

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/17/00479/OUT |
| FULL APPLICATION DESCRIPTION: | Outline planning application for 14 self-build plots, with all other matters (except access) reserved. |
| NAME OF APPLICANT: | Akenside Development Company Ltd |
| ADDRESS: | Land To The West Of Syke Road Burnopfield |
| ELECTORAL DIVISION: | Burnopfield and Dipton |
| CASE OFFICER: | Steve France, Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The proposed development site is 1.93 hectares of land adjacent Syke Road near the entrance to Burnopfield at Lintz, approaching the village from the south and Pickering Nook. The settlement is described as a 'local service centre' in the County Durham Settlement Study, 2012. The nearest main towns are Consett, 4.7 miles to the south-west and Stanley 2.6 miles to the south east.
2. The site is located south of the south side of the village, separated by the extent of the Barratts application for 75 new dwellings discussed elsewhere on this agenda which, like the application site, is currently formed of open scrub land. The nearest housing areas are, with one small exception at the western part of the settlement boundary, local authority built. The exception is a small development of ten dwellings arranged in two terraces that has been erected by the applicant of the parallel proposal on a former pub site. The existing housing estates benefit from large areas of open space, including formal play provision, football and cricket pitches.
3. The application site land has the appearance of reclaimed industrial land, is a natural post Glacial natural valley feature, known as the 'Boggle Hole'. This site is proposed formed on the regraded slopes of the land that currently falls sharply west away from Syke Road with the natural valley of the Boggle Hole built up with material from the plateau that forms the Barratts site.

The Proposal

4. The proposed site is in its own right detached from the village, but would potentially form a logical adjunct to the proposed development by Barratts if that development was approved. The two proposals overlap with a common proposed vehicular and pedestrian highway located on top of the extensively remodelled landform, accessed

from a single point on Syke Road at the southern entrance to Burnopfield. The proposed access road follows the line of the current existing depression that runs north/south across the site, from its most northern point, closest to the existing settlement. The depression would be significantly raised and incorporate a common drainage system for the two developments.

5. This application is in 'outline' form, and seeks approval for principle of the erection of 14 new detached dwellings, with detailed approval sought for the access and highways element of the proposals. Indicative layouts and elevations have been provided for information, but these are not for current assessment or consideration.

6. The applicants propose to,

'offer to Design and Build each house from the starting point of a range of indicative house types. Buyers may also elect to build their own homes under a Design Code which will be submitted and agreed with the Planning Authority under reserved matters'.

7. The application is reported to Committee as a 'major' proposal of more than 9 units.

PLANNING HISTORY

8. The history of planning applications relates only to an abortive first attempt at the current scheme, withdrawn when complications resulting from the extent of the proposed groundworks became apparent outside the defined planning unit. Site boundaries have been withdrawn to address this issue in this resubmitted application so that this and the Barratts applications overlap in extent in so far as their implications for the land-forming required, and the common site access and drainage schemes required.
9. The development potential of the site as part of a wider area of land had been assessed through the SHLAA (Strategic Housing Land Availability Assessment) process, where it was concluded 'green' in the traffic-light system.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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'.
12. 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.

The following elements of the NPPF are considered relevant to this proposal;

13. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change* – Advises on managing flood-risk, taking into account the impacts of climate change through use of the sequential test, ensuring flood risk is not displaced and informing proposals through a site specific Flood Risk Assessment.
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.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. 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.
21. *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, enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
22. *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.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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:

28. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
29. *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.
30. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
31. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
32. *Policy TR3 – Cycling* – Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

RELEVANT EMERGING POLICY:

33. 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 from examination. In the light of this, policies of the CDP can no longer carry any weight 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:

34. *Highways* – The scheme has been redesigned to incorporate a protected right-hand-turn and alterations to the highway to match on the site access on Syke Road at the request of County Highways Engineers. The internal layout of the scheme has been confirmed as acceptable, having been redesigned to incorporate additional on-street parking.

