

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION No:</b>	DM/16/00986/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for residential development of up to 21 units, including details of site access
<b>NAME OF APPLICANT:</b>	Mrs Karen Archer
<b>ADDRESS:</b>	Land to the rear of 1 To 8 Wesley Terrace Castleside Industrial Estate Castleside DH8 9QB
<b>ELECTORAL DIVISION:</b>	Castleside Steve France Senior Planning Officer
<b>CASE OFFICER:</b>	Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site is 0.64ha of sloping unimproved open grassland, formerly included within the area of Castleside Industrial Estate at Moorside, between Consett and Castleside. The land fronts onto the A692 that connects those two settlements, being surrounded on three sides by existing residential development – modern detached and semis, post-war semis and detached Victorian – all of which backs onto the site. The remaining boundary is shared with the access road to the industrial and commercial buildings in the employment area - a designated Public Right of Way runs on this boundary, the path of which is included within the site boundary as it runs along the rear of the new housing development of Wesley Lea. Site features are restricted to two areas of unmaintained scrub on the south and west site boundaries.

### The Proposal

2. The application is outline form, proposing the principle of residential development, and the detail of the site access. An 'indicative' site plan has been provided with a suggested layout to show the land is capable of accommodating the quantum of development suggested.
3. The application is reported to Committee as a 'major' development.

---

## PLANNING HISTORY

---

4. The site has no relevant history.

---

## PLANNING POLICY

---

### NATIONAL POLICY

5. 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.
6. 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'.
7. 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 weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *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.
10. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change.*  
Applicants for energy development need not demonstrate the overall need for renewable or low-carbon energy. Small scale projects provide a valuable contribution to cutting green-house gas emissions. Applications should be approved if the impacts are considered acceptable.

### NATIONAL PLANNING PRACTICE GUIDANCE:

12. The 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.

13. *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.
14. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

#### **LOCAL PLAN POLICY:**

15. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
16. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
17. *Policy HO22 – Recreational Public Open Space within Housing Sites*, requires provision of such, or monies in lieu of such provision, in new residential developments.
18. *Policy EN26 – Control of Development Causing Pollution* – permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, seeking to ensure highway safety in new development.

#### **RELEVANT EMERGING POLICY:**

20. 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

*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:**

21. *Highways* – County Highways Engineers have pointed out the site access is indicated on the drawing to be served from the adopted highway, positioned 45m south of the A692 junction centre line and 30m north west of the junction centre line at the industrial estate unit access. The existing highways are subject to a 30mph speed limit. The site has good access onto the A692, the visibility requirements for the proposed junction are acceptable. The proposed access road would be designed to a 4.8m carriageway width with 6m junction radii. There would not appear to be any Highway Development Management reasons to object to these outline proposals for the site access which are therefore deemed to be acceptable.
22. *Northumbrian Water* – note the lack of detail regarding flow management and request a condition be added to any approval to ensure these issues are addressed in a detailed proposal.

### **INTERNAL CONSULTEE RESPONSES:**

23. *Drainage and Coastal Protection* – Consistent with Northumbrian Water, note the lack of detailed information at this stage of the process, and to ensure the applicant complies with the Councils requirement to uphold sustainable drainage systems wherever possible require further information for a detailed proposal.
24. *Sustainability* – Note the relatively good access for community facilities and the loss of open amenity space. The development is not within the catchment of regional/national employment and retail, but next to local employment. No objection is raised to the location. A condition is suggested to ensure embedded sustainability.

### **PUBLIC RESPONSES:**

25. Thirty-four neighbours have been consulted by way of direct mail and a press notice was published in The Northern Echo. One objection has been received from a dwelling in the new housing development to the south, whose gable shares a boundary with the site. That correspondent contends the greenfield site is used by residents and tourists for recreation and dog-walking, would diminish the view from the new development, and be prominent within the village. Residents of the new estate paid a premium for the surrounding views and natural space. The relationship of the new dwellings to the objector's house compromises privacy.

### **APPLICANTS STATEMENT:**

26. The driver for the proposed layout is the steep embankment running along the Northern edge of the site. This is considered too steep for private drive access off the industrial estate service. Proposals are to develop this strip of land as a landscape buffer to screen the industrial estate and to define a natural landscape corridor along the existing footpath.
27. The feasibility study indicates a minimum figure of 21 units for the site. The housing mix is generic, based on generous footprints sizes for 2 and 3 bed properties. Most properties are semi-detached, providing private external access to the rear gardens.

