

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03908/FPA
FULL APPLICATION DESCRIPTION:	Erection of 47 no. Dwellings with associated Infrastructure and Car Parking
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Recreation Land South East Of Bradley Close Urpeth
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This planning application relates to an area of open-space at Urpeth, a modern estate built from the 1960s around the former site of Low Urpeth Colliery at Ouston. The site, like the surrounding settlement, has been traditionally green-field previously undeveloped land with the former colliery extending as far as the areas of woodland that bound the site. The settlement of Urpeth is 2.3miles north-west of the centre of Chester-le-Street, being north of the A693 which runs east to west from the A1(M) at Chester-le-Street to Stanley and Leadgate, beyond. In the adopted Chester-le-Street District Local Plan, Urpeth and Ouston share a settlement boundary which is surrounded by designated Green Belt, the settlements wrapping around a large communal area of open space. The site is identified in the Local Plan for housing, with a woodland County Wildlife site (CWS) and maintained open space separating the two villages formed of mown grassland and unimproved scrubland joined and interlinked by a series of lit and unlit footpaths.
2. The land of the application site is broadly evenly divided between a gently falling flat plateau of improved mown grassland overlooked by Bradley Close and Leyburn Close, well used by the local community for a range of recreational purposes. This land includes the bases of removed play equipment. An area of unimproved scrub grassland overlooked by Middleham Close forms the remainder of the site, this land falling south east towards an open culvert that forms that boundary of the land. A public bridleway with street lighting runs along the north east boundary, within established hedging leading to The Cherry Tree public house, and a small convenience store behind which are a small area of further open space and a large private car park. These two businesses form the community facilities of the estate, residents relying on the nearby settlements of Ouston, Perkinsville, Pelton and Chester-le-Street for schools, shops, supermarkets and employment. The CWS

consists of woodland and unimproved grassland, which like the site includes informal tracks and paths in addition to the formal surfaced and street-lit paths that traverse the open space, connecting the two settlements and giving access through and around the various spaces.

3. The existing urban form of the estate reflects its various ages, with the surrounding perimeter main access road leading into a series of cul-de-sacs. All roads in the settlement are cul-de-sacs. In the larger, southern part of the settlement the layout is rectilinear, with straight roads and building lines leading to shared garage courts. The later, north part of the estate has buildings arranged along curves around shorter cul-de-sacs, and winding estate roads, designed to restrict vehicle speeds. Bradley Close, which leads to the site, is notable for its increased width, 7.2m, designed as a principal access road to carry more traffic than surrounding streets with their standard 4.8m widths.

The Proposal

4. Originally submitted for 79 dwellings, a revised previous application for 63 units was refused by Committee in March 2015. The current application, proposing 47 new dwellings is the result of extensive discussion with Officers, Local Ward Members, and the conclusions reached from a public consultation exercise carried out by the developer.
5. The defined development site boundary is set back from the Bradley Close elevation, giving a natural separation from that street. The open space provided within the scheme has been rearranged to sit at the site entrance and alongside the north-east boundary of the site, maintaining the view into the open area from the existing main estate access, separating built development from the hedged footpath and the CWS beyond, and giving a greater degree of separation from the public house and the existing dwellings in Bradley Close. This open space will be multi-functional providing for play and kick-about space, a buffer from the wildlife areas and keeping an open vista on the approach to the site from Bradley Close.
6. Footpath links have again been included in the redesign, to give a high degree of connectivity through the estate to the open areas for existing and proposed residents. A small buffer of public open space has been provided opposite existing dwellings in Leyburn Close to address concerns raised in the last application, and those dwellings proposed overlooked by existing dwellings in Middleham Close have been re-orientated to face out from the site, rather than turning away from the existing dwellings and footpath, leading into an additional area of open space that ensures the footpath remains of open appearance improving the perception of public safety.
7. The proposed houses are a mix of detached, semi-detached and mid-link units. Some housetypes include in-roof accommodation, and as a consequence are 1.5m higher than the units providing two floors of accommodation – these higher unit kept away from the boundaries proposed facing existing houses.
8. The application proposes affordable housing at the required rate of 15% to be retained in perpetuity by a section106 agreement, which also provides a sum for enhancement of the adjacent CWS. The previous application included a commuted sum for additional education provision at a nearby school – as this provision has been made in the period between the two planning applications, this sum is no longer required.

