

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/02732/FPA
FULL APPLICATION DESCRIPTION:	Erection of 65 no. 2, 3 and 4 bedroom two-storey dwellings with associated works
NAME OF APPLICANT:	Gleeson Regeneration Ltd. Site Of Former South Moor Hospital Middles Road
ADDRESS:	The Middles Stanley DH9 6AD
ELECTORAL DIVISION:	Craghead and South Moor Steve France, Senior Planning Officer
CASE OFFICER:	Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 2.04ha of open land consisting of the cleared site of the former South Moor Hospital at Middles Road at South Stanley, some 0.8 miles south-east of the commercial centre of Stanley and the main A693 that connects Consett to Chester-le-Street.
2. The triangular site is adjacent another housing development to the north, approved for 288 units in 2011, that is currently being built out by Persimmon Homes, that site accessed via a new roundabout. The west of the site fronts Middles Road, the vehicular link between South Moor and South Stanley, and The Middles, which is separated by a short distance from Craghead. Across this vehicular highway is open countryside in agricultural use. East of the site an open area of land associated with the Persimmon development includes a requirement for a safe pedestrian route to be implemented in due course, this open land separating the site from a woodland valley incorporating Kates' Gill a small watercourse that runs parallel to the site boundary, with allotment gardens and playing fields beyond.
3. Two semi-detached two storey dwellings and a bungalow sit at the southern tip of the site. A hedge with mature trees forms the eastern boundary, with that to the north consisting new rear garden fences of the Persimmon development. The roadside boundary is hedged, with the remaining dilapidated walled boundaries and blocked vehicular access to the former hospital still visible. On the site itself, with the exception of one small structure, the low lying evidence of the cleared hospital buildings and grounds gradually being reclaimed by nature.

The Proposal

4. The application proposes a residential housing development consisting erection of 65 no. 2, 3 and 4 bedroom two-storey dwellings with associated works. The dwellings proposed are detached and semi-detached, the site accessed from a single point on the existing highway feeding three cul-de-sacs, south of the new roundabout. The existing roadside footpath is proposed extended to the site entrance – but not along the full length of the site – pedestrians must cross the road to head east to The Middles. A new short link from the north-west corner of the site to the new bus-stop provided by the Persimmon scheme has been a revision included during the course of the application. The houses would be for sale and no affordable homes are proposed as part of the scheme.
5. The application is reported to Committee as a ‘major’ proposal, of more than 9 residential units.

PLANNING HISTORY

6. An ‘outline’ planning consent was granted in February 2008 for erection of eighty dwellings and provision of new access to Middles Road. All other matters were ‘reserved’ for future determination. In 2011 an application that proposed an extension of the time limit imposed by the 2008 consent was approved, extending the consent by three years.
7. The above two applications’ time limits have expired – there are no existant planning consents on the development site.
8. With a history of planning approvals, the land was assessed for its development potential under the SHLAA (Strategic Housing Land Availability Assessment) and concluded immediately ‘deliverable’.

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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’.
11. 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;

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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:

18. 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.

19. *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.
20. *Conserving and Enhancing the Historic Environment* – Explores the terms ‘significance’ and ‘special architectural or historic interest’ and ‘harm’, noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
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, it 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. *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.
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. *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.

LOCAL PLAN POLICY:

26. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
27. *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.

28. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.

29. *Policy EN11 – Trees and Development* – states that development will only be permitted which will not cause harm to, or result in the loss of trees protected by preservation orders, or trees which contribute to the character and appearance of conservation areas. Throughout the district existing trees should be retained where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, which contribute significantly to the setting of nearby existing buildings or visual amenity.

30. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

31. 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:

32. *Highways* – County Highways Engineers have worked with the applicants during the course of the application to achieve a highways layout that is safe and capable of adoption. Detailed issues that are still being addressed as this report is written include the design of the required traffic island and the length of double drives. However, the essential requirements of an acceptable visibility splay into the development, an adoptable standard internal highways layout, and proper provision for residents and visitor's parking have all been resolved.

33. *Northumbrian Water* – confirm they, 'would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Assessment". This is requested conditioned.

34. *The Coal Authority* – note the development is not affected by records of shallow mine-workings.

