue to benefit the local community, with funds reinvested in the local environmental, providing recreational and social benefits. The application site has always formed part of a planned housing area in the approved masterplan (as submitted in representations for the 2021 Durham County Plan) for the former developed Steel Works site and would complete the Regents Park development and deliver these objectives.
127. The application site itself is in a highly sustainable location, directly adjoining and easily connected to existing recently completed residential development; a new Local Commercial Centre which will include a convenience store, café and children's play centre; and a Tesco superstore. It is also within an acceptable distance of local bus connections and a safe walking catchment of 6 primary schools. The likely traffic impacts of the development have been carefully assessed and demonstrate that there would be no severe impacts on the road network and key junctions (including in combination with other committed developments).
128. The site is well contained by existing tree coverage and topography to the south and west, providing a natural extension to the existing residential estate as well as direct connectivity to the National C2C Cycleway / footpath. The site therefore presents a

logical extension, and is well related to, the existing neighbouring residential estate and local services.

129. These proposals include 1.82ha of Public Open Space, which is three times greater than required by the Council's OSNA standards and a further 1.96ha of landscaped/woodland areas. The site would benefit from advanced reclamation to make it suitable for development, alongside upgrades, enhanced landscaping and connections to the existing and extended C2C routes which pass through and around the perimeter of the site. These enhancements and connections frame wider views across the Derwent Valley, whilst views into the site remain protected through topography, tree coverage and careful layout design. Land to the south of the site will also remain as accessible open space, securing informal recreational use of this land. The site is additionally surrounded by a further 9.76ha of amenity open space/natural green space and allotments within Regents Park and 1.92ha of parkland and play space at Fawcett Park, fully supporting local recreational needs.
130. On the basis of the above, we disagree with the Officer's conclusions and recommendation and urge the Committee to approve the proposed development in order to support much needed additional housing (including affordable housing) in the area of Consett.

PLANNING CONSIDERATIONS AND ASSESSMENT

131. 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 development, landscape and visual impact, agricultural land and soil resource, type and mix of housing, addressing housing need, layout and design, trees and hedgerows, residential amenity, highway safety, public rights of way, ecology, surface water and foul drainage, heritage and archaeology, contaminated land and coal mining risk, energy efficiency, planning contributions, other matters and public sector equality duty.

Principle of Development

132. 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.
133. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

134. In light of the recent adoption of the CDP the Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

135. The site is within the Project Genesis employment land allocation. The allocation under Policy 2 of the County Durham Plan supports mixed-use development within the 315 ha allocated area to progress the regeneration of Consett, provided the development accords with relevant development plan policies. The site is not allocated for housing.

Housing Land Supply

136. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:

- a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and
- b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).

137. The County Council can currently demonstrate a 5.47 year housing land supply, which clearly exceeds the County's 4 year housing land supply requirement due to the County Durham Plan not being more than five years old, in accordance with Paragraph 226 of the NPPF. Whilst officers note that demonstrating sufficient housing land supply is a minimum requirement and not a ceiling, the ability to clearly demonstrate sufficient housing land supply is of substantial weight in the decision making process and is an important material consideration in the event that a conflict with the County Durham Plan is identified.

Previously approved development on land to the east of the current site

138. Officers note that Outline consent was granted for 'up to' 480 dwellings in April 2014, reference 8/CMA/1/93, on land east and southeast of the current site. That site is known as Regents Park. During subsequent reserved matters applications, the number of dwellings reduced to 409 once the detailed layout of each phase was considered by and agreed with officers. The current application seeks consent for 71 dwellings as an addition to the approved 409 dwellings, to reach the original total of 480.

139. Members should note that the granting of outline consent on adjacent land for 'up to' 480 dwellings, and the subsequent reduction to 401 dwellings, does not establish the principle of developing the remaining 71 dwellings on the current site. This is a key

element of the case presented by the applicant, however officers consider the current application must be considered on its own merits.

140. In any event, the southeastern corner of the current site formed part of the approved landscape buffer to the northwest of the previously approved development, as shown on the approved plans, with the remaining part of the current site to be left as an undeveloped area as a result of being outside the previous application site.
141. Paragraph 8 of the officer report to the planning committee for that previous outline application stated: "*The western edge of the development would be contained by structural landscaping, comprising a range of different settings, including but not limited to meadows, parkland tree planting, structure planting, hedging, wildflower and woodland and the C2C cycle route.*" This indicates that officers did not anticipate future development further west of the previously approved development.
142. Paragraph 79 of the officer report identified a conflict with Policy GDP1 c) of the Derwentside District Local Plan as a result of the loss of the then-existing landscape, though Paragraph 80 of the officer report then stated: "*However, it is the case that large areas of semi natural/rural open space would remain in the wider Project Genesis area to the south and west of the site and the proposal includes an improvement to the stretch of C2C cycleway that extends across the site as well as the introduction of a new stretch and associated landscaping, footpaths, open space and public realm work, albeit, it is accepted that this would not fully compensate for the loss of this area of what has been open space for a number of years, it is one of a number of issues that weighs in the planning balance.*" This indicates that during the balancing act carried out in 2015 officers had given weight to the benefits of retaining the now-existing open space to the west of the previous development.
143. Paragraph 111 of the officer report then went on to state: "*The proposed landscape strategy has been improved to provide a variety of planting and species which would assist in improving the biodiversity of the site, including meadow habitat to the western edge of the development, providing a good north south infrastructure link.*" This indicates that officers had sought a robust landscape scheme at the western edge of the previously approved development.
144. The above aspects of the assessment of the 2014 application are an important material consideration, which have also been highlighted by neighbouring residents when commenting on the current proposal.
145. For the reasons set out above, and contrary to the Applicant's assertion, this previous planning permission does not establish the principle of housing on this site.

Pending application for re-alignment and landscaping works to C2C route

146. The C2C route at the eastern edge of the current site is also subject to a separate application from Project Genesis received in May 2020 for the re-alignment of the C2C route and for associated landscaping works, reference: DM/20/01131/FPA. That proposal includes soft landscaping within the eastern part of the current application site, as indicated in the 2014 application referenced above. That application is still being considered by officers.
147. Similar to the 2014 application referenced earlier in this report, the landscaping proposals submitted under application DM/20/01131/FPA are also an important material consideration when assessing the current application.

Loss of open space

148. A key consideration in the assessment of the principle of the development of this location is Policy 26 of the CDP, which states:
“development will be expected to maintain and protect, and where appropriate improve, the county’s green infrastructure network. This will in turn help to protect and enhance the county’s natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. Development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.”
149. As discussed when assessing Policy 6 criteria c) later in this report, it is clear that the site does hold recreational value which would be lost as a result of this proposal.
150. The proposed landscaping scheme and proposed open space provision within the site are noted; as are the benefits of the development as discussed later in this report. However it is still considered that the proposed loss of open space has not been clearly justified. Notwithstanding this, the application has also not clearly demonstrated that the recreational land within the site is surplus to requirements.
151. The application refers to previously approved open space and landscaping at the adjacent development to the east. However, as noted earlier in this report when reading the officer report for that application in 2015, it is considered that the open space and landscaping secured under the previous development was necessary to outweigh the impacts of that previous development during the balancing act carried out in 2015. Officers therefore do not accept the use of that open space and landscaping as justification for the harm created by the current proposal.
152. Policy 26 also requires the applicant to carry out engagement with the local community where appropriate. A Statement of Community Involvement has been received as part of this application, detailing how the applicant carried out a consultation exercise from 15th December 2023 to 10th January 2024, which comprised a leaflet drop to over 1,400 homes within 1km of the site, and creation of a consultation website. 525 responses were received, a response rate of 37.5% of the properties consulted. It is noted that 93% of respondents to the consultation considered the site was not an appropriate location for new homes. Whilst officers are mindful that those concerns could be due to a number of reasons, it is also noted that a large proportion of the objections that the Council have received to the current application highlight concerns with the loss of land of recreational value. It is considered clear that a notable proportion of the local community does not support the loss of recreational land within the site.
153. For the above reasons, the proposal conflicts with Policy 26 of the CDP. There is also a conflict with Policy 6 c) of the CDP which is discussed later in this report.

Policy Considerations

154. Paragraph 4.16 of the County Durham Plan (CDP) states that the housing need for County Durham is 1,308 dwellings per annum, and when applied over the Plan period equates to 24,852 dwellings needed from 2016 - 2035.
155. In order to meet the housing need of the County, the CDP has allocated a number of sites for housing development under CDP Policy 4. The site subject to this application is not one of those allocated for residential development.
156. The site subject to this application is allocated for 'mixed use' development under Policy 2 of the CDP, which states that in order to continue to progress the regeneration of Consett, the Council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies. Officers are mindful that the proposal is for only residential development, and is therefore not mixed use, with no employment generating uses proposed. The proposal is therefore not supported by Policy 2 of the CDP in this regard.
157. The application submits that the siting of the current proposal accords with the 'Project Genesis 2012 Masterplan' dated 2012, which has been included in the application. Officers note that this document was an aspirational masterplan prepared by the applicant in 2012, and was never formally adopted by the Council, and does not form part of the evidence base to the County Durham Plan adopted in 2020. The masterplan was subject to a public consultation by Project Genesis; however it has been granted no formal status by the County Council. Officers therefore give very little weight to this document in the assessment of this application.
158. During the preparation of the County Durham Plan, officers considered the suitability of the site for residential development during the 2019 Strategic Housing Land Availability Assessment (2019) 'the SHLAA'. The site was deemed as potentially unsuitable (Amber score), with the following outcome of the site's assessment:
"Relatively poor level of containment and connection with the settlement and with the town centre. Despite the new development taking place to the east it is considered that this does little to improve the level of connection between this site and the settlement, and as such it would result in an incursion into the open countryside and would be uncontained within the existing built up area. The site is quite remote from most services, meaning that most trips would be likely to be undertaken by private vehicle resulting in less sustainable patterns of travel. Development would have some adverse residual landscape and visual impact following mitigation."
159. As a result of the above assessment in the SHLAA, the site was not allocated for residential development in the County Durham Plan.
160. As discussed above, the site is not allocated for housing development. The site is immediately adjacent to the built form of Consett, therefore Policy 6 of the CDP applies. Policy 6 states that development on sites not allocated in the County Durham Plan or in a 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 accords with all relevant Development Plan policies, and conforms with criteria (a) to (j) of the Policy.
161. Officers note that in order for criteria a) to j) to be applicable, the site first needs to be considered well-related to the settlement. Paragraph 4.110 of the CDP explains that when assessing whether a site is well-related to a settlement, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. Paragraph 4.111 goes on to state that the Council wants to ensure that

new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses.