9. The application is reported to Committee as a 'major' housing scheme.

PLANNING HISTORY

10. The application for 63 units was refused by Planning Committee on 17 March 2015, for the following reason;

'The development is considered contrary to the National Planning Policy Framework Part 8 (Social interaction and access to high quality open spaces) and Policy HP4 of the Chester-le-Street Local Plan 2003 (saved Policies 2009) which includes the explicit provision for public open space to include for an equipped playground, Policy HP9 which requires development proposals to be well related to the surrounding area, respects its predominant character, setting and density and the requirements of Policy RL5 in terms of the provision of outdoor sport and recreational space in new residential development'.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the policy's weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
14. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 6 - Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
16. *NPPF Part 7 - Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 8 - Promoting Healthy Communities* - the planning system is considered to have an important role in facilitating social interaction and creating healthy,

inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

18. *NPPF Part 11 - Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
20. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
21. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
22. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
23. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
24. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.

25. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
26. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

LOCAL PLAN POLICY:

27. The Development Plan for the area is the Chester-le-Street Local Plan 2003, saved 2009, with proportionate weight given to the policies therein commensurate with their consistency with the NPPF, in line with paragraph 215 of that document.
28. *Policy NE8 - Sites of Nature Conservation Importance and Local Nature Reserves* - Planning permission will only be granted for development which; Enhances the designated site or, does not harm the nature conservation interest of the site, or minimises damage and provides for mitigation and replacement elsewhere.
29. *Policy HP4 Land Allocated for Residential Development* - identifies a number of potential housing sites including 'land adjacent to the Brooms Public House', suggesting a number of 42 dwellings, cross-referencing to the requirements of policies HP1 and HP2 (now expired policies) that set targets for housing land supply. The policy requires explicit provision for public open space provision to include an equipped children's playground and a playing pitch or kick-about area in line with Policies RL4 and 5.
30. *Policy HP9 - Residential Design Criteria (General)* - requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy HP13 - Affordable Housing* - sets a requirement for provision of affordable housing on sites of more than 15 units at a current rate of 15%.
32. *Policy RL4 - Standards for outdoor recreation and Sport* - seeks an overall provision of such across the former District Council's administrative area.
33. *Policy RL5 - Provision in New Developments* - subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least specified amounts of public open space and play provision, or a formula for providing a commuted sum for off-site provision through either a condition or planning obligation.
34. *Policy BE22 - Planning Obligations* - Chester le Street Council will enter into legal agreements to either enhance the quality of the proposed development or enable a proposal to go ahead that might otherwise be refused.
35. *Policy T8 - Car Parking Provision* - States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.

36. *Policy T15 - Access and Safety provisions in design* - Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

37. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015, concludes that the CDP is not sound in its current form. In light of this it is considered that no weight can be afforded to the CDP at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Highways* – County Highways Engineers note that the specification of Bradley Close is such that it appears that this estate road has been designed to accommodate a built extension into the site – it is concluded; ‘Bradley Close is certainly capable of accommodating the additional traffic generated by 47 additional dwellings’.
39. As this report is written minor changes to the proposed car parking layout have been agreed consisting of provision of additional 2 additional on-street visitor spaces and 3 additional visitor spaces on private driveways, which the Senior Engineer had confirmed that, ‘subject to these minor amendments I consider parking provision to be satisfactory’.
40. *Northumbrian Water* - have confirmed they have no issues to raise with the application, provided it is approved and carried out within strict accordance with the submitted Drainage Strategy Plan.

INTERNAL CONSULTEE RESPONSES:

41. *Ecology* – have examined the reports submitted by the applicant and concluded that the identified impacts on the adjacent Local Wildlife sites can be reasonably addressed through an ‘Off-site Ecology Contribution’ of £20,000 to enhance ecology on the adjacent County Wildlife sites, rather than a buffer zone on the site boundary.
42. *Rights of Way* – note the existing footpath abutting the east boundary of the site will be unaffected, with its openness retained by the siting of the proposed play areas. There are no rights of way across the site itself, and the number of access points proposed across the site ‘presumably’ mitigate against the loss of the existing unregistered paths existant on the land.