INTERNAL CONSULTEE RESPONSES:

35. *Spatial Policy* - The starting point for considering this proposal is the relevant development plan - the Derwentside Local Plan. The proposal conflicts with Policy HO5 of the Local Plan however this policy does not carry weight in the context of NPPF. Policy GDP1 and TR2 also apply and achieve some consistency with national planning objectives - they can therefore be weighed in the balance. Though the design of the scheme raises concerns and may be considered to conflict with the design elements of Policy GDP1 and paragraph 64 of NPPF.

36. Notwithstanding this position, however, 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.

37. The Framework as a whole has to be read. It 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 whole to ensure good quality new development.

38. The scheme relates to a site assessed through the SHLAA as being potentially suitable for housing in principle. Furthermore, it is considered to satisfy the NPPF insofar as it will help to increase housing supply in a sustainable, accessible location. Notwithstanding this I am aware of concerns in relation to design of the particular scheme under consideration. This issue should be factored into the overall planning balance particularly in the context of Paragraph 64 and Policy GDP1 when determining the acceptability of this specific scheme.

39. A Neighbourhood Plan is being prepared for Stanley Town Council area. At this stage the area has been designated. The Plan has not yet identified a clear strategy or set of policies, and it has not yet progressed to a formal consultation stage. As such no weight can be afforded to this Plan.

40. *Education* - A development of 65 houses could produce an additional 20 primary pupils and 7 additional secondary pupils. There are sufficient primary and secondary school places in the area to accommodate pupils from this development.

41. *Drainage* – Whilst a detailed drainage engineering design has been submitted that may be acceptable, this does not at present indicate how it relates to the required sustainable drainage hierarchy. This is being pursued.

42. *Housing* – note the absence of the usually required affordable housing provision – 15% in the Northern delivery Area – from the proposals.

43. *Design and Conservation* – have assessed the scheme against the ‘Building for Life’ BfL12 criteria noting some improvements in the form of the new footpath link, a variety of hard-surfacing and the level of parking provision. Some criticism is still levelled at the character of the estate and loss of vegetation, particularly on the site

frontage. Design Officers consider retention of some of the original brick walls important to provide a historical reference to the past.

44. *Ecology* – noting the applicant has submitted a Preliminary Ecological Appraisal that shows the site has an existing ecological value and that the proposed layout would result in a net biodiversity loss. There is no attempt to mitigate this in the submitted layout, which compromises the proposal as ‘sustainable development’. A commitment to a financial contribution of £10k is included in the proposals, but the focus of this mitigation is not included.
45. *Landscape* – The scheme is isolated from the surrounding footpath network. The layout ignores the existing tree and shrub cover on the site as an opportunity, particularly given the site’s role in creating a new ‘edge of settlement’. The hedge-line on the western boundary should be reinforced and managed.
46. *Archaeology* – The proposed development area includes the site of the former South Moor Hospital. The construction and demolition of the hospital will have disturbed the archaeological remains in that part of the site. The southern part of the site appears undisturbed however excavations adjacent to this area have revealed no remains and therefore archaeological potential for this site is very low - no objection.
47. *Trees* – the Arboricultural Report is satisfactory and to current standards, majority of the trees within the site are of poor quality and will be required to be removed to enable construction.
48. *Sustainability* - Little detail has been submitted as to how sustainability would be embedded into the development. Whilst a sustainability statement has been included, this does not commit the applicant to any improvement over and above minimum standards. A condition is suggested.

PUBLIC RESPONSES:

49. 26 neighbours have been consulted by direct mail, site notices were posted around the site and the adjacent housing estate, and a press notice was published in The Northern Echo. No public objections or comments have been received.

APPLICANTS STATEMENT:

50. The Site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The site provides ready access to local amenities, schools and employment sites and is considered sustainable.
51. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services. The proposal achieves a density level of around 31 dwellings per hectare and is integrated well into the locality through the design proposals which accords with National Planning Policy.
52. All criteria required to be complied with in Policy requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design

of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended several times during the planning submission, to take into account the comments made.

53. Development of this site will bring a number of benefits to South Moor including around £75K of additional Council Tax per annum and New Homes bonus payment to the Council of around £452K over a 6 year period. The scheme will also provide a number of jobs and apprenticeships to local people, as well as safeguarding many current jobs.