162. The southeastern corner of the current site formed part of the approved landscape buffer to the northwest of the previously approved development, as shown on the approved plans, with the remaining part of the current site to be left as an undeveloped area as a result of being outside the previous application site.
163. The Landscape officer's advice from both April 2024 and June 2024, as set out earlier in this report, is also an important material consideration when assessing whether the proposal is visually well-related to the built form of Consett. In their updated comments from June 2024 the Landscape officer has concluded that the proposed landscape scheme would help to mitigate and reduce landscape and visual effects associated with the development of open space for housing.
164. However, it is important to note that the Landscape officer has not advised that the impacts of the development would, in his view, be wholly negated by proposed landscaping. The site would be an encroachment into the landscape buffer mentioned above and would not be visually well integrated to the existing development to the east. Whilst the indicated landscaping mitigation would help address the visual impact to a degree, as noted by the Landscape officer, the recommending officer notes that there would still be a visual impact from siting housing and associated boundary treatments and infrastructure in this location which could not be entirely negated. It is considered that this impact leads to a moderate degree of harm. The degree of landscaping proposed, along with the Landscape officer's comments in relation to reduced impact on longer distance views, has been considered, which reduces the degree of harm from significant to moderate.
165. Further to the above, when making comments the Spatial Policy officer noted that that the site would be located beyond the main cycle/pedestrian link which currently serves to define the extent of the built up area to the east of this site. The proposed development would sit beyond this notional line and bisect the route. The Spatial Policy officer understands that landscape works are outstanding and under consideration within the vicinity of Duchy Court, linked to that scheme and previous development off Monarch Road. Those works are required to help integrate that existing development into the surrounding countryside, whilst those works also recognise the edge of settlement nature of the existing development and the requirement for better linkages to the informal recreation land to the immediate west of Regents Park. It is considered that the current failure by the applicant to implement those landscape works is another important material consideration.
166. For the above reasons, the site is not considered to be visually well-related to the settlement.
167. In terms of physical relationship to the settlement, officers note that the adjacent housing to the east backs on to the site, and the C2C then forms a legible feature between that built form and the adjacent open landscape to the west. The site is therefore not considered to be well-related to the settlement in a physical relationship sense.
168. For the above reasons, the proposal is not well-related to the settlement. Notwithstanding this, for completeness, Officers have considered the proposal against the relevant criteria under Policy 6:

169. Regarding Policy 6 c), whilst officers note the site is not formally designated as open space in the Open Space Needs Assessment (OSNA), it is noted that the OSNA was adopted in 2018, prior to the completion of the dwellings to the east. Officers note that the site was intended to be an open landscaped area to form a buffer to the development to the east as approved in 2015. Aerial photography shows trodden pathways across the site. Following Officers in-person observations of the public use of the site and following the number of representations received from the public who refer to the site as a valuable recreation asset, it is clear that the site is well-used for recreation purposes such as dog walking. The development would lead to a loss of land of clear recreational value to the local community. The proposal includes the provision of some amenity/natural green space, and the provision of a second leg of the C2C around the periphery of the site, however these measures are not considered sufficient to off-set the loss of a large tract of open land of clear recreational value. The loss of the existing field is deemed harmful, in terms of loss of quantity of open space, and also the contribution that this tract of land provides to the quality of the existing walking routes. The proposed formal track would be of lesser quantity and quality in comparison to the existing area of open space and is therefore insufficient mitigation. For these reasons the proposal conflicts with Policy 6 c). Officers are also mindful of ecological and character/visual impact issues which are covered later in this report, that also tie into Policy 6 c) requirements. Officers are also mindful that Policy 26 of the CDP also considers loss of recreational land implications, which is discussed earlier in this report.
170. Regarding Policy 6 d), as set out earlier in this report officers consider the proposal would be an incursion into the landscape buffer to the northwest of the previously approved development from 2014. Notwithstanding whether landscaping around the edge of the site could mitigate any harm from long distance views, in shorter distance views the development of the site would not be appropriate to the character, form and setting of the settlement. It is considered that the existing built form to the east of the site, which backs onto the site, already forms a strong defensible settlement edge. Whilst the indicated landscape planting details are noted, the landscaping would not be sufficient mitigation to wholly address the identified harm in respect of shorter distance views; this is discussed in greater detail earlier in this report when it was concluded that the development would not be well-related to the settlement. For these reasons the proposal conflicts with Policy 6 d), as well as with Policy 39 which requires proposals for new development to not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.
171. Regarding Policy 6 e), as noted earlier in this report, the Highways officer has objected due to a lack of an up-to-date survey/operational assessment of any junctions on the local road network, which prevents them from carrying out an informed assessment of the proposal's impact on the local road network. Therefore the application has not clearly demonstrated that the proposal would not have a severe residual cumulative impact on network capacity. Consequently, the proposal conflicts with Policy 6 e).
172. Regarding Policy 6 f), the centre of the site is approx. 420m actual walking distance from the nearest bus stops located to the east on Genesis Way, which on balance is considered an acceptable distance given the frequency of services benefitting these stops, providing connections on to Newcastle and Durham. The walking route to those bus stops via the Fawcett Park is not currently lit, however in response to officers' concerns the applicant has offered to enter into a unilateral undertaking planning obligation to provide streetlighting along this route. Officers would seek this lighting to be installed and made operational prior to the occupation of the first dwelling of the currently proposed development, in the event Members were minded to grant permission. Subject to that planning obligation, the proposal would secure a safe,

convenient and attractive pedestrian route during hours of darkness for public transport users. The proposal therefore does not conflict with Policy 6 f).

173. Regarding Policy 6 h), the site is a flat, green landscaped area, and during in-person observations it was noted that the site is prone to becoming boggy during wet weather, which is also noted in the representations from the public. The Drainage officer has raised concerns with the lack of an adequate, detailed integrated drainage system across the development. The subsequent surface water flood risk leads to a conflict with Policy 6 h).
174. Regarding Policy 6 i), officers have carefully considered the history of, and the current appearance and use of, the application site. It is noted that the site formed part of the Consett Steelworks, and that the current site appears to have been used for dumping waste materials forming the current plateau. It is noted that the site was then remediated following the closure of the steelworks in 1980. The remediation had involved extensive engineered landscaping, leading to the current use and appearance of the site as an open landscaped buffer of recreational value. The NPPF states that "*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*" is excluded from the definition of Previously Developed Land (PDL). Officers consider that the site falls within this exclusion given its current appearance and use. The site is therefore not considered PDL and is not supported by Policy 6 i).
175. For the above reasons, the proposal clearly conflicts with Policy 6 of the CDP.
176. The site is considered by Officers to be outwith the built-up area of Consett and is therefore open countryside, as described in the definition of a built up area in the Glossary of the CDP. Policy 10 of the CDP therefore applies, which states that development in the countryside will not be permitted unless allowed for by specific policies in the CDP, by relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more of a number of exceptions stated in the Policy. The proposal does not meet any of those exceptions, and there is not yet any Neighbourhood Plan for the Neighbourhood Plan area; therefore in order to accord with Policy 10, the proposal must accord with a relevant Policy in the County Durham Plan – in this instance the only relevant Policy is Policy 6 of the CDP.
177. Because the proposal conflicts with Policy 6, this then leads to a clear conflict with Policy 10 of the CDP.
178. Notwithstanding the above, for completeness, Officers have considered the proposal against the relevant criteria under Policy 10.
179. As mentioned earlier in this report when considering Policy 6 requirements, the proposal conflicts with criteria l), o), q), r) and s) of Policy 10.
180. Due to the acceptable bus connections along Genesis Way, the proposal does not conflict with criteria 10 p).
181. Due to the site not being considered PDL, the proposal is not supported by criteria 10 t).
182. For the various reasons set out above, the proposal clearly conflicts with Policy 10 of the CDP.

Locational Sustainability

183. Turning next to sustainability, Policy 21 of the CDP provides greater clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. Policies 6 f) and 10 p) build upon these areas and cover public transport connection considerations.
184. Policy 21 of the CDP requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. Policy 22 of the CDP supports modal shift and sustainable transport improvements.
185. Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. This is discussed in the highway safety section of this report.
186. Turning first to criteria a) and b) of Policy 21, it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:
"Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services."
187. The centre of the site is approx. 420m actual walking distance from the nearest bus stops located to the east on Genesis Way, which on balance is considered an acceptable distance given the frequency of services 7 days a week benefitting these stops, providing connections on to Newcastle and Durham. The walking route to those bus stops is via Fawcett Park and is not currently lit, however in response to Officers' concerns the applicant has offered to enter into a unilateral undertaking planning obligation to provide streetlighting along this route. Officers would seek this lighting to be installed and made operational prior to the occupation of the first dwelling of the currently proposed development, in the event Members were minded to grant permission. This also has implications on Policy 6 f) as discussed earlier in this report.
188. However, Officers note that Policy 21 a) requires proposed development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
- those with mobility issues or disabilities,

- walking,
- cycling;
- then bus and rail transport.