43. *Environmental Protection (Contamination)* – have assessed the available information and historical maps with respect to land contamination. The Phase 2 ground investigation report has identified made ground on the site, and therefore further works are required to further delineate and assess the potentially combustible made ground in one location on site, with remedial works proposed in the form of a cover system. A condition to ensure Investigation, Risk Assessment, Remediation and Verification is undertaken to the satisfaction of the Local Authority is suggested due to the fact that this development constitutes a change of use to a more sensitive receptor.
44. *Trees* - any trees affected and retained by the development need to be protected by fencing meeting the British Standard for trees in relation to construction and development.
45. *Housing* – write; ‘the Affordable Housing Statement submitted by the applicant proposes to deliver 7 on-site Affordable Homes as part of this proposal. These 7 units shall be split 70% Affordable Rent / 30% Discount Open Market Value - meaning that 5 dwellings will be Affordable Rent and 2 will be Discount Open Market Value. The Strategic Housing Market Assessment identifies a need for 15% affordable provision in the North Housing Delivery Area. The developer must be confident that they are able to partner with an ‘Registered Provider’ (RP) to take on the affordable rent units and therefore discussions with RPs should be commenced at the earliest opportunity to ensure the proposed product meets the RPs needs in terms of price, size and layout’.
46. *Education* – responded, ‘a development of 47 houses could ultimately produce an additional 14 primary school pupils and 6 additional secondary school pupils. There are sufficient primary and secondary school places in the area therefore no contributions from the developer will be requested for additional teaching accommodation’. They do however note that additional traffic from new pupils could exacerbate existing access problems at the nearest Primary School.
47. *Sustainability* – A list of the areas that should be included into the Sustainability assessment was set out by that section who noted that the applicant provides very little information pertaining to the energy performance of the dwellings. It is agreed that a fabric first approach should always be the initial way forward, with a further Sustainability Statement will therefore be required by condition.
48. *Drainage* – have accepted in regards to the approach to surface water control and disposal on site, taking into the previous and now updated Flood Risk Assessments, that it is appropriate to engineer the drainage scheme through the use of a soakaway/infiltration systems in the northern half of the site, and the restricted discharge and use of oversized pipes on the rest of the site. They have agreed with the developer’s Drainage Engineers that this can be achieved through a pre-commencement condition.

PUBLIC RESPONSES:

49. Neighbours have been consulted, with 283 letters sent out, site notices were posted on and around the area, and a press notice was published in The Northern Echo. 17 objections have been received to the revised scheme, compared to 71 for the previous scheme.
50. Objectors to the scheme have a wide range of concerns, most consistent with those raised previously. One of the two principle issues for those who have written are the traffic implications of the new proposals – both in terms of the volume of additional

traffic proposed using Bradley Close - up to 111 extra vehicles, and the potential for parking on the currently open side of the cul-de-sac that overlooks the public open space to obstruct the use of drives to existing dwellings. Objectors contend Bradley Close is already abused by fast drivers and the proposals will exacerbate this. For some residents in Bradley Close who overlook the site there is also concern that there is no direct link between this roadside and the frontages of those dwellings proposed to face over it. Parking provision is described as inadequate and inappropriate. A number of correspondents suggest a different access through another part of the estate. No specific provision is made for cyclists in the scheme.

51. The potentially 'catastrophic' loss of the open space, presented as a Village Green, is also a headline concern of objectors, the existing open space a valued community facility used for leisure, community purposes, play, dog walking, a fairground and fireworks, although one resident complains of existing nuisance from ball-games, day and night. A number of letters connect the potential loss of the land to exacerbating obesity issues. The location of the proposed play areas and the lack of detail on their content is not considered satisfactory.
52. The potential for flooding issues, either in exacerbating existing issues, or causing problems for the new site is a concern for some, with coal mining legacy issues, both from underground voids and potential for gas emissions putting new dwellings at risk are further technical concerns.
53. The proposed house types, materials, layout, density and enclosure of the proposed dwellings are considered out of character with the surrounding developments, with too many dwellings shown, contrary to development plan policies. Local services and facilities – shops, doctors and schools – are considered remote and oversubscribed, with bus services insufficient. The lack of Education provision within the scheme is unacceptable. The need for the houses is questioned. Existing properties are likely to be devalued.
54. Residential amenity is contended to be likely compromise by the presence and proximity of new dwellings on the south-west boundary of the site, with buffer zones required.
55. One resident repeats a previous contention that the social housing is likely to attract social deprivation leading to an increase in crime and disorder.
56. Existing wildlife interests will be detrimentally affected.
57. The likely effects of building works are unacceptable.

APPLICANTS STATEMENT:

58. The applicant writes; 'Following the refusal of Persimmon Homes' application in April 2015 for 63 units on land to the south west of Bradley Close, Urpeth, Persimmon Homes, following significant dialogue with Local Residents, Local Councillors and Durham County Planning Officers at both the pre-application stage and during the determination process, which included a public consultation event in which over 445 leaflets were delivered to surrounding properties requesting peoples attendance, the scheme has been revised to address the concerns raised at all levels and reasons for refusal previously received.
59. The revised scheme proposes the development of 47 units at a reduced density of 24 dwellings per hectare in order to greater reflect the character of the surrounding area as to create an appropriate sustainable development for the local area.