35. *Northumbrian Water* – Have no objection to the proposal but request a requiring submission of a detailed drainage scheme for foul and surface water control for detailed approval.

EXTERNAL CONSULTEE RESPONSES:

36. *The Coal Authority* – The Coal Authority is satisfied in principle of the remedial measures proposed for site as considered with that adjacent, subject to the nature and extent of these works being agreed with the Permitting Section of the Coal Authority. They recommend a Planning Condition should planning permission be granted for the proposed development, to ensure that these remedial works are undertaken on site prior to commencement of development.

INTERNAL CONSULTEE RESPONSES:

37. *Spatial Policy* - The starting point for considering this proposal is the relevant development plan - the Derwentside Local Plan. The proposal conflicts with Policies EN1 and EN2 of the Local Plan. While these policies have been upheld in recent appeal decisions, they nonetheless impact on housing supply and their weight is therefore reduced in accordance with Paragraph 49 of the NPPF. Policy GDP1 and TR2 also apply and achieve some consistency with national planning objectives - they can therefore be considered in the balance.
38. In accordance with the NPPF the proposal must be considered in the context of Paragraph 14 of NPPF in order to determine the acceptability of the proposal for the reasons set out above. The adverse impacts of approving the scheme must significantly and demonstrably outweigh the benefits of the scheme.
39. The Framework identifies a number of material considerations, which include the need to have an up-to-date 5 year supply of housing land sufficient to meet the identified need and to “boost significantly” the supply of housing. While these are matters to put into the planning balance, they must be balanced against the Framework as a whole to ensure good quality new development.
40. *Landscape* – advise that the depression through the site, known as ‘the Boggle Hole’ is part of a ‘notable’ natural drainage feature. There are no landscape designations affecting the site. The proposals would entail heavy modification of the natural topography, raising the floor of the valley and creating a shallower feature, with the effect ‘on the local landscape of development in that area as being of a high magnitude/moderate-substantial significance’. Potential conflict with Policy GDP1 is identified as the site is not sensitive to the existing landscape and natural features.
41. *Archaeology* - initial comments requesting implementation of the physical investigation of the site in line with the applicant’s submitted report led to a site investigation with evidence of prehistoric remains on the site. A condition is suggested to ensure the additional actions required as a result of this.
42. *Drainage and Coastal Protection* – requested additional details of the scheme and proof of its sustainable credentials, to include details of: Greenfield run-off rates, Intercepting surface water from The Meadows, Overland Flows, Future Development ‘proofing’. These were provided to Engineer’s satisfaction, with the details of the proposed provision set out below, in the main body of this report.
43. *Public Rights of Way* – Public footpath no. 183 Stanley abuts the southern boundary of the site. If any disruption to the footpath is anticipated, we must be informed well in advance of any works being carried out. There appear to be a number of

unregistered footpaths across the site. It is possible one or more of the paths may have accrued public rights through 20 plus years uninterrupted use, however to date we have no user evidence on file to support this or any outstanding Definitive Map Modification Orders for this land. It is noted there is a letter dated January 2011 from the landowner stating that in 1997 the land was fenced off for grazing.

44. *Design and Conservation Officers* - offer no objection to the access, note the importance of retaining the hedge alongside Syke Road and recommend a 'design code', as offered by the applicants.
45. *Sustainability Officers* – confirm they have no significant concerns pertaining to the development of this site. The application as submitted would have a negative impact on biodiversity which runs contrary to the NPPF and as biodiversity forms a fundamental part of a development being sustainable there are significant question marks over whether this development can be seen as sustainable.
46. *Ecology Officers* - The application for the self-build plots does not take into account the biodiversity resource on site and there are no firm details of how the impacts on biodiversity are to be mitigated or compensated.

PUBLIC RESPONSES:

47. Eight of the nearest neighbours were consulted, a site notice was posted on the site, and a press notice was published in The Northern Echo. No objections, representations or comments have been received.