189. Turning now to those higher priority modes of transport, Officers note the shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are:

- Four small commercial / retail units (Use Class E) which are approx. 350m to the southeast of the application site;
- Scotch Arms, a Public House approx. 690m actual walking distance to the north via the C2C;
- Blackhill Community Centre approx. 740m actual walking distance to the north;
- Our Blessed Lady Immaculate, a church approx. 740m actual walking distance to the north;
- Shotley Bridge Nursing School approx. 790m actual walking distance to the north;
- St. Mary's Primary School approx. 1,190m actual walking distance to the northwest;
- Tesco Express supermarket and Blackhill Local Centre approx. 1,000m actual walking distance to the north;
- Tesco Extra supermarket and McDonald's both approx. 1,050m actual walking distance to the southeast via Genesis Way;
- Hermiston Retail Park featuring a selection of retail operations is approx. 1,150m actual walking distance via Genesis Way and Puddlers Corner Roundabout;
- Consett Town Centre, the extent of which is defined on the County Durham Plan Policy Map, is approx. 1,400m actual walking distance via Genesis Way, The Green and Berry Edge Road.

190. It should be noted that the shortest actual walking routes to the first, eighth, ninth and tenth amenities listed above benefit from streetlighting along their routes. It should however be noted that the shortest actual walking routes of the second through to the seventh closest amenities as listed above require use of footpaths without street lighting.

191. Whilst some of the amenities listed above are within 800m of the centre of the site, most of the listed shortest routes are not fully lit, and do not benefit from natural surveillance along their full length, and are therefore not safe, attractive routes for pedestrians, particularly during hours of darkness. The facilities and amenities to the north and northwest of the site would rely on use of the footpath to the north of Fawcett Park. Officers note that the path has recently been resurfaced, and is now of adequate surfacing. However, the footpath still features a notable gradient, is not lit, and does not benefit from natural surveillance due to the density and height of trees and scrub on both sides of the path. The use of this footpath, which would be key for occupiers of the proposed development, would not be a safe, convenient and attractive pedestrian connections to the nearest amenities. This is particularly so during hours of darkness or during bad weather.

192. The four small commercial units to the southeast of the site are within 800m walking distance using a fully lit existing route via the cut into Duchy Close and then along Abbott's Way, however they alone are not considered sufficient to ensure occupiers of the development would not be reliant on their private vehicles for their day-to-day needs. Use Class E provides consent for retail units, GP surgeries, nurseries and day care centres. However other amenities such as a community centre (Use Class F2), a public house (Sui-generis Use Class), a place of worship (Use Class F1) or a school

(Use Class F1) could not be provided at these premises. The lack of these missing amenities within acceptable walking distances, using safe, convenient and attractive pedestrian connections, is not supported.

193. Due to its location the proposal does not lead to a residential development which would benefit from safe, convenient and attractive pedestrian connections to the nearest amenities. This is particularly so during hours of darkness or during bad weather. The opportunity to substitute walking in place of the car would therefore be extremely limited, and occupiers of the development would be more likely to choose the car over walking or public transport to meet their day-to-day needs. Consequently, the proposed development cannot be regarded as being well related to the settlement or be regarded as a sustainable location.
194. Officers are also mindful that Consett ranks third in the 2018 Settlement Study which informed the County Durham Plan, indicating that Consett ranks highly in terms of provision of facilities and services when seen in the context of the wider County. However, Consett's scoring within the Settlement Study does not establish that this particular site on the edge of the settlement is a sustainable location for development. Each application must be considered on its own merits, and as set out above the location of this particular site means that it would not be a sustainable location for residential development.
195. It is therefore considered that acceptable bus connections to facilities and amenities would not overcome a lack of sufficient direct footpath connections to facilities and amenities, which are the greater priority under Policy 21 of the CDP.
196. As a result, the proposal conflicts with criteria a) and b) of Policy 21 of the CDP. Even in the event the nearest route to the bus stops were lit, as proposed by the application, the pedestrian connectivity concerns would remain, resulting in conflicts with criteria a) and b). Furthermore, conflict with Policy 6 f) would also be observed.
197. Regarding criteria 21 c), as mentioned earlier in this report, the Highways officer has raised concerns with the lack of an up-to-date comprehensive Transport Assessment, therefore the impact on the local road network cannot be fully considered by officers, leading to a conflict with the first part of Policy 21. This lack of information also leads to a conflict with criteria c) of Policy 21.
198. Regarding criteria 21 d), in the event the nearest route to the bus stops were lit, as proposed by the application, the implications on the natural and built environment would need to be carefully considered. Due to the distance from identified designated heritage assets it is considered that such lighting measures would not lead to an unacceptable heritage impact in this instance. Precise details of the height, angle, orientation and lux levels of the lighting could be secured by condition in the interest of ensuring there would be no adverse impact on the amenity of neighbouring residents and no adverse impact on biodiversity including protected species. Subject to such a condition there would be no conflict with Policy 21 d).
199. For the reasons set out above, the proposal clearly conflicts with the first part of Policy 21, as well as with criteria a), b) and c) of the CDP, leading to a form of development which is not sustainable.

Summary of the Principle of Development

200. As discussed in the above assessment, the proposal clearly conflicts with Policies 6, 21, 26 and 39 of the CDP, leading to clear conflict with Policy 10 of the CDP. The

proposal is not 'mixed use' development, therefore it is not supported by Policy 2 of the CDP.

201. The application relies on the previously approved development to the east of the site for 'up to' 480 dwellings as justification for the current proposal. As discussed earlier in this report, officers do not agree with that submission and instead require the current proposal to accord with policy or demonstrate that there are benefits which outweigh the harm it creates.
202. Officers are mindful that this is a 'windfall' site which is not allocated for residential development, and that the Council can demonstrate in excess of a 4 Year Housing Land Supply and a positive Housing Delivery Test figure. Accordingly, any boost to housing supply which this site could deliver is to be afforded no more than limited weight. It is also considered that the site is not PDL and is not a sustainable location for development due to poor pedestrian connections to the nearest facilities and amenities. Given the several elements of clear harm that have been identified in the above assessment, the application would need to provide clear and convincing justification for Officers to accept a departure from Policies 6, 10, 21, 26 and 39 of the CDP.
203. 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. This exercise is often referred to as the 'balancing act'. This detail of that exercise is set out at the bottom of the assessment section of this report, where it is found that the identified harm that would result in the development of this location for residential dwellings has not been clearly justified. Therefore, officers do not support the principle of the development.
204. The Council can demonstrate a 4-year housing land supply in accordance with NPPF as a result of an up to date development plan. This is matched by a 154% Housing Delivery Test figure that indicates that the Local Planning Authority are maintaining a supply of new housing across the County.
205. This application relies on the previously approved development to the east of the site for 'up to' 480 dwellings as justification for the current proposal. The site occupies open land, considered to be beyond the built form of the settlement in this location separated by the C2C route.
206. The site, while in proximity to well served bus stops to regional centres and the town centre, is situated beyond suitable walking distances for the majority of the nearest services and facilities. These would be accessed by a cross section of routes and pathways, a large number of which would either be unsafe or unattractive to future occupants of the development.
207. The resultant impact would be considered by officers to lead to a greater reliance upon the private motor vehicle, that when taking in combination with the above would result in the proposals not being considered to be well-related to the settlements of Consett and Blackhill.
208. As such, clear conflicts with Policies 6, 10, 21, 26 and 39 of the CDP arise and are given appropriate weight in the planning balance later in this report.

Addressing Housing Need

Type and Mix of Housing

209. Paragraph 5.187 of the CDP recognises that the County has an imbalanced housing stock in relation to type and mix. CDP Policy 19 therefore states that, on all 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. Paragraph 60 of the NPPF states that 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. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

210. The proposal seeks consent for the following mix of dwellings:

- 7 two-bedroom bungalows;
- 3 three-bedroom bungalows;
- 33 three-bedroom houses; and
- 28 four-bedroom houses.

211. Officers have carefully considered the proposed mix of dwellings, and note that there is a relative lack of two-bedroom properties. No viability statement has been received establishing a need for the proposed mix to make the development financially viable. However, it is noted that at 71 dwellings the proposed development is relatively small for a major scale housing development, and that the provision of two-bedroom bungalows is supported and given weight in favour of the proposed mix. On balance, it is considered that the proposed mix of housing is not unacceptable for a development of this scale, leading to no conflict with CDP Policy 19 or with Part 5 of the NPPF in this respect.

Affordable Housing Provision

212. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and 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. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Policy, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

213. The application submits the following Affordable Housing provision:

- 7 two-bedroom bungalows.

214. The site is within the 'low' viability area as identified in the County Durham Plan. Major-scale residential developments in this area are required to provide at least 10% of dwellings as affordable housing. It is noted that the provision of 7.1 affordable units equates to 10% of dwellings across the proposed 71 dwelling development, and in this

instance officers are happy to accept provision of 7 affordable units. The proposed 7 two-bedroom bungalows are therefore accepted.

215. The Spatial Policy officer advises that 5 of the affordable units are required to be affordable home ownership units, with the remaining 2 units required to be First Homes, in accordance with Policy 15 of the County Durham Plan and with Paragraph 65 of the NPPF. These tenures of the affordable units could be secured by a Section 106 Agreement.
216. The Council's Affordable Housing Officer notes the proposed provision of 7 two-bedroom bungalows and their location at the eastern edge of the development, which are supported.
217. However they advise that further information regarding the 5 affordable home ownership units is required, and if Discount Market Sale units are to be included then the level of discount to be applied would need to be agreed. The Affordable Housing officer has therefore requested the developer obtains accurate and up-to-date open market valuations of the properties. Any units which will be provided as Shared Ownership will need a Registered Provider to be engaged as early as possible in the planning process, and the Affordable Housing officer has offered assistance in finding local Registered Provider interest if it were needed. The required details could be secured by a Section 106 Agreement.
218. The application as currently presented would provide a sufficient number of affordable housing for a development of this scale, whilst the proposal could provide a sufficient number of each required tenure. Subject to the precise tenure and level of discount being agreed through a Section 106 Agreement, the development would help address local housing needs, and would not conflict with CDP Policy 15 or with Paragraph 65 of the NPPF.