60. As part of the application process a number of internal and external statutory consultees such as Highways and Traffic Generation, Drainage and Education have all been consulted. It is to be noted that there are no outstanding objections from these parties and where some concerns have been raised, significant discussions with both the case officer and consultee have been carried out on how these concerns are to be dealt with at the varying stages of the planning process.
61. It is evident that the level of consultation and public involvement has been successful. The level of objection from local residents has reduced by 70% compared to the original application, from 71 objections down to now only 15. It is therefore clear that Persimmon Homes through varying methods of consultation at various stages of the planning process has been successful in addressing many of the concerns raised by the local residents and that the proposed development now meets the expectations and requirements of the existing residents of Urpeth Grange.
62. The application is also supported by a revised Flood Risk Assessment and Drainage Strategy which supports the development of the site and conclude that through the use of a soakway / infiltration system to the north of the site and a restricted surface water run of rate to the south via oversized storage pipes the development of the site will result in the positive collection of rainfall which alongside the removal of localised depressions will remove the potential for surface flooding within the site.
63. It is important to note that the proposed drainage scheme has been designed in a way which includes the storage provision for not only a 1 in 30 year storm event but also a 1 in 100 year storm event so is capable of dealing with any extreme increased levels of water on site. As identified within the Flood Risk Assessment, these measures will result in a betterment of both the movement and disposal of water from the site which in turn will reduce the risk of more localised flooding within the surrounding area.
64. From an economic perspective, the scheme is considered to have the potential to make a significant impact on the Local Economy. As well as providing the Council with circa £300,000 in New Homes Bonuses and approximately £50,000 per annum in additional Council Tax revenue, the development is also expected to result in an estimated additional £1,000,000 of gross household expenditure per annum. Over the course of the development, the scheme is expected to support 58 direct construction jobs and support a further 44 indirect jobs. It is therefore clear that the development will make a major contribution to the local economy and has the potential to support numerous local businesses.
65. The application proposed makes a positive contribution to the 'three dimensions to sustainable development' and therefore represents the sustainable development of an allocated housing site to meet the current and future housing needs of Ouston and the wider County Durham housing including both market and affordable housing in accordance with the NPPF. The revised design of the site highlights the significant efforts that have been carried out by Persimmon Homes in order to address the concerns of the Local Residents, Councillors and Planning Officers and as evidenced by the level of objections received, this has been successful.
66. As a sustainable residential development the application should benefit from the NPPF's presumption in favour of sustainable development and as there are no material planning reasons which have not been addressed or which cannot be addressed through planning conditions, it is politely requested that Councillors approve the scheme without delay'.

PLANNING CONSIDERATIONS AND ASSESSMENT

67. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, loss of open space and neighbouring amenity, impact upon its surroundings, highway safety and drainage.

Principle of the Development

68. The land has been identified in the adopted Chester-le-Street Local Plan 2003 (saved Policies 2009) as a housing site and recently likewise within the Strategic Housing Land Availability Assessment (SHLAA 2009/10) The Chester-le-Street Plan set a figure of 42 dwellings on the 1.9ha site, with an explicit provision for public open space that would include an equipped children's playground and a playing pitch or kick-about area. The SHLAA process concluded, 'the site is well contained within the settlement, providing access to local services including primary schools and a small shopping arcade. While development would result in a loss of play space the existing facilities are poor quality and development would allow reprovision in the vicinity to a higher standard, to mitigate for the loss'. The site was therefore again identified for housing development, as 'suitable', 'available' and 'deliverable'. The age of the Local Plan is such that its Policies have reducing weight, and the SHLAA, whilst a systemised assessment of land for housing purposes, is not a Policy document. Determination is therefore guided in the first instance by paragraph 14 of the NPPF, and its presumption in favour of sustainable development, 'unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of (the) this framework as a whole'.

69. The NPPF requires Planning Authorities to provide for a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The site as shown provides for a number of different house-types, including affordable housing at the required rate of 15%, thereby providing for an inclusive and mixed community, which is seen as a positive aspect of the development, contrary to the contention of one objector. The affordable dwellings will be 'tenure blind' and therefore will look the same as the rest of the development. The principle of development is consistent with its identification in Policy HP4.6 of the Local Plan as a housing site, with the current principle of developing the site led by the presumption in favour of development set out in the NPPF, as above.