APPLICANTS STATEMENT:

48. The applicant writes, 'Outline planning permission is being sought for the development of a mixture of 14 serviced self-build residential plots and custom build housing. This proposal, although situated alongside a Barratt Homes development, is designed to satisfy a different set of needs and demands for housing. The proposed site is unique in this area in that the houses are to be bespoke designs, each dwelling created specifically for this development in accordance with the site and context.
49. The ambition of this project is to provide spacious and adaptable "lifetime homes" which suit the specific needs of the self-builder while ensuring the highest quality of design throughout. The development will enhance the character of the area providing high quality individual houses. The density of development will be significantly lower than the adjacent proposed scheme, creating a more rural and open feel.
50. This proposal responds to recent changes to the Self-build and Custom Housebuilding Act 2015 and the implementation of Chapter 2 of the Housing and Planning Act 2016 which sets out provisions to support self-build and custom housebuilding including a requirement for local authorities to keep a register of individuals and associations wishing to acquire a serviced plot of land. The proposal offers the opportunity of building your own home as a viable housing option to the public as well as increasing the capacity and diversity of the housebuilding industry to build more high quality new homes.
51. It is the ambition of this proposal to maximise the thermal potential of the building fabric with lowered U value targets and improving the air tightness of the overall building. This consideration forms part of a "fabric first" approach intended to reduce future energy usage.

52. The constraints of the site in terms of topography are also addressed by this proposal, as the site slopes significantly from the south-east boundary towards a natural gully running from south to north. By using split-levels and retaining structures within the house designs we are working with the natural site contours rather than against them.

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

53. 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, layout and design, impact upon its surroundings, landscape and ecology, and highway safety and the loss of playing fields.

Principle of the Development

54. Given the relationship to the adjacent Barratts site, large parts of the response to the consultation exercise and the planning considerations are consistent between the two schemes. The two proposals together form an area of land that was considered as one in the SHLAA process – the conclusion of this exercise being that the land was suitable for housing development. This explains the high degree of consistency between the two reports – consistency of decision making being a requirement of the Council as decision-maker. It also explains the unusual form of the recommendation at the conclusion of this report.

55. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant Development Plan is the Derwentside District Local Plan adopted in 1997 and remains the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

56. There are no relevant policies saved in the Local Plan which is therefore 'silent' in respect of housing policy and determination must revert to paragraph 14 of the NPPF. Paragraph 14 sets out a presumption in favour of sustainable development and for decision making means, granting permission unless:

- i) 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; or,
- ii) specific policies in this Framework indicate development should be restricted.

57. There are no specific policies which indicate that development should be restricted and the proposal therefore needs to be considered against the first bullet point of paragraph 14. Therefore this report will identify relevant benefits and adverse impacts that will be attributed appropriate weight in the concluding 'planning balance' leading to the recommendation:

58. Consideration of this proposal both relies on and is complicated by its relationship to the Barratts scheme. If the Barratts scheme is approved this proposal represents a logical 'rounding off' of the extended village, providing a new, logical, edge of settlement – a 'defensible boundary'. If the Barratts scheme is refused, the proposal would sit by itself, detached from the village, isolated in the countryside, and unacceptable on that basis. Policy EN1 which seeks to restrict inappropriate development in the countryside is only 'partially' compliant with the NPPF, reducing the weight of the Policy, however paragraph 55 of the national document advises Local Planning Authorities to avoid new isolated homes in the countryside unless there are special circumstances.
59. If the Barratts scheme is approved, the application proposes residential development on the new edge of settlement at Burnopfield at Lintz, a settlement considered locationally 'sustainable' in terms of the services and facilities available in that settlement, and the availability of connections to nearby settlements with complimentary or larger facilities. Burnopfield sits between the A692 and A694 which connect Consett to the Tyneside conurbation. Burnopfield and Lintz offer a wide range of facilities including a Primary School, Community Centre, Social Clubs, Medical facilities and small shops. Supermarkets are available in surrounding settlements at Stanley, 2.7 miles distant, Annfield Plain, 3.1 miles and at Consett, 5.0 miles. There are 8 bus stops within 120m of the site. There are formal footpaths around the site accessing both the settlement and the nearby countryside. These facts are reflected in Burnopfield's classification as a 'local service centre' in the County Durham Settlement Study, 2012.
60. If the Barratts scheme is not approved the outline proposals are isolated development in the countryside, contrary to Policy EN1 and paragraph 55 of the NPPF.