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

54. 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, sustainability, design, impact upon its surroundings, landscape and ecology, and highway safety.
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 this remains the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the Framework 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. Spatial Policy Officers' advice points to Policy HO5 of the Local Plan as relevant but without planning 'weight'. This Policy is not relevant as it relates only to small development sites of less than half a hectare. For housing policy, the Development Plan is therefore seen as being 'silent' and determination must revert to paragraph 14 of the NPPF - this sets out a presumption in favour of sustainable development which 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.
58. This report will identify relevant benefits and adverse impacts of all relevant factors, which will be attributed appropriate weight in the concluding 'planning balance' leading to the recommendation:

Principle of the Development

59. The development is proposed on a 'brownfield' site, i.e. on 'previously developed land', as defined within the NPPF. To direct new development to such land is one of the core principles of the national advice. The site has had the benefit of planning approvals in the past, and although these have expired, it has also been identified as having immediate residential development potential in the SHLAA process, an exercise that would inform the County Council's approach to plan-making in a County Plan. The site is well placed for access to local services and facilities, both in the immediate smaller settlements, and close-by Stanley Town Centre. The site's location has been assessed and concluded as 'sustainable', and with a consistent history of being formally considered appropriate for residential development. These matters are weighed in the planning balance at the end of this report.

Locational Sustainability

60. The sustainability issue is multifaceted. The site is well located for access to the proportionate shops, services and facilities in the immediately adjacent small settlements, and will in turn support those facilities and ensure their viability – shops, post offices, church halls and the like.

61. When the application was submitted Officers voiced concern that the scheme had no physical connection – 'permeability' - to its surroundings other than the single vehicular access, and that this would discourage pedestrians from accessing the new bus-stops to the north-west of the site – a matter of providing an additional footpath link of a few metres. More importantly it was identified that a connection to the approved footpath link that would lead through the paddock to the east connecting the Persimmon scheme to the settlement of The Middles with its school, nursery, Community Centre, Club and golf course on a safe pedestrian route separated from vehicular traffic would significantly improve the sustainability of the site.

62. Provision of such would be highly sustainable and significantly improve the scheme in comparison with the good practice set out in the Building for Life model the Council uses for assessing residential design. The applicant replies that there is a 'ransom strip' of land at the edge of the site, meaning that agreement from two other landowners would be required to create a footpath link from the site to the approved Persimmon path. An approach to the first landowner is claimed and 'chased up', however requested evidence of this has not been provided. The applicant's 'best and final position' on this matter is to propose a footpath that ends at their site boundary. This proposal is a nonsense, as it would not achieve the requested link. Officers maintain that this footpath link would be a significant benefit to the site's sustainability – and highway safety, and the lack of it counts against the proposals. The applicants have a responsibility to ensure their scheme fits into the surrounding environment in the best possible manner encouraged through NPPF parts 7, Requiring Good Design and 8, Promoting Healthy Communities.

63. The site is well located for wider access to the proportionately larger 'offer' of services and facilities at Stanley Town Centre – particularly with the new bus stops implemented by the Persimmon scheme now capable of direct access from the development as a result of the abovementioned additional footpath link requested by Officers during the course of the application.

64. Whilst Sustainability Officers consider the minimal detail the applicants have submitted with the application commits them to the least requirement for 'embedded' sustainability, this can be addressed by condition.

65. To conclude this section, Officers are not satisfied with this element of the scheme, and this must be factored in to the planning balance.

Housing Supply

66. In the absence of a County Plan the Council cannot demonstrate the essential five year supply of deliverable housing sites. This leads to the advice in paragraph 14 of the Framework, that in such circumstances there is a presumption in favour of granting planning permission unless there are significant and demonstrable adverse impacts that outweigh the benefits or where there are specific policy restrictions.

67. The addition of 65 new dwellings to the County's housing supply is a significant benefit in favour of the scheme.

Viability

68. The applicant has submitted supporting documentation to indicate that in terms of viability the scheme cannot support any financial contributions such as for open space and play space, and that the form of development is such that it represents an alternate form of affordable homes albeit it does not meet the strict definitions of such as set out in the glossary of the NPPF. The proposals are for a form of low-price housing that has been accepted elsewhere in the County. 'Low cost market' housing may not be considered as 'affordable housing' for planning purposes. There is some benefit nonetheless. Gleeson's 'purchase enabling schemes' are aimed at potential homeowners who have an income sufficient to afford a mortgage, but no deposit or ability to afford surveyors or legal schemes. They contend that the site was bought at purchase price that did not allow for the provision of full affordable housing, taking into account that the South Moor Area did not require further provision, and quote paragraph 173 of the Framework:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

69. With further justification from the Durham County Strategic Housing Market Assessment (SHMA), and advice from Viability Officers, the Applicant's viability argument is accepted.