Meeting the Needs of Older People and People with Disabilities

219. CDP Policy 15 also aims to meet the needs of older people and people with disabilities, achieving this in two ways.
220. The first part is that 66% of the units on schemes of 5 units or more need to be accessible and adaptable to meet the needs of older people and people with disabilities. This is achieved by adhering to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.
221. Based on the proposed 71 dwellings, 47 would be required to be built to M4(2) standard. The received Accessible and Adaptable Homes Statement submits that all 71 dwellings would be M4(2) compliant. This provision is therefore acceptable. Notwithstanding the submitted details the Spatial Policy officer advises that a compliance condition be used to secure at least 66% of dwellings be constructed to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.
222. The second part of CDP Policy 15 requires a minimum of 10% of the total number of dwellings on the site to be of a design and type that increases the housing options of older people. This means it has to be built as a suitable product from the outset, so that it is available at the point of first occupation (i.e. now/immediately) to meet the needs of older people. These properties should also be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:

- level access flats;
- level access bungalows; or
- housing products that can be shown to meet the specific needs of a multi-generational family.

223. It is noted that the provision of 7 bungalows equates to 10% of dwellings across the proposed 71 dwelling development, and it is noted that these are single storey bungalows. The proposed 7 two-bedroom bungalows are therefore acceptable.

224. For the above reasons it considered that the proposed mix of housing would sufficiently contribute to meeting the needs of older people and people with disabilities, and subject to the imposition of a condition securing delivery of the required amount of M4(2) properties is in accordance with CDP Policy 15 and Paragraph 60 of the NPPF.

Layout and Design

225. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council, and this is a key document used in the assessment of Major scale housing developments which is referred to in Policy 29 of the County Durham Plan. In recognition of national planning advice and to achieve high quality housing developments, the Council has adopted an internal Design Review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “Greens” as possible, minimise the number of “Ambers” and avoid “Reds”. The more “Greens” achieved the better the development will be, “Ambers” are usually concerns that can be raised to “Green” with revisions, whereas a “Red” gives a warning that a particular aspect needs strong reconsideration.

226. CDP Policy 29 states that schemes with one or more Red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.

227. The site is located at the western edge of the settlement of Consett. To the east are neighbouring dwellings on Duchy Close, to the south is an open landscaped area, and to the west and north are small areas of woodland. Further west is the edge of an escarpment, with levels then dropping further to the west. The northwestern edge of the site benefits from long distance views across into Northumberland, whilst the southern edge of the site benefits from long distance views to the south and southwest.

228. The development would be a mix of single storey, two storey and two-and-a-half storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise a predominantly brick elevations with some dwellings featuring stone and render. Concrete roof tiles, white upvc windows and black composite doors are proposed. Dwellings would feature a mixture of artstone and detailed brickwork window and door heads and cills. Boundary treatments are a mixture of brick walling, low timber railings, vertical timber fencing, hedgerows and low shrub planting.

229. The existing route of the C2C would be amended to reflect the proposed access arrangement south of Fawcett Park, whilst a new spur of the route is proposed around the southern, western and northern edges of the site, enclosing the proposal in a loop.

230. The proposal also seeks to create a Sustainable Urban Drainage System (SuDS) basin at the southern edge of the site. The proposed layout also indicates a chain of swales running north-south through the centre of the site.

231. The current site was indicated as being a landscape buffer to the northwest of the previously approved development located to the east of the current site, as highlighted earlier in this report. The current proposal the adjacent 409 dwelling Regents Park development and Abbots / Elliot Way would all share the same access onto Genesis Way via Monarch Road.
232. The application has been taken to the internal Design Review Panel and received a score of 6 'Reds', 5 'Ambers' and 1 'Green'.
233. In respect of Question 1: Connections to help integrate the development with its surroundings, as discussed earlier in this report Officers note the existing footpath connection from Fawcett Park to Genesis Way. The footpath connection is currently not lit, however in response to officers' concerns the applicant has offered to enter into a unilateral undertaking planning obligation to provide streetlighting along this route. Officers would seek this lighting to be installed and made operational prior to the occupation of the first dwelling of the currently proposed development, in the event Members were minded to grant permission. Subject to that obligation, the proposal would secure an acceptable pedestrian route during hours of darkness for public transport users. Whilst this has been considered by the Design Review Panel, it is considered that the proposed routing and width of the C2C route within the site is unacceptable. The proposal has therefore scored Red in respect of connections to help integrate the development with its surroundings.
234. In respect of Question 2: Proximity to facilities and amenities, as discussed earlier in this report it is considered that due to its location, the proposal does not lead to a residential development which would benefit from either safe, convenient or attractive pedestrian connections to sufficient amenities within 800m actual walking distance of the centre of the site, leading to occupiers of the development being reliant on their private vehicles for their day-to-day needs. The proposal therefore conflicts with Policy 21 of the CDP and leads to a Red score in this respect.
235. In respect of Question 3: Public transport, officers note that the existing bus stops along Genesis Way are 420m from the centre of the residential part of the site. The footpath connection is currently not lit, however in response to officers' concerns the applicant has offered to enter into a unilateral undertaking legal agreement to provide streetlighting along this route. Officers would seek this lighting to be installed and made operational prior to the occupation of the first dwelling of the currently proposed development, in the event Members were minded to grant permission. Subject to that planning obligation, the proposal would secure an acceptable pedestrian route during hours of darkness for public transport users. Whilst this has been considered by the Design Review Panel, it is still noted that the bus stops are more than 400m from the centre of the site. The proposal has therefore scored Amber as opposed to Green in respect of access to existing public transport links and the distances are marginally above at 420m.
236. In respect of Question 4: Meeting local housing requirements, during the Design Review Panel's discussion it was considered that 8 affordable units were required to meet the 10% requirement, however the Spatial Policy officer has since clarified that 7 affordable units would be acceptable. As discussed earlier in this report the proposed mix of housetypes is acceptable on balance, whilst the amount of bungalows and M4(2) compliant dwellings is acceptable. The Affordable Housing officer has requested further details however as discussed earlier in this report these could be secured by a Section 106 Agreement. Therefore the proposal has scored Green in respect of meeting local housing requirements.

237. In respect of Question 5: Character, as discussed earlier in this report in light of the requirements of Policy 6 d) of the CDP, it is noted that the proposal would be a clear incursion into a landscaped area of open space of recreational value, beyond a legible edge of the settlement, leading to a development which would not be well-related to the settlement. The area was also indicated as being left as a landscaped buffer to the northwest of the previously development to the east. The proposed housetypes are acceptable, and the rationalisation of the detailed design and external material palette approach in the amended scheme has also been taken into consideration. However the concerns mentioned above remain. Therefore the proposal has received a Red score in respect of the Character of the development.
238. In respect of Question 6: Working with the site's constraints and surrounding context, as discussed above in respect of Question 5 and in greater detail earlier in this report in light of the requirements of Policy 6 d) of the CDP, the proposal would be a clear incursion into a landscaped area of open space of recreational value, beyond a legible edge of the settlement, leading to a development which would not be well-related to the settlement. The area was also indicated as being left as a landscaped buffer to the northwest of the previously development to the east. As discussed in respect of Question 1 there are concerns with the proposed routing and width of the C2C route within the site is unacceptable. For these two reasons the proposal would lead to a Red score in respect of working with the site's constraints and surrounding context.
239. In respect of Question 7: Well defined streets and spaces, it is noted that the approach to street hierarchy and tree-lined streets is poor, whilst the development should be more outward facing onto spaces within the site and to the north. The updated Landscape officer comments from June 2024 have been considered, and it is noted that these concerns remain. Corner turner units are proposed at prominent junctions which is supported, however amendments to the layout are required to ensure the development positively addresses all streets, public spaces and pedestrian routes across the development and immediately adjacent to the site. This also has implications on the requirements of Policy 6 d) of the CDP. The proposal therefore leads to a Red score in respect of well-defined streets and spaces.
240. In respect of Question 8: Wayfinding, the size of the site and use of corner turner units are noted, making it difficult to get lost when travelling through the site. The proposal has scored Amber in respect of Wayfinding.
241. In respect of Question 9: Streets for all, it is noted that the highway layout is designed to encourage low vehicle speeds and allow for social space in front of dwellings. The amended scheme has addressed the Highways officer's previous concerns with the length of some driveways and with vehicle reversing distances. However, the Highways officer has raised concerns with some visitor parking bays lacking footpaths to step out onto. In the round this is not considered to be an unacceptable impact, therefore the proposal leads to an Amber rather than a Red score in respect of designing streets for all users.
242. In respect of Question 10: Car parking, the amended scheme has clarified the number of proposed private and visitor parking bays. However, the Highways officer has raised concerns with some visitor parking bays lacking footpaths to step out into. In the round this is not considered to be an unacceptable impact, therefore the proposal leads to an Amber rather than a Red score in respect of car parking provision.
243. In respect of Question 11: Public and private spaces, as discussed earlier in this report the proposal would result in the loss of amenity open space which is a valued recreational space for local residents, as highlighted in the received representations. The Drainage officer has also raised concerns with the lack of sufficient integrated

drainage across the development, whilst the detail of the design of the swales and their relationship with the highway requires amendments. This leads to implications with the requirements of Policy 6 h) of the CDP as discussed earlier in this report. The received plans also indicate that the proposed SuDS basin would be fenced off, therefore diminishing the basin's ability to be used as amenity open space. For these reasons the proposal has scored Red in respect of public and private spaces.