70. In order to ensure that the proposed affordable housing is secured in perpetuity it will be necessary to enter into a section 106 legal agreement, and make the planning permission subject to this. A similar mechanism is required to link the planning approval to the payment of the offered Ecology contribution, described below. The NPPG and the Community Infrastructure Levy Regulations 2010 set out a series of tests that require such documents to be relevant, necessary, fair, directly related and reasonable to planning in scale and kind. All the elements of the proposed legal agreement to accompany any approval are considered to meet these tests.

Neighbouring Amenity and Open Space

71. The issue of neighbouring amenity has two main components; the general effect on the amenity of the residents of the neighbouring estate who use the land for recreational purposes and to access the wildlife site and further recreation land beyond, and the specific effects on the amenities of those residents who directly face onto the site.

72. General Amenity and Open Space:

The land as existing serves a variety of informal recreational functions. The top of the site is close mown grass, used by children for informal play - with excellent passive security from overlooking properties, and by dog-walkers using the land itself, and traversing it to access the footpaths, woodland and grassland beyond. The lower part of the site is scrubland crossed by informal footpaths. The potential capacity of the land for residential development was based to some degree on the requirement for provision of areas of open space, formal and informal play provision within a new development. The resubmitted design has provided specific areas for play and kick-about space, sited to double as a buffer to the woodland wildlife areas and public footpath. The details of the specific provision of play equipment and on-site definition of these areas is proposed deferred for agreement through condition, as usual. This is aligned with the site entrance to retain the open aspect of the existing entrance into the estate and views of the woodland / open areas, beyond, retaining the community focal point of the public house and convenience store. Small open space buffer zones have been included along the south-west boundary of the site, with plots 29 – 32 turned to face existing development, responding positively to previous concerns from neighbours on this boundary. These join with the open space running along the north-west boundary of the site. The extent of the various types of open space is now compliant with the requirements of Policy HP4.6. The scheme has excellent pedestrian permeability, allowing existing residents easy access to the extensive open space that separates Urpeth from Ouston. The land as existing is acknowledged as a valued open area, however it is not designated as a Village Green as claimed by some, nor subject to a Local Green Space designation. The land however has been zoned for housing development for some time; with the County Council including it within calculations to achieve the Government's require 5 year housing land supply. It is of relevance that whilst policy HP4 suggests the yield of the site as 42 units, with a layout including a range of open spaces and a buffer, at policy HP9 the Local Plan development sites are required to achieve a minimum net density of 30 dwellings per hectare. The proposed density is still below this figure, in the spirit of the Local Plan policy. The NPPF seeks to avoid prescriptive planning policies, whether they relate to settlement boundaries, or as in this case, specific capacities for sites – Policy HP4.6 being of reduced NPPF compliance on this point. The presumption in favour of sustainable development is considered the determining argument.

73. Residential Amenity:

The south-west boundary of the site has been subject to redesign, with properties in the new development now facing back towards Middleham Close and additional areas of open space giving separation between the existing and proposed developments. The development meets all the guidelines for separation distances. Loss of view and the presence of new dwellings are not viable planning objections likely to be defensible on appeal. The development meets the required standards of HP9 in so far as it relates to residential amenity.

Impact upon the Surrounding Area

74. Objectors contend that the character and layout of the proposed development does not fit in with that of the existing estate in terms of layout and the detailed layout of the scheme proposed. The layout of Urpeth reflects the fashions of the times it was built, with an evolution of linear angular road and dwelling layout to the west of the site, evolving to a winding highway layout with houses splayed around the road at the northern, most recent part of the settlement. The proposed street layout reflects both these characters on the appropriate boundaries of the site – straight and angular towards Leyburn and Middleham Closes and curved towards Bradley Close. The layout is considered to relate particularly well to the surrounding settlement in this respect.
75. Whilst the stock house-types of the developer are disappointing in appearance, the surrounding settlement, being of comparatively recent construction does not have a strong architectural character. The proposed houses are of a modern vernacular, and represent the current approach to the styles and types of housing, just as those visible on the two phases of the existing estate reflect the times they were built. Whilst the layout and house-types proposed contribute nothing new to the settlement, neither do they detract from it, and to this end meet the requirements of Policy HP9 where development must; 'Relate well to the surrounding area, respects its predominant character, street pattern, setting and density...'. That some gardens may not be open plan is not a level of detail that would undermine the character of the surrounding area as suggested by some objectors – good design is not the imposition of strict uniformity. The NPPF puts particular emphasis on the need for good design, and with a strong layout reflecting the existing character of the settlement, whilst providing good permeability for pedestrian movement and access to the extensive open space between the settlements, the proposal is considered acceptable against the requirements of Policy HP9 and the NPPF in this respect.