Highways

61. The principle concerns arising from the consultation/publicity are highways and drainage issues, with the first of the highways implications that of introducing a new vehicular access to a significant development at the entrance to the village. This application and the Barratts scheme share and overlap with a common site access and spine road, around which the proposed sustainable drainage scheme is designed. The highways and drainage discussions and strategic proposals have been conducted on behalf of both applicants.
62. The first of these is the highways aspect involves introducing a new vehicular access to development at the entrance to the village. There have been extensive discussions and design work during the course of the application, to ensure the impacts have been addressed to the satisfaction of the Council as Highways Authority.
63. The topography – the site entrance is proposed at the bottom of a long steep incline at the village entrance that exacerbates vehicular speeds and the relationship to the existing and wider highways network – i.e. the flows through the complex traffic-light controlled staggered junction at Pickering Nook, and the positioning of the village entrance speed restriction signs and street lighting, were areas of particular concern. Despite a lack of agreement between the applicant's Engineers and the County's on the form of the junction required to address these issues, a design of road-widening and protected right-hand turn has been submitted to the satisfaction of the Highway Authority that has removed their objection to the proposals. Implementation of this

specific design and its timing would be conditioned through a planning approval and the powers under the Highways Acts controlled by the Council as Highway Authority.

64. The internal road layout and parking space provision, both for residents and visitors is not set as part of this application, but given the density of dwellings proposed is capable of detailed agreement to meet the required adoptable standard.

65. For pedestrian access to the existing settlement the proposals rely on the site access from Syke Road and the proposed footpath links north in and through the Barratts scheme towards the existing settlement. These would give pedestrian access to both the bus route and the open space, play and leisure opportunities available to existing residents – including a Cricket Club, football pitch and toddlers play equipment. Sustainable Travel Officers confirm the site is well served with frequent buses, requesting good pedestrian permeability to bus stops should be ensured.

66. Both in terms of the advice at paragraph 32 in the NPPF, that,

‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’,

and with the relevant Local Plan policy, TR2’s criteria considered met, the proposals are concluded acceptable against the highways requirements.

67. The density of the houses is such that access to secure garden/garage storage for cycles is easily possible, meeting the proportionate requirements of Policy TR3 of the Plan.

Drainage

68. Drainage and flooding have been a significant concern for residents in this area with historic flooding at the edge of the settlement affecting existing residents. The two applicants’ representatives have again worked to provide additional and amended information to meet the requirements of Council Drainage Engineers to ensure that a ‘sustainable drainage’ scheme that both meets the implications of the development and ensures that any existing problems will at worst not be exacerbated, and preferably improved (although this last point cannot be a requirement of the scheme). The County Drainage Engineer’s comments are quoted verbatim, with the headline results – for residents – at bullet points 3 and 4;