244. In respect of Question 12: External storage, it is noted that sufficient length rear gardens are proposed whilst all plots feature sufficient bin provision in close proximity to dwellings. The Highways officer has no concerns with the bin storage provision locations which would not lead to collection implications. However, the indicated bin storage areas on shared drives should be better screened in the interest of the amenity of the streetscenes. In the round it is considered that the lack of screening is not unacceptable, therefore the proposal has scored Amber in respect of external storage provision.
245. It is noted that a single Red score would conflict with CDP Policy 29, therefore receiving 6 'Red' scores clearly demonstrates that there are significant areas where the design and layout of the development would need to be improved, whilst clearly demonstrating that the proposal is not a high-quality design. Further to this, the principle of developing this site leads to several conflicts with the Building for Life Criteria, which could not be resolved through an amended layout.
246. It is considered that insufficient justification has been provided to overcome the identified concerns with the principle of development in this location, and with the identified concerns with the design and layout, leading to conflict with Policy 29 of the County Durham Plan and with Part 12 of the NPPF.
247. Further to the above, the proposal is not appropriate in terms of design and layout to the character, form and setting of the settlement of Consett, and leads to visual impacts from shorter distance viewpoints, leading to conflicts with Policies 6, 10 and 39 of the County Durham Plan and with Part 12 of the NPPF.

Trees and Hedgerows

248. In respect of trees, CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).
249. In respect of hedgerows, CDP Policy 40 goes on to state that proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain

existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.

250. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
251. It is noted that no trees within or adjacent to the site are protected by a Tree Preservation Order.
252. The application is supported by an Arboricultural Impact Assessment (AIA) dated February 2024, which makes a number of recommendations following a survey of the trees across the site. The Council's Trees officer has been consulted and they note that selected trees within Group 2 will need to be removed to allow construction of new link public footpath. They advise that the Trees within Group 2 are young and were planted as a plantation, and that a proposed footpath could be installed with limited tree removal along its proposed route.
253. It is considered that the proposed tree removal is justified, whilst the protection of retained trees during the works could be secured by a condition. The proposal therefore does not conflict with CDP Policies 10 and 40, or with the NPPF, in respect of impact on existing trees.

Residential amenity

254. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
255. CDP Policies 29 and 31 outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and not lead to unacceptable levels of pollution. The Policies are informed by 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 including noise pollution.
256. The Environmental Health (Air quality) officer has been consulted and they advise that their initial concerns regarding the submitted Construction Dust Assessment, the

Construction Environmental Management Plan and the Air Quality Assessment have been addressed, subject to a final Construction and Environmental Management Plan document being updated to reflect the details shown in the updated Air Quality Assessment. A final Construction Environmental Management Plan has since been received which addresses the Environmental Health officer's concerns.

257. The Environmental Health (Nuisance Action) officer has also been consulted. They advise that the submitted Construction Environmental Management Plan is acceptable in respect of noise nuisance. They therefore advise that they are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
258. Planning Officers have also considered the separation distances between the proposed dwellings within the site, in line with then Council's Residential Amenity Standards Supplementary Planning Document. The separation distances across the development are considered acceptable.
259. Consideration has also been given to the size of the proposed gardens across the site, which provide private amenity space for occupiers of the development, in line with then Council's Residential Amenity Standards Supplementary Planning Document which expects rear garden depths to be 9m in length subject to site and plot specific considerations. The garden depths across the development are considered acceptable.
260. Subject to the received updated Construction Dust Assessment, Construction Environmental Management Plan and Air Quality Assessment being listed as approved documents, ensuring the development complied with the mitigation measures set out therein, the proposal would preserve the amenity of neighbouring residents during the construction period. The proposal therefore accords with Policies 10, 29 and 31 of the County Durham Plan, and with Sections 12 and 15 of the NPPF, in this respect.

Highway Safety

261. The application seeks to construct 71 dwellings which would be accessed from the wider highway network through an existing T-junction access onto Genesis Way, via Monarch Road and Abbots Way.
262. Paragraph 114 of the NPPF states that when assessing proposals, it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. It should also be ensured that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
263. Paragraph 115 of the NPPF then states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 21 of the County Durham Plan 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.

264. The Highways officer has raised concerns with the lack of an up-to-date Transport Assessment which prevents the officer from making an informed judgement of the traffic impacts of the proposed development. A cumulative impact study is needed under the current application, the scoping of which would need to be agreed with Highways officer to ensure it is comprehensive enough, realistic and consistent in establishing the current traffic impacts on the local highway network.
265. The Highways officer notes that Paragraph 115 of the National Planning Policy Framework states "*Development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". They advise that the Local Highway Authority are unable to ascertain at this time the cumulative impact of the residential traffic generated from proposals, therefore they recommend that this application should be refused. The concern also has implications on the requirements of Policy 6 e) of the CDP, as discussed earlier in this report.
266. In regards to the internal highway layout design, the Highways officer provided comments through the internal Design Review process. It is noted that the streets are designed to encourage low vehicle speeds. Following receipt of amended plans previous concerns relating to driveway lengths and reversing distances have been resolved.
267. In relation to car parking provision, whilst it is noted that the parking bays are well-integrated with the dwellings and landscaping including use of double length drives, and it is noted that there is an overprovision of visitor parking bays. Concerns remain with some visitor parking bays lacking footpaths to step out into. In the round this is not considered to be unacceptable impact, therefore the proposed car parking arrangement within the site is acceptable.
268. Electric Vehicle charging points are proposed at each dwelling and this is considered acceptable. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021.
269. Due to the lack of an up-to-date Transport Assessment of an acceptable scope, the proposal has not clearly demonstrated that the vehicle trips associated with the development would not lead to a severe residual cumulative impact on the road network. The proposal therefore clearly conflicts with Policies 6, 10 and 21 of the CDP, and with Paragraph 115 of the NPPF.

Ecology

270. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
271. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals 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. CDP Policy 43 states 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. The Policy also considers protected species and their habitats.

272. CDP Policy 26 states that development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity. The Policy later states that the Council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).
273. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
274. There are no ecological designations within the site, with the nearest being the Grove Ponds Local Wildlife Site (LWS) located approximately 300m southwest of the site. Sodfine and Howden Wood, a LWS and an Ancient Semi-Natural Woodland is located approximately 500m west of the site, on the opposite side of Pemberton Road.
275. Representations from the public in May 2024 raised concerns with the ground within the site being aerated by equipment being pulled by a tractor on 16th May 2024, potentially impacting ground nesting bird nests. Officers have not received any evidence that any such nests were present at the time.
276. The Ecology Officer has been consulted and they note the received Ecological Appraisal report is acceptable in relation to protected species. The report, Version 7 by OS Ecology dated May 2024, concludes that no further survey work is required, that there would be no adverse impact on designated ecological sites, and that potential ecological impacts during construction can be addressed by mitigation measures. Officers note that these measures could be secured by condition; namely provision of hedgehog gaps in boundary fencing, a construction and environmental method statement (CEMP) including a precautionary statement for amphibians such as great crested newts, and details of bat and swift/bird box provision. As no European protected species would be interfered with, there is no need to apply the derogation tests for a protected species licence.
277. However, the Ecology officer has raised concerns with the lack of demonstrated Biodiversity Net Gain (BNG). BNG is a way of creating and improving natural habitats, making makes sure that development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. Because this application was received after 12th February 2024, there is a statutory requirement for the proposal to achieve 10% BNG.
278. The Ecology officer notes the updated details submitted with the application demonstrate a 10% BNG 'could' be achieved, subject to an off-site solution involving two identified locations. However, further information is required under the current application to clearly demonstrate 'how' the 10% BNG would be achieved. A

Landscape Habitat Management Plan (LHMP) is required which clearly demonstrates how the existing habitats in those locations would be enhanced in that regard. The Ecology officer notes the proposal seeks to create Lowland Meadow which is a habitat of high distinctiveness; therefore the Ecology officer requires further information under the current application to ensure that the applicant understands the nature of the interventions required to deliver the target habitat and condition. The Ecology officer advises that this information can be in draft format at the current application stage.

279. Due to the lack of sufficient information, the current application does not clearly demonstrate how 10% BNG would be achieved when relying on two off-site locations. The lack of a clearly demonstrated Biodiversity Net Gain leads to clear conflict with CDP Policies 6, 10, 26 and 41, and with Part 15 of the NPPF.

Surface Water and Foul Drainage

280. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
281. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
282. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires agreement of flood risk and use of sustainable drainage systems with all development proposals required 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. It is not reasonable for development proposals to mitigate separate existing issues. Policy 35 also states that for major developments such as the current proposal, the management of water must be an intrinsic part of the overall development.
283. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for 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.
284. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land

across the site which are at Medium Risk and some at Low Risk of pluvial (surface water following rainfall) flooding, located to at the western and central areas of the site.

285. The proposal also seeks to create a Sustainable Urban Drainage System (SuDS) basin at the southern edge of the site. The proposed layout also indicates a chain of swales running north-south through the centre of the site.
286. The Drainage Officer has been consulted and they note from the submitted Drainage Strategy and plans that the proposal lacks an acceptable integrated drainage system due to insufficient drainage features across the site. The Drainage officer has also raised concerns with the proposed detailed design of the indicated highways and swales, which appears to prevent run-off from the carriageway joining the swales. Therefore the proposal as currently presented does not provide a suitable, sustainable solution to surface water management; which ensures the treatment of all surface water within the development site is provided by applying SuDS methods throughout the development.
287. Northumbrian Water have also been consulted on the proposed surface water and foul drainage solution, and they note the submitted Drainage Strategy which contains a proposed S104 layout for the adjacent site to the east, however the Strategy does not clarify if there is an agreed connection point on to Northumbrian Water's network for the site subject of the current application. Therefore, as currently presented the application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to fully consider whether there is sufficient network capacity to treat the flows from the development. They have however advised that those details could be secured by a 'prior to commencement' condition.
288. Due to the outstanding concerns raised by the Drainage officer, the proposal has not clearly demonstrated that it will not lead to a greater surface water flood risk either within the site or potentially elsewhere, whilst there is also a lack of acceptable integrated drainage as part of the overall development. Therefore the proposal clearly conflicts with CDP Policies 6, 10 and 35, and with Paragraphs 173 and 175 of the NPPF.