28. The indicative planning drawing 225-sk-010216-01b demonstrates the feasibility of developing the site around a Type 3 access road. Planning guidelines have been followed to ensure privacy is provided between principle elevations.
29. The scale and character of the site is designed to reflect the recent residential development adjacent to the site (Wesley Lea). The layout also reflects the linear arrangements of the older properties along Wesley Terrace and on the Consett Road (A692). The proposed estate is inward facing with most of the properties fronting onto the shared access road and creating a communal space, offering good surveillance over the road and adjacent public green spaces.
30. Particular attention has been paid to the siting of the houses adjacent to the existing developments to avoid issues of overlooking and privacy, with rear gardens providing a buffer zone between the proposed and existing properties. The newer Wesley Lea estate to the South is elevated above the proposed development. Existing rear fences to these properties address issues of privacy and overlooking.

*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 <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

31. 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, and its relationship to surrounding, existing land-uses.

### Principle of the Development

32. The development is, and has historically been undeveloped – therefore ‘greenfield’. Without an up-to-date development plan – the County Plan has been withdrawn and the Derwentside District Local Plan has no relevant policies – and therefore in the absence of the preferred ‘plan-led’ approach to new housing development, the Council must consider each proposed housing site on its own merits. The advice for the principle of development therefore reverts to paragraph 14 of the NPPF which advises that where the development plan is silent or out of date sustainable development should be approved, ‘without delay’ unless ‘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’.
33. The Government’s key housing objective and one which LPA’s are expected to deliver is to increase significantly the delivery of new homes. The NPPF states that everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live.
34. The application site within a hierarchy of interrelated urban areas connected by major roads is well served by sustainable transport opportunities – both in terms of pedestrian and public transport access to goods, services and facilities. Positioned within an existing established settlement with its own range of facilities, closely associated with larger settlements providing for a wider range of such, the site is considered in principle, locationally sustainable and therefore an acceptable residential development site.

## Highway Safety

35. Highways Engineers raise no objections to the proposals, the outline application having included the details of the proposed site access for approval, and set out an indicative layout to show that the number of properties proposed could be serviced in a manner that meets adopted County Highways Standards for layout and parking. The scheme therefore meets the requirements of Policy TR2.

## Impact upon the Surrounding Area

36. The development will result in the loss of green-field land that will be used to some extent by local residents for amenity. The site is rough grassland, so this will be mainly restricted to dog-walking related activities. The use of the site by tourists is considered unlikely. The site is not designated as open space and its use as a community facility is both informal and low intensity. The current use is therefore not considered such as would be able to support a viable refusal reason.

## Neighbouring Amenity

37. One neighbour has written objecting to the proposals, raising a number of concerns, as outlined above. The objector's house's gable shares a boundary with the site, and because of the ground levels of that development has been set atop a retaining wall. That dwelling has no gable windows. With the scheme proposed in outline, and the submitted layout only 'indicative', the exact relationship cannot be ascertained – but given the difference in ground-levels and the orientation of the existing, the effect on residential amenity can be confidently assessed as not unreasonable.
38. With loss of view and devaluation of property given no weight in the planning process, particularly when taking into account the aspect and orientation of the existing dwelling, these raised concerns are given no weight in the determination.
39. The proposals are considered compliant with Policy GDP1(h) of the development Plan in this respect.

## Amenity of Future Occupiers

40. The site visit carried out during the application process noted the presence of air-conditioning units on the nearest commercial unit in the industrial estate, potentially in 24 hour operation. The extent to which these may impinge on residential amenity must be taken into account in the decision making process, and the degree to which they may affect the new residents.
41. The NPPG states that neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development – the issue therefore be in the standard weighted balance of the planning assessment. The surrounding existing noise environment includes both the operations of the Industrial Estate and traffic noise from the adjacent A692 which is used by heavy traffic to access the main A68 as it passes through Castleside to the west. There are comparable established relationships between the noise source (the air-conditioning units) and the same class of 'sensitive receptors' (the existing dwellings – traditional and new-build), without any record of complaint on this issue. On this basis the proposed relationship is considered acceptable – but to ensure that the issue is fully taken into account a condition is proposed to require the detailed proposals to be accompanied by an

assessment of this issue by a competent, qualified assessor, and provision of any mitigation that that report deems appropriate. In the context of the wider benefits of the scheme, this element of the proposals is considered capable of being addressed by condition.