- *‘Sustainable drainage – The proposed surface water management for the site complies with the national standards and council policies with regard to SuDS. The design incorporates a surface water management train throughout the site including Source, Site and Regional controls.*
- *Greenfield run-off rates – The proposal has been designed to control all surface water run-off from the development for up to a 1 in 100 year storm event to a limited discharge rate equivalent to the greenfield rate.*
- *Intercepting surface water from The Meadows – The design has taken into account the surface water runoff from The Meadows housing development by diverting the flow through the new site to alleviate the volume within the existing public surface water sewerage system, thus preventing flooding downstream.*
- *Overland Flows – Surface water overland flow from the south of the site causes flooding problems at Thornhill Gardens. The proposal captures the overland flow and incorporates it within the piped system to prevent surcharge and flooding.*
- *Future Development – The drainage design has taken into account the proposed future development on the land to the east of the site; again the flow will be restricted to greenfield runoff rate to reduce the risk of flooding’.*

69. A condition is proposed to ensure that the foul drainage scheme is agreed to meet the standards capable for adoption in line with the requirements of Northumbrian Water.

70. The proposals in this regard are concluded compliant with both Policy GDP1(i) of the Local Plan, and part 10 of the NPPF.

Impact upon the Surrounding Area

71. The proposals involve significant land-forming of the lower part of this site to level where the shared highways and drainage elements of the scheme are proposed. This application relates to the sloping ground that falls west from Syke Road, where the applicant's comprehensive supporting information indicates an intention to use the sloping land to develop characterful split-level dwellings.

72. Landscape and Ecology Officers have raised concern at the loss of the landform feature that reflects not the industrial past of the village, as it may at first appear, but the glacial forming of the landscape. Policy GDP1 expects development to, 'take into account the site's natural ...features', with the Framework advising the planning system, at paragraph 109, to protect, 'geological conservation interests' and at paragraph 117, 'aim to prevent harm to geological conservation interests', through the plan-making process. That the Government advice sets the protection of geological conservation through the plan-making process, with no advice for decision making is relevant, putting the onus on Local Authorities to identify and designate resources requiring protection, with said designation then applied relevant weight in the decision making process. The feature is not and has not been identified or designated in the past.

73. The loss of the 'Boggle-hole' feature must be considered in the planning balance but the weight that can be given to it is severely compromised by its lack of formal designation or protection. The applicant's indicated intended design response has the potential to respond to the landform positively to give character and identity to the development, in line with best design practice as set out in BfL12 and giving the potential to meet the requirements of Policy GDP1(a) in the reserved matters application.

Other considerations

74. Of positive material weight in the consideration of this planning application is the Government's stated intention to incentivise potential 'self-build' developers, set out among a raft of, '*measures to have a significant positive impact on housing numbers by unlocking small scale development and boosting the attractiveness of brownfield sites*' (written statement to the House of Commons, Housing and Planning Minister, Nov. 2014). Councils should identify available land for self-build developers on a register and encourage this type of developer in appropriate locations. The economic activity of by small scale type of developer gives weight to the scheme in the planning balance.

Affordable Housing

75. The application falls below the threshold where affordable housing provision would be sought on the site.

Education Provision

76. This was a significant requirement of the adjacent proposal. With the smaller scale of this scheme's proposals, the calculations that assess the educational demand (simplistically attributing a monetary value to a child at a certain level of education, and multiplying this against an expectation of 0.3 children at that level of education per dwelling) concluded that in this case if the adjacent development was built there would likely be the capacity required to accommodate the small demand from this site without further contribution. The scheme is therefore concluded acceptable against paragraph 72 of the NPPF.
77. The development is proposed approved only if and after the adjacent land is developed, ensuring there would be no education demand shortfall from this site being developed independently.

Neighbouring Amenity

78. As an 'outline' application with details of layout and appearance 'reserved' for future determination. Detached from the settlement there are no existing residents who would be disadvantaged by this issue. It is relevant to note that the proposals are a low density form of development and no issues are expected in this regard. The proposals are concluded Policy GDP1(h) compliant.

Economic Benefits

79. As an outline scheme, the quantification of the likely economic benefits from both the development process, and during the lifetime of the development, is not possible, but is in principle a material benefit that must be taken into account when assessing the proposals.

