

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/02799/FPA
FULL APPLICATION DESCRIPTION:	Erection of 56 dwellings including landscaping and infrastructure – Re-submission.
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land to the south of Palmer Road, Dipton
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 application site is over 2.4 hectares of land at Dipton, a village north-east of Consett, sited between the A692 Gateshead Road, and the B6168. The village is of linear form in that it follows the lines of those intersecting two roads, being infilled at the apex of the angled junction. Surrounded by a mix of house types, ages and styles that reflect the development of the settlement, on three sides, and Bone Lane (originally Boney Lane), the land is green-field, never having been developed. A tunnel serving Lily Colliery crossed the western part of the site, reflected by the current landform in the lower part of the site.
2. The site has been in two land uses, with the larger 1.51ha, eastern part of the site, as overlooked by Palmer Road and Plunkett Road, fenced and used as a paddock, without public access. This area is now unused and covered in occasional low scrub and grasses. The smaller, western part of the site includes a small football pitch with metal goalposts, and is part mown, part left as unimproved grassland. There are a number of pedestrian access points to this land, from Palmer Road, Meadow View and Bone Lane, these last two accesses being Public Rights of Way. The site slopes from east to west, Dipton being on the upper slopes of the Derwent Valley, with the site undulating across its area.
3. Landform aside, there are no features of note on the site, its two components being separated by a simple field boundary. Bone Lane is bounded by established hedging and a few mature trees. Informal access to the south of this footpath – also defined on Ordnance Survey Plans as an off-road cycle path which leads to further open land, used by the local community for informal recreation and as a wildlife area.
4. The site has no formal designation within the Derwentside District Local Plan.

The Proposal

5. The application seeks detailed planning permission for the development of 56 houses and is a resubmission of a scheme refused at the July Planning Committee as detailed in the 'History' section of this report, below.
6. The proposed dwellings are a mix of two, three and four bed-roomed units, in detached, semi-detached and mid-linked form. The main part of the site, being a cul-de-sac of 41 dwellings is accessed from Palmer Road. The 15 remaining dwellings are served from an extension of the end of Plunkett Road, six from the adopted highway, and nine from shared drives. The difference between the previously refused application and the current scheme is four of the 2 bed units are proposed handed over to Karbon Homes as a form of 'intermediate housing' under a Homes and Communities Agency (HCA) grant scheme designed to provide homes at an affordable rent through a Registered Social Landlord.
7. The western part of the site remains open, with the small football pitch retained but relocated, and the unimproved grassland developed to increase its wildlife potential. This area of the site is accessible from Palmer Road through the site retaining access to public right of way on Bone Lane and the Nature Reserve beyond.
8. The application is reported to Committee as a 'major' application.

PLANNING HISTORY

9. Planning application 1/2013/0173, 'Erection of 54 dwellings including landscaping and infrastructure', was first reported to Planning Committee in September 2013, being resolved as 'Minded to Approve', subject to the applicants entering into a legal agreement to secure funds to meet an identified need to add to local education capacity – i.e. the provision of a new classroom at a nearby school and also to ensure delivery of 8 affordable housing units within the layout. The legal agreement was not signed and the application was held unapproved by the Council until it was re-presented to Committee in July 2017, the proposal revised to 56 dwellings. At this time the identified need for the classroom had passed, and the applicants submitted a 'viability case' to show the scheme was not economically viable with the inclusion of the affordable housing. This viability case was accepted by Officers. A new legal agreement was however proposed to secure monies to ensure the scheme resulted in a net biodiversity gain in the area.
10. Recommended by Officers to be approved subject to this legal agreement, the application was refused by the Committee on the basis that the scheme no longer provided the required affordable housing. The application was refused on 27 July 2017 for the following reason:

'The Local Planning Authority considers that the lack of affordable housing provision is an unacceptable adverse impact of the scheme which significantly and demonstrably outweighs the benefits of the proposal contrary to paragraph 14, 47 and 50 of the NPPF'.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
13. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
14. The following elements of the NPPF are considered relevant to this proposal;
15. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
16. 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.
17. *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.
18. *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.