Heritage and Archaeology

289. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
290. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 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.

291. There are no designated heritage assets within or adjacent to the site, with the nearest listed building being the Grade II listed Church of Our Blessed Lady Immaculate, a 19th century church located on St Mary Street approximately 500m north of the edge of the site. Blackhill Conservation Area is located approximately 450m northeast of the site. Given the above, Design and Conservation Officer has not raised concerns in relation to designated heritage assets.
292. It is considered that the proposed development would not have an adverse impact on above-ground heritage assets, therefore there would be no conflict with CDP Policies 10 or 44 or with Part 15 of the NPPF in this respect.
293. In respect of Archaeology, Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
294. Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Therefore Paragraphs 200, 206 and 207 the NPPF are applicable, which require any harm to or loss of such assets to require clear and convincing justification. This is reflected in Policy 44 of the CDP.
295. The Archaeology officer has been consulted and they advise that given the modest extent of the area affected, and the absence of any known archaeology in the immediate vicinity, there would be no need for any archaeological constraints on any grant of planning permission. Therefore they have no concerns and no conditions are recommended.
296. It is considered that the proposal would cause no harm to heritage assets or archaeological remains, therefore there would be no conflict with CDP Policies 10 or 44, or with Part 16 of the NPPF, or with the Listed Building Act, in this respect.

Contaminated Land and Coal Mining Risk

297. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and that the proposal does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
298. Part of the site lies within the Coalfield Development High Risk Coal Area as identified by the Coal Authority, with the remainder of the site within the Low Risk Coal Area. The site also lies within the surface mined coal resource area and mineral safeguarding area as defined in the County Durham Plan. There are no known mineshafts within or adjacent to the site, with the nearest approximately 250m to the east as identified by the Coal Authority.
299. The site forms part of the former Consett Steelworks, which has been cleared and the site remediated following its closure in 1980. The site therefore has historic

contaminated land constraints, which has been a key issue highlighted during public representations.

300. A Coal Mining Risk Assessment and Phase 1 and Phase 2 Geo-environmental Appraisals have been submitted.
301. The Coal Authority have been consulted and note the submitted documents in support of the application, which conclude that the coal seams beneath the site will not have been worked, specifically owing to the significant depth of overlying superficial deposits. In relation to mine gas emissions from historic coal workings, they note the associated risks should always be considered by the County Council as the Local Planning Authority. This will be considered by the Council's Environmental Health (Contamination officer).
302. In relation to the design of SuDS features such as basins, they advise that consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.
303. The Coal Authority considers that the content and conclusions of the Desk Study Assessment submitted with this application are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. No conditions are recommended.
304. The Environmental Health and Consumer Protection (Contaminated Land) officer has been consulted they advise that they are satisfied with the conclusions drawn in the investigative reports and the proposed remedial measures. A Phase 4 Verification Report is required upon completion of the remedial works, which could be secured by condition. They therefore have no objection to the proposed works.
305. Subject to the condition outlined above, the proposal would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities. The proposal would therefore not conflict with Policies 6, 10 or 32 of the CDP or with Part 15 of the NPPF in this respect.

Planning Contributions

306. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Policy 25 reflects Paragraphs 55 and 57 of the NPPF.
307. CDP Policy 25 requires planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the

assessment that informed the Plan and provide evidence of what has changed since then. No such assessment has been submitted as part of this application.

308. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant is proposing a planning obligation should planning permission be granted covering a number of matters as set out below.

Affordable Housing

309. If planning permission were to be granted, a Section 106 agreement would be required to secure the following provision in accordance with CDP Policy 15:
- 7 two-bedroom bungalows and tenure of such.

Education

310. Based on methodology set out in the Council's adopted 'Securing Developer Contributions towards Education Provision in County Durham' document, the proposed development of 71 dwellings would produce 19 pupils of Primary School age, and 10 pupils of Secondary School age.
311. In relation to Primary School pupils, the Council's Education officer advises there would be sufficient space at the following Primary Schools, which are located within 2 miles of the site, to accommodate the pupils generated by the development:
- Benfieldside Primary
 - The Grove Primary
 - Consett Infant
 - Consett Junior
 - Shotley Bridge Primary
 - Delves Lane Primary
 - Moorside Primary

Therefore, no contribution would be required to facilitate the provision of additional teaching accommodation.

312. In relation to Secondary School pupils, it is noted that the nearest school to the proposed development is Consett Academy School which has capacity for 1,500 pupils. Based on the projected rolls of the school, taking into the account the likely implementation timeframe of the development, build rates and other committed housing sites, there would not be sufficient space to accommodate pupils generated by this development whilst maintaining a 5% surplus. In order to mitigate the impact, a financial contribution of £243,120 (10 pupils x £24,312) would be required to facilitate the provision of additional teaching accommodation at Consett Academy. The sum can be secured by a Section 106 Agreement.
313. The Education officer has also suggested a contribution of £58,786 (0.7 pupils x £83,980) to mitigate the potential of the development to create a likely demand from the equivalent of 0.7 SEND pupils. This requirement was not identified in the pre-application discussions with the developer, and the national governmental direction that from August 2023 contributions for SEND pupil provision is sought from new development has yet to be formalised into supplementary planning policy that would formally allow this to be secured has not yet been adopted. Regardless, the governmental direction contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis to pursue the request at this time is considered unreasonable, failing the tests set out to secure Planning obligations as outlined above.

Healthcare

314. The NHS has been consulted and advise that a contribution of £34,293 is required toward increasing local GP surgery capacity to accommodate the development. The sum can be secured by a Section 106 Agreement.

Public Open Space Provision

315. CDP Policy 26 requires proposals for new residential development 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). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
316. Using the OSNA's methodology, it is noted that a scheme of 71 dwellings would lead to 156 persons, at 2.2 persons per household. At 1000 persons per hectare of open space, the following open space would normally be expected on-site for a 71 unit scheme:
- Amenity/ Natural Green Space: 2,343 sq.m.
 - Non-equipped Play Space for Children: 78 sq.m.
317. An Open Space Needs Statement has been submitted as part of the Planning Statement, and an accompanying site plan have been submitted highlighting all open spaces across the site which are not residential curtilage. The statement submits that 1,820sq.m. of open space is provided within the site. Officers do however note a discrepancy on the received 'Phase 6 – Open Space' drawing which indicates 5,746 sq.m. would be provided; it is clear that the 1,820sq.m. figure given in the Planning Statement is the correct one.
318. Officers consider the indicated open space as amenity/natural green space as defined by the OSNA.
319. An additional 78sq.m. of non-equipped Children's Play Space has been indicted at the centre of the site. Whilst it would be non-equipped, details of the design of this provided space are still required and can be secured by condition.
320. The proposed on-site open space provision meets the requirements of a 71 dwelling scheme, as set out above. The proposal therefore accords with Policy 26 of the CDP in this respect.
321. In respect of off-site provision, the following would normally be expected via off-site contributions for a 71 unit scheme, unless the 50% discount applies:
- Allotments: £42,174.
 - Parks and Recreation: £157,450.
 - Play Space (Youth): £10,621.
322. In respect of allotments, it is noted that the Mortimer Street Blackhill allotments to the north are within 480 actual walking distance of the edge of the site, therefore the 50% discount applies, and only £21,087 would be sought as an off-site contribution.
323. In respect of Parks and Recreation, it is noted that the nearest area of Parks and Recreation as defined in the OSNA is the area to the east of Fawcett Park, surrounding an existing Children's Play Area. This area is within the 600m walking distance standard set out in Table 12 of the OSNA, therefore the 50% discount applies, and only £78,725 would be sought as an off-site contribution.

324. In respect of Play Space (Youth), it is noted that the nearest play space suitable for youths is the football pitch to the west of Valley Gardens and north of Maple Gardens, approximately 1,250m actual walking distance from the edge of the site. This exceeds the 720m walking distance standard set out in Table 12 of the OSNA, therefore the 50% discount does not apply, and the full £10,621 contribution is sought as an offsite contribution.
325. In respect of off-site contributions, a total of £110,433 would be sought to be secured by a Section 106 Agreement in the event Members were minded to grant planning permission. If the applicant were to not enter into this agreement, the proposal conflicts with Policy 26 in this respect.
326. Further to the above, it is noted that the proposed site measures approximately 7,000 sq.m. in area, which is currently considered to be amenity/natural open space. Whilst 1,820sq.m. would be provided as part of the development, the proposal would still lead to a loss of approximately 5,000sq.m. of functional amenity/natural open space.
327. Policy 26 of the CDP states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets, unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
328. In respect of mitigating the loss of the existing amenity/natural green space through the development of the site, the provision of 1,820 sq.m. of amenity/natural open space in small pockets within and surrounding the proposed dwellings would fall notably short of the approximately 5,000 sq.m. that would be lost.
329. As discussed earlier in this report, officers do not accept the submitted justification for the loss of existing open space within the site, leading to an in-principle concern with the development of this site for residential dwellings.
330. The loss of existing amenity/natural green space is not supported in principle as there is no clear and convincing justification for that loss. The proposal conflicts with Policy 26 of the CDP in this respect.
331. As also discussed earlier in this report, officers are mindful that the current site was indicated on the approved as being a landscape buffer to the northwest of the previously approved development to the east, known as Regents Park. This is an important material consideration, which has also been highlighted by neighbouring residents when commenting on the proposal.

Summary of Planning Contributions

332. Whilst the proposal would provide sufficient on-site open space for a 71 dwelling scheme, a financial contribution totalling £110,433 would be required toward off-site provision, and this could be secured by a Section 106 Agreement.
333. However, the proposed loss of amenity/natural open space as a result of developing this particular site would not be supported in principle by officers, as there is no clear and convincing justification for that loss. The financial contribution set out above would not negate this impact.