Archaeology

80. County Archaeologists noted that the reports submitted with the application concluded that physical investigation of the site was required. This exercise has been undertaken by the applicant during the course of the application, concluding that in this part of the land, no further works were required. The submitted reports and additional investigations ensured that the requirements of part 12 of the NPPF - Conserving and Enhancing the Historic Environment - are properly addressed.

Coal Mining Legacy

81. Supplied with additional information following an initial objection, the Coal Authority raise no objection to the scheme subject to the imposition of a condition ensuring remedial works for the mine entry recorded as on the site. This condition would ensure compliance with paragraph 109 of the NPPF which requires;

'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'.

Contaminated Land

82. Consistent with the adjacent proposals, Environmental Health Officers recommend a condition to require and ensure appropriate remediation of any issues identified on the land with a standard planning condition, ensuring compliance with the further requirement of paragraph 109 of the Framework, as above. The nature of this matter is such that the suggested condition is required addressed 'pre-commencement', the

advice on when to impose conditions in this matter contained in the Development Management Procedure Order 2015, Part 6, s.35 having been taken into account.

Noise

83. Whilst the housing development is some distance from existing residential property, both the proximity of the proposed site access at Syke Road that brings construction traffic into influencing distance of dwellings, and that this development could affect new residents on the Barratts development depending on phasing is considered to justify imposition of the Council's standard construction hours condition.

Public Rights of Way

84. A public Right of Way runs parallel to the southern boundary of the development, but is physically not affected by it.

Ecology

85. The applicants have shown the potential for dual use spaces to address the concerns of the County Ecologist regarding the bio-diversity loss the development of the site will cause. A detailed scheme could potentially provide fuller mitigation, but as currently presented the scheme does not provide for the full bio-diversity mitigation – an issue that should be considered in the 'planning balance'.

Design

86. The applicants offer a 'design code' to give themselves and the Council additional controls over the consistency and quality of the housing that would be proposed through 'reserved matters' applications. Design is identified in the NPPF as of importance – 'good design is indivisible from good planning', and the Council have committed to upgrading design standards through engagement with the Building for Life (BfL12) guidance. A condition is considered appropriate.

The Planning Balance

87. The application proposes a new housing development on part of an area of land identified as appropriate for development on the edge of a settlement classified as a 'local service centre'. In the absence of a County Plan as an up-to-date planning policy document, the Council cannot formally identify the required 5 year housing land supply. That the development proposes addition to the County's housing supply in a form the government particularly seeks to encourage is of significant weight in the consideration of the planning balance, as are both the economic benefits that will be derived from the construction period and the lifetime of the development.

88. This site is considered locationally 'sustainable' and acceptable in principle if it is developed as part of the whole area assessed in the SHLAA, i.e. alongside the land on which Barratts propose development elsewhere on this agenda. If developed without or before development on the adjacent land the proposals are left isolated from the settlement and are concluded contrary to Policy EN1 of the Local Plan and paragraph 55 of the Framework, therefore not locationally sustainable and potentially unacceptable.

89. The proposals do not show as yet whether Play Space and Open Space will be provided on the land, although there is an indicative plan showing the potential for a similar dual use approach to open space / ecology mitigation. The details of these provisions can be deferred to the 'reserved matters' stage.

90. The significant areas of interest to local Members and residents, i.e. the Highways and Drainage Issues have been comprehensively addressed to the satisfaction of the relevant specialist consultees.
91. The significant elements of the proposals are acceptable, meet required standards or can be secured by condition for resolution during the 'reserved matters' part of the planning process in this instance. Where elements of the proposals do not meet expected standards, the shortfall is not such that it could be argued to 'significantly and demonstrably' outweigh the benefits of the contributions to the County's housing supply and economic activity that would result. Other concerns raised by Specialist Consultees, such as those relating to the loss of the landscape feature outweigh the positives in the proposal. There are no specific policies in the Framework that indicate that development should be restricted.
92. The Planning Balance is concluded to weigh significantly in favour of the proposals in considering harm vs. benefit.