Neighbouring Amenity

70. Along its northern boundaries, the site borders the approved Persimmon development of 288 houses, where rear gardens and gable walls of occupied dwellings face towards the site. All the new houses proposed meet the suggested guidelines for separation distances required to ensure reasonable expectations of

residential amenity. In this respect the proposals are therefore considered compliant with Policy GDP1(h) of the Plan.

71. The developer makes a virtue of building a low cost, affordable product. Officers have raised concerns during the process that some of the physical manifestations of this on the site undermine design quality and residential amenity. Two examples of this are the proposed unsealed gravel drives, which wash onto footpaths and roads, and into gutters and drains, and also the proposed single wire back garden fences. Blocks of up to 5 gardens serving family dwellings with children and pets and unsecured garden structures are proposed separated by 600mm high wooden poles set 2.5m apart supporting two 2mm wires – the usual expectation for a rear garden boundary marker would be a 1.8m high wooden fence as commonly found on most newly built residential developments. These elements of the scheme are not considered fit for purpose – likely requiring additional on-site works and expense by new householders. The applicant has rebutted requests for these issues to be improved as deviating from their standard approach, they noting that it has been accepted on other schemes elsewhere in the County citing concerns that that this would increase the cost of the houses making them less affordable to potential purchasers.
72. Part 7 of the NPPF stresses the importance the Government attaches to good design and the need to plan positively for high quality individual buildings, public and private spaces; Planning decisions should aim to ensure that developments, ‘function well and add to the overall quality of an area’, and ‘do not undermine quality of life...’.
73. Officers are unhappy at these elements of the scheme and feel that the quality of the development could have been improved if these had been addressed by the developer.

Highway Safety

74. The applicant has amended the scheme during the course of the application to meet the requirements of Highways Officers in terms of the vehicular access to the site, visibility splays and additional parking in the layout. Details of the design of the protected footpath crossing and drive lengths for properties are still being amended as this report is written and will be resolved before the Committee Meeting. With a footway not possible along the full length of the front of the site the pedestrian crossing will direct pedestrians heading towards The Middles over the road, and if said pedestrians wish to access the well served Village Hall, sports grounds, allotments and public rights of way, they will need to re-cross the road. This relates back to the pedestrian route referred to above that the applicant has advised that they are unable to provide. It is the advice of Highways Engineers that the site highways measures proposed are acceptable. The Framework advises 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 basic highways requirements.

Drainage

75. For drainage, Northumbrian Water have offered no objection to the scheme subject to a condition ensuring compliance with the submitted Drainage documents. A detailed scheme with additional detail is being reviewed by Council Drainage Engineers, with a condition to ensure compliance to the Sustainable Drainage Hierarchy shown on the new detailed plans the likely outcome as this commitment is

still outstanding from the submitted information – this will be reported to Members with a condition to ensure the necessary technical response.

Other considerations

76. There is sufficient capacity in the surrounding schools to accommodate the likely demands generated by the scheme.
77. The scheme will accrue economic benefits to the local economy both through the construction period and the benefits that new residents will cascade into the local economy from the increased number of employed residents in the area spending in the locality. A summary document, 'Economic Impact Report', has been submitted in support of the application that includes the following quantified economic benefits specific to this scheme: 97 FTE (Full time equivalent) jobs created, 175 FTE indirect jobs in the supply chain and wider community, £266,090 direct financial assistance to purchasers from Gleeson. The information in this report and the economic benefits laid out therein are of positive material weight in the consideration of the scheme.
78. Design Officers have requested retention of some of the existing walls on the site to reflect the history of the site. Planning Officers consider this unnecessary tokenism that neither adds to the quality or appearance of the scheme nor gives any meaningful reference to the site's previous use.
79. There are no implications to archaeological resources from the development proposed.
80. The retention of the hedge and trees within gardens along the eastern boundary of the site is an appropriate response to the presence of these features on the site. A condition protecting those specimens proposed retained during the construction process is proposed.
81. Whilst it is always the preference of the Council to address biodiversity requirements within a development site, and the biodiversity mitigation of £10,000 offered by the applicants in monetary form is unspecific in intent, the Council has land in the immediate surrounding area (for example the valley around Kate's Gill) where biodiversity improvements could be directed. Officers consider that such improvements could meet the requirements for imposing a financial obligation - to mitigate the unacceptable impact of the development in biodiversity loss terms, therefore making it acceptable in planning terms. An obligation would then meet the tests contained within paragraph 204 of the NPPF that it is; necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
82. To ensure protection of adjacent existing residents' amenity during the construction process, a construction condition is proposed appended to any approval framed between the developer's standard approach and the Council's standard condition for such.