334. Financial contributions toward healthcare and education provision, as well as the securing of affordable housing, would be required through a Section 106 Agreement should Members be minded to grant permission.
335. With regard to the CIL Regulation tests, it is considered that the obligations being sought 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. Therefore, the obligations being sought accord with these tests.
336. The proposal conflicts with CDP Policies 25 and 26 and with Paragraph 55 of the NPPF.

Other Matters

Agricultural Land and Soil Resource

337. CDP Policy 14 states that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A condition can be used to secure details of soil management during the construction works.
338. The site is not in agricultural use, and was formerly a steelworks site before the land was engineered to form the current landscaped area which is used for recreational purposes. Therefore in this instance it is considered that a condition securing details of soil management during construction works is not necessary.
339. It is considered that the proposal would not lead to a loss of notably valued agricultural land, or lead to a loss of valued soils, and would therefore not conflict with Policy 14 of the County Durham Plan or with Paragraph 174 b) of the NPPF.

Safeguarding Mineral Resources

340. CDP Policy 56 advises that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area, or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless certain criteria apply.
341. The site lies within the surface mined coal resource area and mineral safeguarding area as defined in the CDP. The submitted Desk Study Assessment (February 2024, prepared by Shadwell Group) identifies coal seams which outcrop within the context of the site. However, based on a review of appropriate coalmining and geological information, the report confirms that the seams will not have been worked, specifically owing to the significant depth of overlying superficial deposits. The report reinforces this by confirming that the Coal Mining Report confirms no probable shallow workings and they will therefore be unlikely to be of economic interest to industry. The coal seams are at a depth which would be unlikely to be economic for prior extraction, and in any event would be unlikely to be environmentally acceptable given the proximity to existing residential development and potential access arrangements through the estate.

342. Due to the findings of the submitted report, it is considered that a Mineral Assessment will not be required for the development of this site, and that there would be no conflict with Policy 56 of the CDP.

Travel Plan

343. The Sustainable Travel officer has been consulted and they note that the proposal does not require a Travel Plan due to the scale of the development being below the threshold requirement.
344. Notwithstanding this, concerns regarding the sustainability of the site, and the subsequent conflicts with Policies 6, 10 and 21 of CDP and with the NPPF, are discussed in the principle of development section of this report.

Public Rights of Way

345. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. The Policy goes on to state that where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
346. The National Cycle Network Route 14 runs north-south through the eastern part of the site, adjacent to Duchy Close. The route runs from Darlington, through County Durham to Consett, and on to the River Tyne east of Blaydon. The route is known locally as the Derwent Walk and is a Coast to Coast (C2C) route.
347. The Access & Rights of Way officer has been consulted and they note there are no registered public rights of way in the vicinity of this development site. The C2C/National Cycle Network Route 14 is not a registered public right of way. The Rights of Way officer notes there are several clear desire lines evident across the site indicating public recreational use of the land, however they have no information as to the frequency or length of time they have been in use.
348. The proposed works would not have an adverse impact on the registered public right of way network, and would not conflict with CDP Policies 10 and 26 or with Part 8 of the NPPF in respect of registered public rights of way.

Energy Efficiency

349. CDP Policy 29 requires proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. The Policy goes on to require proposals to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use, by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.

350. CDP Policy 29 also refers specifically to reducing CO2 emissions for new buildings based upon building regulations requirements at the time the County Durham Plan was adopted in 2020, however Part L of the Building Regulations has since been revised in 2021, and the levels now required exceed that of Policy 29 of the CDP. The applicant will be required to accord with those Building Regulations which would be enforced outside the Planning process. These Building Regulations require a further 31% reduction in carbon emissions over previous 2013 Building Regulations.
351. Electric Vehicle charging points are proposed at each dwelling and this is considered acceptable. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021.
352. The proposal also indicates use of air source heat pumps and cycle parking provision at each dwelling. Precise details of their appearance and implementation could be secured by condition.
353. For the above reasons, the proposal would be an energy efficient form of development which would not conflict with CDP Policies 10 and 29 or with Parts 9, 12 and 14 of the NPPF in this respect.

Broadband

354. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
355. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
356. In considering this policy requirement, due the location of the development adjacent to the settlement of Consett, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision could be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

Public Representations

357. Concerns have been raised from members of the public in respect of devaluing neighbouring properties and loss of views from those properties, however these are not material considerations when assessing and determining a planning application. Concerns have also been raised in respect of development within the Green Belt and an Area of Outstanding Natural Beauty (AONB), however the site is not in the Green Belt or in a designated AONB.

Planning Balance

358. As discussed in the above assessment, the principle of developing this site conflicts with Policies 6, 21 and 26 and 39 of the CDP, leading to a conflict with Policies 10 of the CDP. The proposal is not 'mixed use' development, therefore it is not supported by Policy 2 of the CDP. There are also further concerns relating to design and layout, highway safety, ecology and drainage.
359. 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. This exercise is often referred to as the 'balancing act'.
360. Turning first to the harm identified:
- It is considered that the loss of a landscaped area of recreational value, which also forms an edge of settlement buffer which contributes to the character and setting of the settlement Consett, leads to a significant degree of harm given the clear social value that this parcel of land holds. Officers are also mindful that this conflicts with the CDP's and the NPPF's emphasis on promoting sustainable development.
 - It is considered that the lack acceptable pedestrian connections to the nearest amenities, leading to an unsustainable form of development where occupiers would be dependent on their private vehicles for their day-to-day needs, leads to a significant degree of harm given the CDP's and the NPPF's emphasis on promoting sustainable development.
 - It is considered that the incursion into open countryside beyond the legible edge to the settlement of Consett, adversely affecting the visual amenity of the local area and the character and setting of the settlement, leads to a moderate degree of harm. The degree of landscaping proposed, along with the Landscape officer's comments in relation to reduced impact on longer distance views, has been considered, which reduces the degree of harm from significant to moderate.
 - It is considered that the lack of up-to-date traffic surveys and traffic modelling of an acceptable scope leads to a proposal which is unable to clearly demonstrate that the development would not have a severe residual impact on the road network. The resulting degree of harm is considered significant, given that the resulting issues would affect a large number of existing and proposed residents who use the local road network.
 - It is considered that the proposed development does not positively address the adjacent open space and pedestrian route to the north of the site, or the landscaped areas within the site, due to a poor layout and orientation of dwellings. As a result, the proposal would adversely affect the character of the surrounding area by reason of its poor design, particularly when assessed against the County Durham Plan Building for Life Supplementary Planning Document. The resulting degree of harm is considered moderate.
 - It is considered that the lack of a clearly demonstrated 10% Biodiversity Net Gain, which is a statutory requirement for this application, would lead to a significant degree of harm.
 - It is considered that the lack of integrated drainage throughout the site, resulting in a greater surface water flood risk within the site and potentially elsewhere, leads to a significant degree of harm given the impact it could have on existing nearby residential dwellings and premises.
361. Turning next to the submitted benefits of the development, officers are mindful that the development would provide 71 dwellings, however given the Council's comfortable housing land supply position as set out earlier in this report, the benefits of providing additional housing are given very little weight.
362. The provision of 7 affordable units, which are also single storey bungalows, is a benefit of the proposal given the County's need for more affordable homes. However, given

that the proposal meets and does not exceed Policy requirements, the benefits of providing only 7 affordable homes are given little weight. Officers are mindful that when concluding that the County Durham Plan was sound, the examining Inspector recognised that the County's affordable housing need would not likely be addressed during the Plan period, however he remained comfortable with this issue.

363. Officers recognise the economic benefits during the construction and occupation of the development, though due to the scale of the development at only 71 dwellings, the scale of the benefits is not considered notable, and is therefore only afforded very little weight. The application if supported would be required to secure financial contributions toward increasing GP surgery and school accommodation, as well as provide an on-site children's play space, however these are already Policy requirements to off-set the relevant impacts of this development. Therefore these benefits are afforded only very little weight.
364. For the above reasons, the benefits of the scheme are limited and are insufficient to outweigh the identified harm that would result in the development of this location for residential dwellings, therefore officers do not support this application. Members should also note that some of the identified policy conflicts relate to the principle of developing this site for housing, which are more difficult to address.

Public Sector Equality Duty

365. 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.
366. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONCLUSION

367. 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. The NPPF is a material consideration in planning decisions.
368. This application benefitted from pre-application advice from officers, which raised concerns with the principle of developing this site for housing and suggested a number of amendments to the proposal. Not all of these were subsequently addressed by the initial application submission, leading to need for amendments to the application. For the reasons set out in the above report, officers maintain their concerns with the proposal.
369. The proposed development has generated public interest, with 116 letters of objection having been received. Concerns expressed regarding the proposal have been considered by officers.
370. The site was previously indicated to remain an undeveloped area of land to the northwestern edge of the Regents Park development, when outline consent was

granted for 'up to' 480 dwellings in 2015. Whilst the site falls within the indicated area for development in the Project Genesis Masterplan, officers note that this document was an aspirational masterplan prepared by the applicant in 2012, and was never formally adopted by the Council, and does not form part of the County Durham Plan adopted in 2020. This document is not adopted by the County Council, but has been subject to a public consultation, and can therefore be given very little weight when considering the current application.