CONCLUSION

93. The proposals are considered to represent sustainable development if the site is developed in conjunction with the larger parcel of land adjacent, with which this scheme shares its main highways and drainage elements. If this is the case, working through the requirements of paragraph 14 of the Framework, no adverse impacts have been identified that would significantly outweigh the identified main benefits of the contribution to housing supply, the economic activity that will result, and the provision of self-build opportunities for small scale residential investment, development and economic growth. No specific Policies in the Framework have been identified as indicating development should be restricted – again providing the adjacent land is developed first.
94. To this end the development is concluded as 'sustainable' and acceptable if the application for the adjacent land that precedes this application on the agenda is approved. If that other application fails, or is deferred this application potentially fails the test of sustainability, the details of which must be considered in greater depth. In that eventuality it is suggested that this proposal be deferred for further consideration

RECOMMENDATION

95. That the application be **APPROVED** subject to the following conditions:
1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission 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 in the form of a Design Code, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any 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 of any part of any of the residential dwellings hereby approved must not commence until erection of dwellings on the land covered by application Ref: DM/17/00097/FPA has commenced as a material development operation.

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.

4. Before development of any individual plot full constructional details of the proposed road, to be of a standard capable of adoption, including levels, kerbs, drainage, footways, footway crossings and shared drives shall be submitted to and approved in writing by the Local planning authority. A schedule for construction of the road and triggers for implementation must be included in said document. The works must be carried out in full accordance with the written agreement.

Reason: In the interests of Highways safety in accordance with Policy TR2 of the Derwentside District Local Plan, 1997 (saved 2009).

5. The development must be accessed from Syke Road by a new road junction and access road as shown on submitted Plan A073902-1/37/18/C001/rev.b. Said junction must be implemented in full and available for public use before occupation of the first dwelling hereby approved.

Reason: In the interests of Highways safety in accordance with Policy TR2 of the Derwentside District Local Plan, 1997 (saved 2009).

6. Before any part of the development hereby approved is commenced, an existing site levels survey for the whole site and a proposed highways levels plan for all communal vehicular and pedestrian highways, and shared drives must be submitted to and approved in writing by the Local planning authority. Before each individual plot commences development an existing levels plan, a proposed ground levels plan to cover the whole plot and show all formed slopes and retaining structures, existing and proposed boundary markers, and elevations showing finished floor, eaves and ridge levels must be submitted to and approved in writing by the local planning authority, with the development carried out in full accordance with said approval.

Reason: In the interests of the character and Highways safety in accordance with Policy TR2 of the Derwentside District Local Plan, 1997 (saved 2009).

7. Development shall be only carried out in full accordance with the details of the revised Surface Water Drainage Strategy' issue No. 5 dated 30th May 2017, File Note 8, Surface Water Flooding 30 May 2017, Flood Risk Assessment (by

Datum, 18.06.16) and as shown on plan AL(0)04b, including adherence to the run-off rates and proposed mitigations set out therein.

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

8. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. 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.

9. For Contaminated Land, the development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b or c are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(a) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(b) Upon completion of the remedial works (if required), 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

10. To address requirements for embedded sustainability, 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 before development of each individual plot. 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 the scheme meets the requirements for climate change and sustainable development as set out within part 10 of the NPPF.

11. 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 works should be carried out on a Sunday or a Bank Holiday.