## Planning Obligations

42. The application proposes an amount of development that would lead to a requirement for provision of affordable housing within a detailed scheme. The applicant has submitted a section 106 legal agreement to ensure this provision, with the recommendation for approval that follows conditional on this being completed. The requirement for a legal agreement has been tested against the requirements for such set out in the NPPG as, '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'.
43. As an 'outline' scheme, the detailed layout that may be proposed is not known at this stage. There are policies to ensure provision of open space within 'major' new housing schemes, or monies in lieu of such where no on-site provision is proposed as required by Policy HO22 of the development Plan. The potential for the latter must be included within the aforementioned legal agreement. Again, the requirement has been assessed against the tests set out in the preceding paragraph, and is again considered, 'necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'.

## Other considerations

44. The site is, and has historically been a 'greenfield' site, and therefore has no contamination issues. Historic coal mining records do not indicate any shallow mine-workings on, or in the proximity of the site.
45. The site has a designated Public Right of Way running along one boundary of the site, which should be unaffected by the proposed layout. Any obstruction however would constitute an offence over which the Council have control.
46. No ecology interests have been identified on the site. The small areas of existing bushes/scrub may have nesting potential. An 'informative' to remind a developer of the Protective Species legislation and the timing restrictions on works to this flora is proposed as part of any approval.
47. Conditions are also proposed to ensure provision of the required physical sustainability measures required by the Council's Sustainability Officers, and to meet the technical requirements of Drainage Officers, ensuring the proposals are in accordance with Policy GDP1 of the Development Plan.
48. Whilst as an outline application the economic benefits of the development at this stage cannot be quantified, the scheme will bring economic benefits both to the building supply chain, and to housing supply in County Durham.

---

## CONCLUSION

---

49. The application site is within an established urban area, with immediately adjacent access to employment opportunities and good links to goods, services and facilities within the immediate and adjacent settlements. The site is considered to be in a sustainable location, with the implicit presumption in favour of the decision that this brings.
50. The development will bring economic benefits through the construction period and to housing land supply and delivery in the County. The NPPF advises that such site should be approved 'without delay' unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits', when assessed against the NPPF as a whole.
51. Whilst the development of 'brown-field' sites is preferred, in the absence of a plan led policy environment, the merits of 'green-field' proposals must be considered, and refused only where there are the above mentioned significant and demonstrable adverse impacts. In this instance both the effect on existing residential amenity and the relationship to the adjacent noise source have been respectively weighted in the process and are not such that they would lead to a recommendation for refusal.
52. On the basis of an approval that ensures the provision of affordable housing and public open space the scheme is recommended positively.

---

## RECOMMENDATION

---

53. That the application be **APPROVED** subject to the following conditions/reasons and the applicant entering into a Section 106 legal agreement to ensure the delivery of affordable housing on the site, and monies in lieu of on-site play- and open-space provision, if such facilities are not included within the detailed layout of any reserved matters application following this approval.

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

*Reason:* Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

*Reason:* Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:  
225-PL-01 – Proposed Access



*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy

4. 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 ensure that sustainability is fully embedded within the development as required by the NPPF.

5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

6. Before development commences, a written scheme of drainage must be submitted to and approved in writing by the Local planning authority, with sustainable drainage systems provided unless demonstrated to be inappropriate. The development must thereafter be implemented in full accordance with said written agreement.

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

7. The reserved matters application must be accompanied by a noise assessment by a competent, qualified assessor, investigating any potential effects noise from the air-conditioning plant sited on the nearest industrial unit on the Industrial Estate on the proposed residential dwellings occupant's amenity, with specific, detailed recommendations for mitigation as appropriate in the new development on identified dwellings. The reserved matters application must detail any mitigation proposed, and said mitigation must be implemented in full on each identified dwelling before it is occupied, and retained on said property in perpetuity. The assessment and recommendations must be submitted to and approved in writing by the Local planning authority alongside the Reserved Matters application.