Highway Safety

76. As noted above, detail changes to the proposed highways layout have been agreed to provide additional visitor parking spaces across the scheme, bringing this wholly up to required County Highway Authority standards. As noted above the entrance to the estate from the perimeter road to Bradley Close has been engineered with a wide roadway to allow for potential additional capacity. Highways Engineers have suggested in the past that any local concerns at the effect of the speed of additional traffic along this stretch of existing highway could be addressed, if residents require, by erection of raised 'table-tops' in the existing road surface. One is incorporated inside the entrance to the development, the other, in the existing public highway would have to be done separate from the development, with a consultation exercise with all affected parties.
77. The residents of the part of Bradley Close that overlooks the site have raised specific concerns at the potential for new traffic from the development site to obstruct their driveways because of the specification of the road. This is not consistent with neighbour comments that the cul-de-sac spur, a standard estate road width at this point, is occasionally already well used by patrons of the public house. The Police have control over any vehicle that obstructs a public highway, and there are no special circumstances to indicate there may be a specific problem in this location.
78. The layout and capacity implications of the proposed scheme have been assessed in detail and are considered acceptable, in compliance with policies T8 and T15 of the Local Plan.

Other considerations

79. The scheme is supported by a revised Flood Risk Assessment and Drainage Strategy which proposes a soakaway / infiltration system to the north of the site and a restricted surface water run-off rate to the south via oversized storage pipes. The development of the site will result in the positive collection of rainfall which alongside the removal of localised depressions will remove the potential for surface flooding within the site. The proposed drainage scheme has been designed in a way which includes on-site storage for a 1 in 100 year storm event resulting in an appropriate drainage scheme for the site and additional capacity in the drainage system of the surrounding area, which suffers from localised drainage issues. Both the Council's Drainage and Coastal Protection Officers and Northumbrian Water raise no objection to the scheme, subject to a condition that it is implemented in accordance with the detailed calculations set out in the Flood Risk Report.
80. Some residents have raised the potential of issues of land stability and gas issues resulting from the area's coal mining past. The applicant has submitted the required geotechnical desk and site investigations, and again subject to conditions for further site assessment and remediation where required, Environmental Protection Officers recommend that the scheme is acceptable.
81. Ecology Officers consider the effects of the development on local wildlife interests can be mitigated by provision of a financial sum - £20,000 in this case – to improve biodiversity in the immediate area of the site. The developer has offered and included for this provision within the submitted application.
82. Since the last application, the County Council as Local Education Authority has committed to investment in the local school at Ouston. It is the advice of the Education Department that there is therefore no basis to require a contribution to such from the developer, as there is now forward capacity in the local school system.
83. The facilities in the village of Urpeth are basic, however it is not unusual for settlements to rely on a network and hierarchy of settlements for goods, services and community facilities. The existing settlement relies on Ouston and beyond for its educational facilities, and likewise Ouston, Perkinsville, Pelton and Chester-le-Street for wider services. In a modern commuter settlement such as Urpeth this is not unusual, and not a reason to refuse the development. The 47 houses proposed will bring additional income into the surrounding economy.
84. In terms of footpaths, the NPPF advises planning policies should protect and enhance rights of way and access. No public footpaths cross the land. Both for residential amenity and for pedestrians, the site has been designed to better protect the amenity and character of the footpaths that runs alongside its boundaries. Whilst The Council's Footpaths Officers note the potential for claims for the various desire line and informal paths evident on aerial photographs of the lower part of the site in particular, none has been notified as being formally claimed at this point in time. The site has excellent permeability allowing pedestrian access across from the existing estate to the open areas beyond, and across from the bottom of the site to the communal facilities.
85. The development phase of the scheme if approved will provide 102 direct and indirect jobs, with the developer setting out other potential economic benefits in their statement, above. Economic sustainability is one of the three dimensions of sustainable development set out in the NPPF, and as such these economic benefits must be given material weight in the planning consideration.

86. A fabric first approach is proposed, with the Sustainability Officer recommending a standard condition to ensure this is carried through to the build process.
87. Members will be aware that the potential devaluation of property values is an issue given no weight in the planning determination. Likewise, the planning system is detached from the housing market, and therefore the availability of dwellings in the vicinity of the site is not of material weight – the Government’s requirement to have a quantifiable 5 year housing supply of housing land to address the national housing shortage is however an imperative of the decision.
88. Whilst the access road into the site is particularly wide, the development phase of the scheme if approved, will undoubtedly bring disruption and inconvenience to local residents. A standard condition to help mitigate this issue is appended to the suggested conditions list.