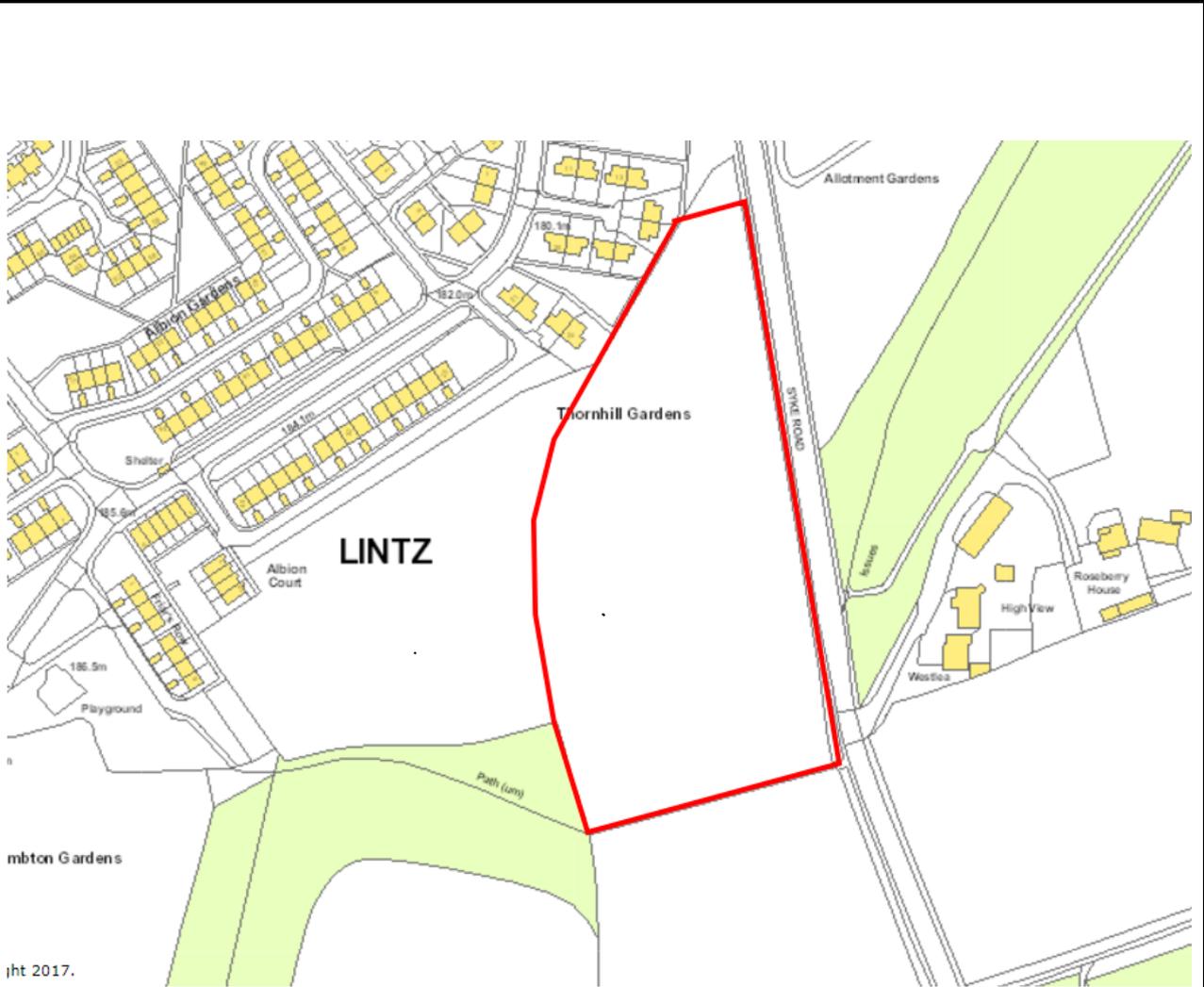
Reason: to protect the reasonable expectations of residential amenity from surrounding dwellings as required by Policy GDP1(h) of the Derwentside District Local Plan, 1997 (saved 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

96. The Local Planning Authority in arriving at its decision to approve the application 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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 1997 (saved policies 2009)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses




Planning Services

Land to the west of Syke Road, Burnopfield
 Application Number DM/17/00479/OUT

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Comments

Date 29th June 2017

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