19. *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.
20. *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.
21. *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.
22. *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.
23. *Plan making - Ensuring viability and deliverability.* 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

24. 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.
25. *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.

26. *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.
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *Viability and decision taking* - where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.
33. There are different viability issues for different types of homes: Some privately rented homes can come from purpose built schemes held in single ownership which are intended for long term rental. The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required. So these homes remain available to rent only, local planning authorities may choose

to explore using planning obligations to secure these schemes for a minimum period of time.

34. In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.
35. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

36. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
37. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
38. *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.
39. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
40. *Policy HO22 – Recreational Public Open Space within Housing Sites* – states planning permission for new housing developments will be granted if they include sufficient open space and play areas to meet the demands of the residents of the development
41. *Policy RE4 – Protection of public footpaths* – Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
42. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

43. 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:

44. **Highways** – County Highways Engineers write, ‘there would not appear to be any Highway Development Management reasons to object to these proposals which are therefore deemed to be acceptable from a highways point of view’.
45. **Northumbrian Water** – confirm they have no issues to raise subject to specified restricted surface water discharge rates, proposed secured by a suggested condition.
46. **The Coal Authority** – raise no objection subject to: A condition to require prior to the commencement of development:
- The submission of a scheme of remedial works for approval; and
 - Implementation of those remedial works measures.

INTERNAL CONSULTEE RESPONSES:

47. **Spatial Policy** – have provided a detailed policy assessment, noting the principle Local Plan policies retain weight in the decision making process. The Strategic Housing Land Availability Assessment (SHLAA) 2013 is noted as having assessed the site, within which, ‘overall, it has previously been deemed to be potentially ‘suitable’ in principle for housing development. Whilst this does not necessarily mean that a scheme should be approved, it does indicate whether there are any material issues that a planning proposal would need to address and overcome’.
48. The SHMA (2016) identifies a need for affordable housing provision across County Durham. This is a relevant material consideration in conjunction with paragraph 50 of NPPF.

Specific policy requirements that relate to the scheme

49. For affordable housing: The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. However the need for affordable units ought to be assessed in relation to the relevant housing market area using up to date evidence. Paragraphs 158 and 159 require plans to be based on an up to

date Strategic Housing Market Assessment which defines the type, tenure and quantity of housing required. The 2016 SHMA County Durham identifies an annual need for approximately 378 additional affordable units across the County. Evidence suggests that a requirement of 15% can reasonably be expected on sites of 15 dwellings/0.5 hectares. A recent application for 56 units has recently been refused on this site owing to a lack of affordable provision. This application seeks to modify the tenure mix of the scheme to include four affordable units, which will be delivered by way of a HCA grant and land ownership agreement, as a standard S106 agreement with the proposer would not be viable. Whilst this provision would be under what would normally be expected, it nevertheless addresses a proportion of the requirement and can be regarded as a benefit in the balance, albeit at to a lesser degree than if full provision were provided.

50. For play space and recreation provision: there is a requirement through Policy HO22 to seek open space provision or contributions through development proposals. This broadly aligns with the approach set out in paragraph 73 of NPPF. The formula set out in the OSNA should be used to calculate the requirement and in the event the developer wishes to provide a commuted sum in lieu, the cost. This proposal will partially fall on an area of amenity open space which includes an informal kick about area. While there is a surplus of this type of open space in the ward area, the proposal will mitigate for this loss by upgrading the facility to improve access, facilities and biodiversity.
51. For educational provision: Paragraph 72 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. This is a material consideration as opposed to a specific policy requirement. The Education Team will be able to advise on school places capacity within the area and any mitigation which would be required to support this proposal.
52. As regards other community services and facilities: Paragraph 70 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.

Consideration as to whether the test set out in paragraph 14 of NPPF is engaged and whether there are any policy-related benefits or disbenefits that should be considered.