CONCLUSION

89. Acknowledging that the proposed development site is currently used a valued open space by the existing community, it has nonetheless been historically identified as a housing site. The site has been considered as a sustainable location through a systematic assessment in the SHLAA. The development proposals have been reduced from 79 to 63 units on previous applications, to the 47 now proposed. The NPPF’s flexible approach to assessment of development proposals does not allow for stringent adherence to the 42 dwelling capacity outlined in the Local Plan Policy. The developer has responded to previous criticisms on the extent of its consultation with local residents and included local Ward Members in pre-application discussions.
90. The proposed revised scheme, at a lower density than previous, responds well to the surrounding settlement in terms of layout, retains previous layouts excellent pedestrian permeability, makes specific provision for areas of kick about and play space, and meets technical consultees’ requirements for highways, drainage, coal mining legacy issues and sustainability.
91. The loss of the open area is balanced by the public open space and play provision proposed by the new development. The various strands of the sustainability issues set out in the main body of the report are such that the development is considered sustainable, with the NPPF advising that in the absence of adverse impact that significantly and demonstrably outweigh the benefits, the Council as Local planning authority should approved the proposals, ‘without delay’.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a section 106 agreement providing for:

- Securing within the scheme the provision of 15% affordable housing
- A contribution of £20,000 for ecology enhancements in the immediate vicinity of the site

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

OU-001 Rev.G Amended Proposed Housing Layout

SGD-01 Single / Double Garage

SGD-02 Triple Garage

MR-WD01 rev.K Morden Housetype

HT-WD01 rev.R Hatfield Housetype

HTC-WD01 rev.L Hatfield Housetype

CD-WD01 rev.N Chedworth Housetype

LY-WD01 rev.M Lumley Housetype

RS-WD01 rev.S Roseberry Housetype

KL-WD01 rev.D Kendal Housetype

SU-WD01 rev.S Souter Housetype

RF-WD01 rev.R Rufford Housetype

HB-WD01 rev.P Hanbury Housetype

Flood Risk Assessment and updated Flood Risk Assessment and appendices, Patrick Parsons, Consulting Engineers, Ref: N13145

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies NE8, HP9, HP13, RL4, RL5, BE22, T8 and T15 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and retaining structures, fenestration, rainwater goods and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

4. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings (if any), with the details of any proposed retaining structures shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policy HP9 of the Chester-le-Street Local Plan, 2003 (saved Policies 2009)

5. For contamination,
Pre-Commencement

(a) A further Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified

that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.7.

6. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence

Reason: To further embed sustainability into the scheme as approved, as required by the National Planning Policy Framework

7. Details of all surface water drainage proposals (drawings, calculations, site specific flood risk assessment) must be submitted to the Local planning authority for approval in writing, before commencement of development, and thereafter implemented in full accordance with said agreed scheme.

Reason: To ensure proper drainage of the site in accordance with The National Planning Policy Framework

8. For foul drainage, the development shall be implemented in full accordance with with the drainage scheme contained within the submitted document entitled "Drainage Strategy Plan". The drainage scheme shall ensure that foul flows discharge at or between manholes 1403 & 1502, and ensure that surface water discharges to the watercourse via the surface water sewer within the site.

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

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

- On site protection measures and root protection zones, compliant with the relevant British Standards to protect the hedge alongside the footpath on the north-east boundary of the site. The footpath must be kept open at all times.
- Details of hard and soft landscaping including planting species, sizes, layout, densities and numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.

- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. to include replacement if the landscaping fails within a period of 5 years from its implementation.

The local planning authority shall be notified in advance of the start on site date and the completion date of all landscaping works.

Reason: To ensure a satisfactory form of development, compliant with Policy HP9 of the Chester-le-Street Local Plan 2003 (saved policies 2009)

10. The developer must submit details of the construction, layout, specification and maintenance arrangements for the approved kick about and play areas to be provided on the site, with these facilities to be completed in full before the substantial construction of the last dwelling to be erected on the site.

Reason: to meet the requirements for specific play provision for residents of the scheme, in accordance with Policy H4.6 of the Chester-le-Street Local Plan 2003 (saved policies 2009), and the NPPF

11. The proposed estate roads must be designed and constructed to meet current highway design standards. No development shall commence until plans showing full engineering details of the proposed estate roads and a scheme of implementation have been submitted to and approved by the local planning authority. The proposed development shall not be occupied until the estate roads have been constructed in accordance with the submitted scheme of implementation and approved plans.