*Reason:* To ensure residential amenity in accordance with Policy GDP1(h) of the Derwentside District Local Plan 1997 (saved Policies 2009), and the advice set out in the NPPF and NPPG.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

54. 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**

---

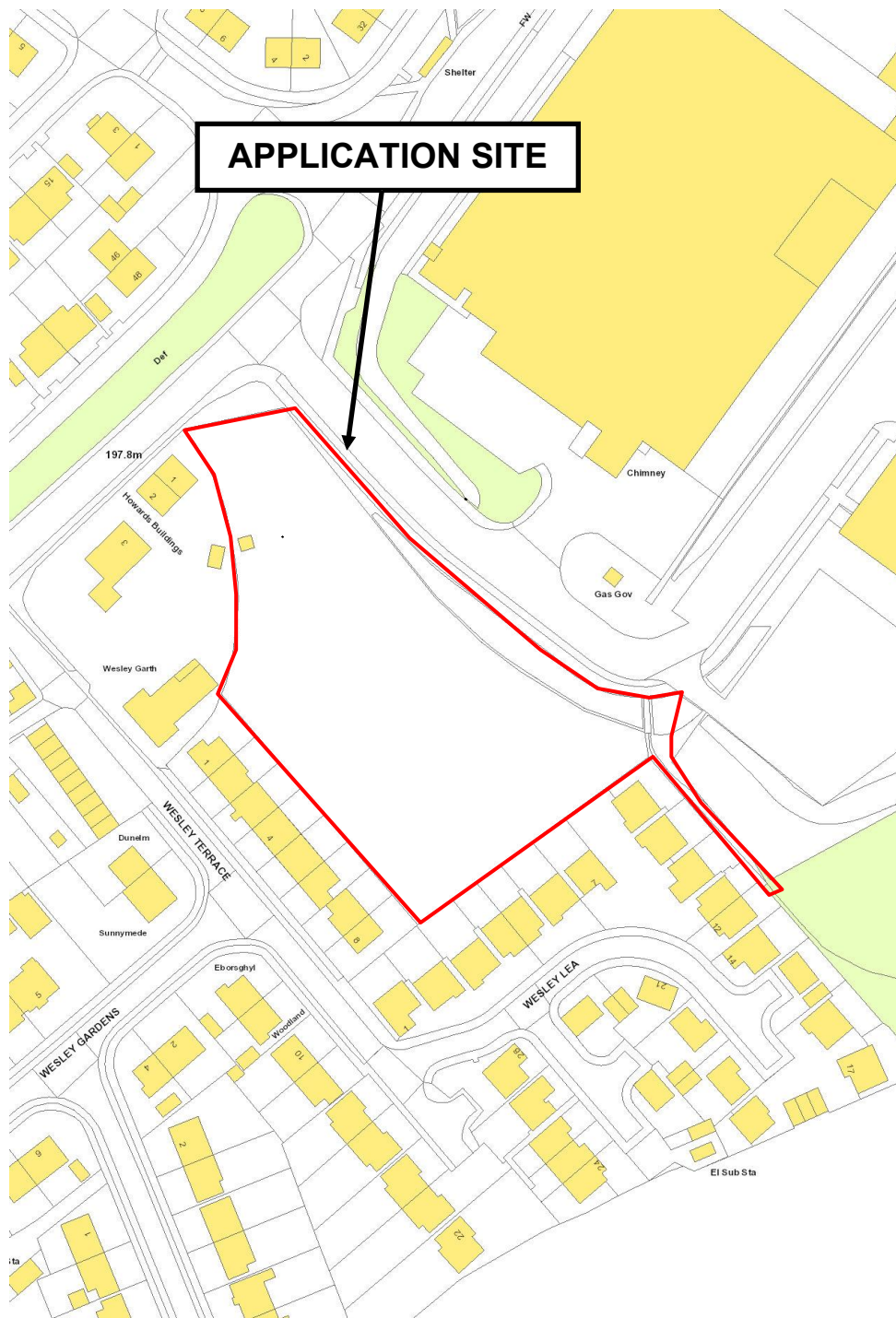
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



**Planning Services**

Land To The Rear Of 1 To 8 Wesley Terrace, Castleside Industrial Estate, Castleside, DH8 9QB

Application Number DM/16/00986/OUT

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date** 19<sup>th</sup> May 2016

**Scale** 1:1250