The Planning Balance

83. The application must be considered against 'the planning balance', and in this instance where the Local Plan policy context is 'silent or out-of-date', led by the presumption in favour of granting planning permission set out at paragraph 14 of the Framework.

84. The proposals offer benefits in terms of addition to housing supply and the economic benefits both through the construction process and the lifetime of the development. They are proposed on a 'brownfield' site that has both benefitted from planning permission for residential development in the past and has been identified as having development potential in the immediate future by the Council. The proposed scheme has been assessed against the relevant topic areas and concluded by Officers as 'sustainable' development. The applicant's approach to the issues of affordable housing and viability are accepted. The development contributes capacity to the Council's housing supply and brings benefits of employment and economic activity both during the construction phase and during the lifetime of the development.

85. There are negative issues with this application, some of which have been resolved – some of which, such as the footpath link to the east with its implications for sustainability and pedestrian safety, and Officer concerns relating to the quality of design as represented by the proposed fencing and driveway specifications remain outstanding. However, where concerns and adverse impacts of the development have been identified, they are not such that when assessed against the benefits, and the advice in the Framework when assessed as a whole, they would significantly and demonstrably outweigh the identified benefits of the scheme's contribution to the County's housing supply and the economic benefits associated with its construction and occupation.

86. No issues have been identified that would indicate development should be restricted.

CONCLUSION

87. On this basis, the proposals are recommended favourably, benefitting from the presumption in favour of sustainable development in paragraph 14.

RECOMMENDATION

88. That the application be **APPROVED** subject to the applicant entering into a legal agreement to provide a contribution of £10,000 to be directed towards biodiversity improvements in the immediate area, 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:
1536.04.01f - HOUSING LAYOUT
301W(G)DWELLING TYPE
303R(E)DWELLING TYPE
304P(E)DWELLING TYPE
307Z(B)DWELLING TYPE
309N(E)DWELLING TYPE
310M(D)DWELLING TYPE
311B(A)DWELLING TYPE

314/1 DWELLING TYPE
401U(G)DWELLING TYPE
403U(H)DWELLING TYPE
SD100D-TIMBER FENCE
SD103B-POST AND WIRE FENCE
SD700A STANDARD SINGLE GARAGE
SD701A STANDARD DOUBLED GARAGES
SD703B STANDARD TERRACED GARAGES
SD712D GARAGE & DRIVE DETAILS

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN1, EN2, EN11 and TR2 of the Derwentside District Local Plan 1997 (saved policies 2009).

3. The approved works at the site access and for the required pedestrian crossing must be completed and available for use before the meaningful occupation of the first dwelling hereby approved.

Reason: in the interests of highway safety in line with Policy TR2 of the Derwentside District Local Plan, 1997 (saved Policies 2009)

4. Before the development hereby approved is commenced a scheme of surface water drainage including a clear commitment to sustainable drainage techniques must be agreed in detail with the Local Planning Authority, thereafter implemented in full accordance with said approval.

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

5. For foul drainage, the scheme must be implemented in accordance with the proposals, mitigations and technical details set out in the submitted "Drainage Assessment" document, including that foul flows will discharge to the existing combined sewer at manhole 0502, whilst surface water will discharge to the existing watercourse.

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

6. The development must be carried out in full accordance with the recommendations of the submitted 'Tree Survey' v.3 prepared by Elliot Environmental Surveyors dated 24 Aug. 2016.

Reason: in the interests of the appearance of the site and biodiversity issues as required by Part 11 of the NPPF.

7. For Contaminated, 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, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 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 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(c) If the Phase 2 identifies any unacceptable risks, 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

(d) 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.

(e) 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.

8. To address requirements for embedded sustainability, prior to the erection of the first dwelling hereby approved 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.

9. 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

89. 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 amended and additional information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009) The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory and internal consultation responses



ight 2017.



Planning Services

Site of Former South Moor Hospital, Middles Road, The Middles

Application Number DM/16/02732/FPA

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Comments

Date 29th June 2017

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