Reason: To ensure highway safety and a satisfactory form of development, in accordance with Policies T8 and T15 of the Chester-le-Street Local Plan 2003 (saved policies 2009)

12. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No noisy works should be carried out on a Sunday or a Bank Holiday.

Reason: In the interest of residential amenity

STATEMENT OF PROACTIVE ENGAGEMENT

1. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF.

BACKGROUND PAPERS

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

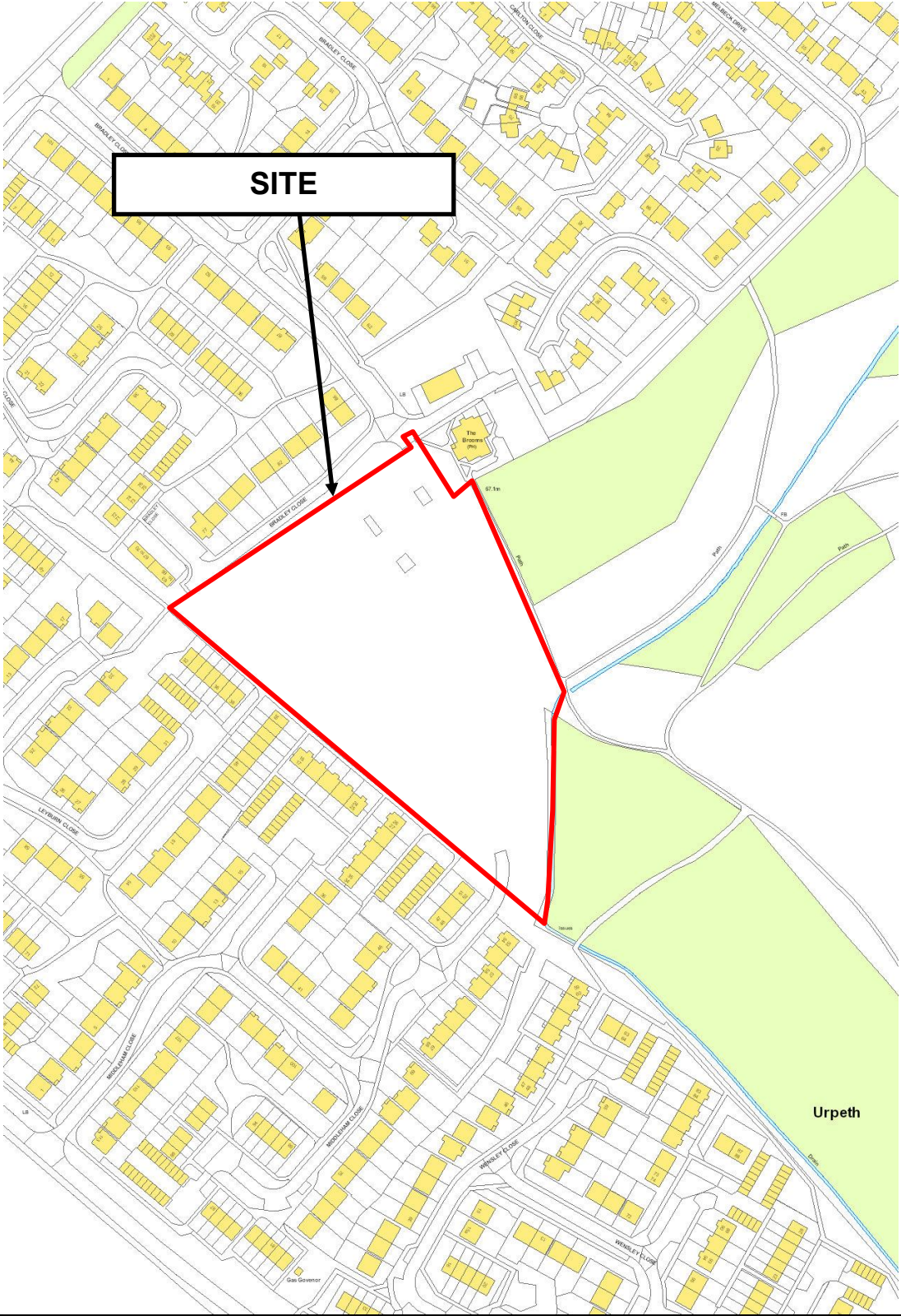
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street Local Plan (saved policies 2009)

The County Durham Strategic Housing Land Assessment

Statutory, internal and public consultation responses



Planning Services

Recreation Land South East Of Bradley Close, Urpeth

Application Number DM/15/03908/FPA

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Comments

Date 25th February 2016

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