371. Further, the application site is not allocated for housing development in the adopted County Durham Plan, and it was deemed unsuitable in the SHLAA. Whilst the site is allocated for 'mixed use' development in the County Durham Plan to support the regeneration of Consett, the proposal is not 'mixed use'. The principle of developing this site for housing is therefore not established within the County Durham Plan, and the proposal is therefore deemed as surplus to requirements when seeking to address the County's housing needs during the County Durham Plan period until 2035. The County Council can currently demonstrate a 5.47 year housing land supply, which demonstrably exceeds the County's required 4 year housing land supply due to the limited age of the County Durham Plan, in accordance with Paragraph 226 of the NPPF. Whilst officers note that demonstrating sufficient housing land supply is a minimum requirement and not a ceiling, the ability to clearly demonstrate sufficient housing land supply is an important material consideration in the event that a conflict with the County Durham Plan is identified.
372. The proposal would lead to a loss of land of recreational value, which was previously indicated as an undeveloped area of land to the northwestern edge of the Regents Park development.
373. The proposal would also be an incursion into open countryside, beyond the defined edge of the settlement. The proposal would not be well-related to the settlement in either a physical or a visual sense, leading to a visual impact on shorter distance views.
374. The site is also not in a sustainable location for development. The proposal would create an acceptable walking route to bus connections at Genesis Way, which are served by frequent direct services to Newcastle and Durham. However, the site is not served by safe, convenient and desirable footpath connections to the nearest amenities. As a result, occupiers of the development would be reliant upon their private vehicles to access services, employment and retail requirements.
375. Due to a lack of up-to-date traffic surveys and traffic modelling of an acceptable scope, the application is unable to clearly demonstrate that the development would not have a severe residual impact on the road network.
376. Further to the above concerns relating to the principle of housing on this particular site, officers also have concerns with the design and technical considerations of the presented development layout. The proposal would not positively address all streets, public spaces and pedestrian routes across the development and immediately adjacent to the site. As a result, the proposal would adversely affect the character of the surrounding area by reason of its poor design.
377. Insufficient information has been submitted to clearly demonstrate that a 10% Biodiversity Net Gain would be achieved.
378. Due to a lack of integrated drainage throughout the site including sufficient swales, permeable surfaces and other drainage features, the management of surface water does not form an intrinsic part of the overall development, to the detriment of

management of surface water flood risk within the site. As a result, the proposal would lead to a greater surface water flood risk within the site and potentially elsewhere.

379. Due to the concerns summarised above, the proposal does not meet the social objective or the environmental objective set out under Paragraph 8 of the NPPF. The proposal is therefore not considered a sustainable form of development.
380. The above concerns lead to several conflicts with the County Durham Plan and with the NPPF as described in the above report. Officers acknowledge, where appropriate, the public benefits of the development, however it is considered that they do not demonstrably outweigh the harm that results from this proposal.
381. Officers therefore recommend that this application be refused planning permission, for the reasons set out within this report and as listed below.

RECOMMENDATION

382. That the application be **REFUSED** planning permission for the following reasons:
- 1) The proposed development would lead to a loss of a landscaped area of recreational value, which also forms an edge of settlement buffer that contributes to the character and setting of the settlement. The submitted mitigation for the identified harm is not considered sufficient. The proposal conflicts with Policies 6 c) and d), 10 l) and o), 26 and 29 a) and n) of the County Durham Plan and with Paragraphs 88, 97, 102 and 103, and Part 12 of the National Planning Policy Framework.
 - 2) The proposed development would lead to an incursion into open countryside beyond the legible edge to the settlement of Consett, adversely affecting the visual amenity of the local area and the character and setting of the settlement, as a result the proposal would not be well-related to the settlement visually. The proposal therefore conflicts with Policies 6 c) and d), 10 l), o) and r), 29 a) and n) and 39 of the County Durham Plan and with Part 12 of the National Planning Policy Framework.
 - 3) The proposed site does not benefit from acceptable pedestrian connections to the nearest amenities, leading to an unsustainable form of development where occupiers would increase their reliance upon travel by private vehicles. Consequently, the proposal would not be physically well related to the existing settlement and therefore conflicts with Policies 6 f), 21 a) and b), and 29 m) and n) of the County Durham Plan and with Parts 9 and 14 of the National Planning Policy Framework.
 - 4) Insufficient information has been submitted to clearly demonstrate that the proposal would not have a severe residual cumulative impact on the highway network. The proposal therefore conflicts with Policies 21 c) and 10 q) of the County Durham Plan and with Part 9 of the NPPF.
 - 5) The proposal would adversely affect the character of the surrounding area by reason of its poor design, when assessed against the County Durham Plan Building for Life Supplementary Planning Document. The proposal therefore conflicts with Policies 6 c) and d), 10 l), o) and r) and 29 a), i), l), m) and n) of the County Durham Plan and with Part 12 of the National Planning Policy Framework.
 - 6) Insufficient information has been submitted to clearly demonstrate that Biodiversity Net Gain would be achieved. The proposal therefore conflicts with Policies 6 c), 10 l), 26 and 41 of the County Durham Plan, and with Paragraphs 180 and 186 of the National Planning Policy Framework.

- 7) Due to a lack of integrated drainage throughout the site the management of surface water does not form an intrinsic part of the overall development. As a result, the proposal would lead to a greater surface water flood risk within the site and potentially elsewhere, conflicting with Policies 6 h), 10 q), 29 b) and 35 c), d), e) and h) of the County Durham Plan and with Paragraphs 173 and 175 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

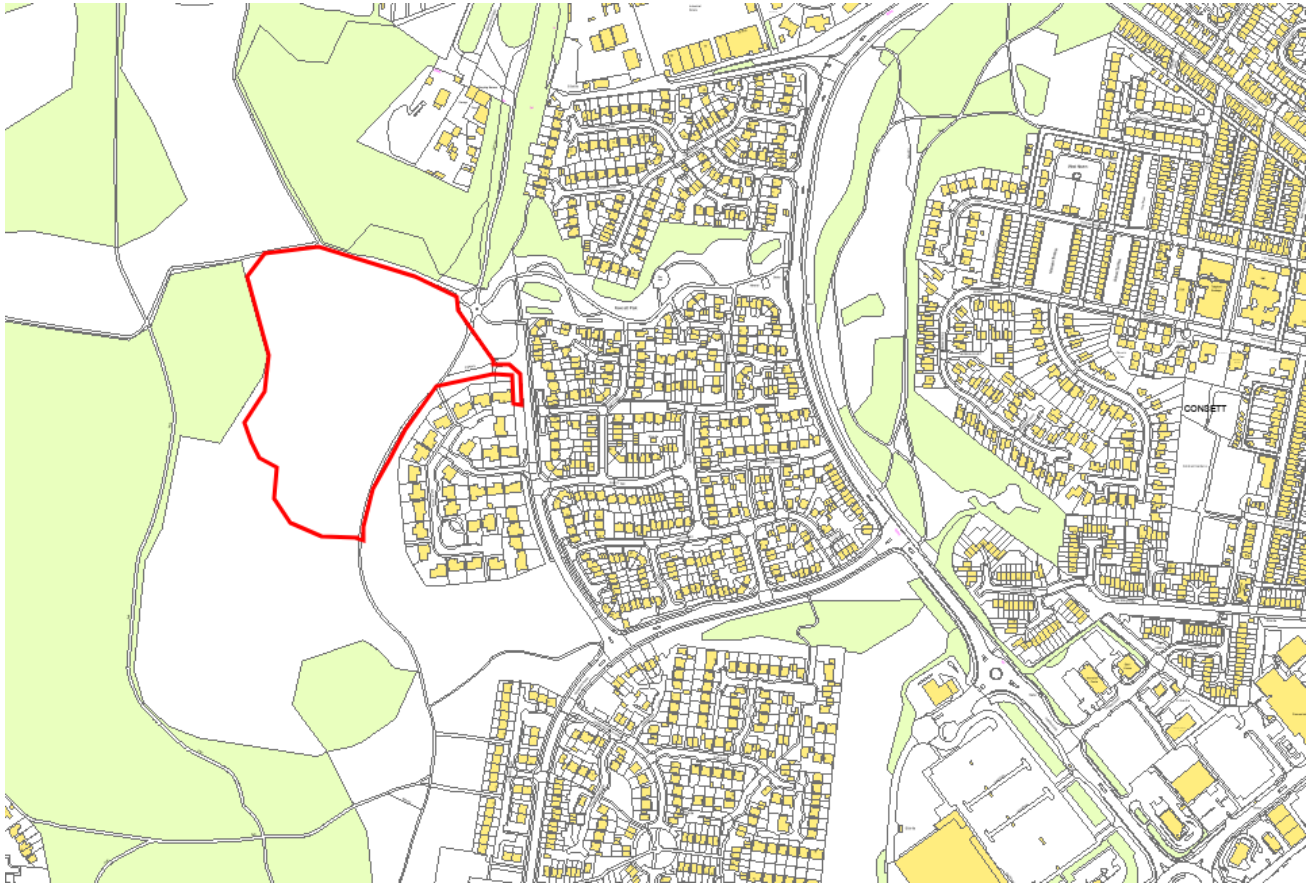
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

In this instance however, officers have identified fundamental concerns with the proposed development of this particular site, and have therefore sought to determine the application accordingly. Officers had also provided clear written pre-application advice to the applicant advising that the principle of the development was not supported in this location.

Officers are mindful of Paragraph 38 of the NPPF, however as discussed in the above report, it is considered the proposal would not improve the social or environmental conditions of the area, and would not lead to a sustainable form of development.

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 (2020)
 - Residential Amenity Standards SPD (2023)
 - Parking and Accessibility SPD (2023)
 - Durham County Council Open Space Needs Assessment (2018)
 - County Durham Settlement Study (June 2018)
- CIRIA The SuDS Manual (2015)
- CIHT Better Planning, Better Transport, Better Places (August 2019)
- Great Lumley Appeal Decision, DCC reference: DM/22/00584/FPA; PINS reference: APP/X1355/W/23/3334214




Planning Services

DM/24/00593/FPA
 Full application for the development of 71 new residential dwellings (Use Class C3), including access, open space and landscaping details
 Land North West Of 20-26 Duchy Close, Consett
 DH8 5YT

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Comments

Date July 2024

Scale Not to Scale

Scale Not to Scale