53. Whether the 2 limbed test is engaged and the implication for the decision taker: While the local plan is not 'absent' or 'silent,' and there are uncertainties in respect to the level of housing supply in respect of paragraph 49 of NPPF (see commentary on five year supply below).
54. Regardless of whether the Council can demonstrate a five year housing supply, however, it is considered that the housing policy framework in the LP is out of date. Consequently, Paragraph 14 of the NPPF is engaged, albeit within the context of a robust housing supply which diminishes the benefit given boosting supply.
55. In regards of paragraph 14, it is first necessary to consider whether there are specific policies in the Framework which indicate the development should be restricted.
56. The first 'limb' of the test requires a planning balance assessment which weighs up any identified 'adverse impacts' and 'benefits' of the scheme. Notwithstanding this test, case law has confirmed that the 'saved' local plan policies can be considered as

part of this planning balance assessment where they relate to any identified harm and benefits. It is for the decision taker to determine the level of weight that should be afforded to them in accordance with their status. Many of the 'saved' policies remain relevant when considering those aspects of the scheme.

Potential Policy related benefits and adverse harm

57. Broadening housing choice: In carry out the required planning balance, NPPF core planning principles (paragraph 17) include the requirement to meet housing need for the area and expand the range and choice of housing in the area. The scheme proposes four affordable units which can be regarded as helping to satisfy local housing need, albeit to a lesser extent than if full provision were provided.
58. Contribution to the local economy: Paragraph 7 of the framework considers the three dimensions of sustainability and in this application, the development of the site would contribute to the economy through the delivery of houses, both during their construction but also via new residents supporting local services. This may be considered as a benefit.
59. Supporting sustainable patterns of growth: Core planning principle 11 (NPPF) seeks to ensure patterns of growth are managed to ensure the fullest use of sustainable modes of transport. The location of this site is such that it provides opportunities for residents to travel by modes other than the private car thereby contributing positively to the locational sustainability of the scheme. This can be considered as a benefit.
60. Potential adverse impacts: Consultation with relevant specialist teams will identify whether there are any additional concerns to consider under the second limb of the NPPF Paragraph 14 test (for example highway or landscape issues). Furthermore, any adverse impacts and benefits relating to points of finer detail not included within this response, which are identified by the case officer and other consultees, should also be factored into the planning balance required of paragraph 14 of NPPF.
61. **Drainage and Coastal Protection** – The Senior Area Drainage Engineer confirms the developer has liaised with the Council from an early date to ensure provision of a drainage scheme based on sustainable drainage principles. He writes, 'It is possible through good design to reduce existing greenfield surface water flows from a site, which in turn would go towards reducing flood risk downstream, in Durham we restrict major developments to what is known as the Qbar rate which is the calculated mean average flood-flow from a rural catchment, this can be a reduction on runoff by up to 90% in large storm events. Designs must demonstrate that no property or neighbouring land is at risk of flooding from the site in all storms up to 1 in 100 year events plus a climate change allowance'. The submitted scheme, subject to confirmation of additional detail that can be secured by condition, 'greatly reduces' any threat of flooding from the site and represents a best practice sustainable drainage scheme in line with national and local guidance.
62. **Ecology** – The ecological implications of the proposals have been of particular concern, the proposals being adjacent to a local nature reserve that includes newt supporting ponds. County Ecologists have agreed site specific mitigation consisting species-rich wildflower planning around the public open space / playing field, and a sum of £8,500 to be spent on upgrading existing wildlife areas within influencing distance of the site in other words walking distance (therefore, within the electoral ward).

63. **Education** – Education Officers have confirmed that the previous shortfall in Education provision has now been met, and there is no requirement from the current proposals: ‘Based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 56 dwellings would produce 17 pupils of primary school age and 7 pupils of Secondary age.

- In relation to primary school pupils: The development is located within the Stanley local school place planning area, of which the following schools could serve the development based on a 2 mile safe walking distance: Collierley Primary School
- In relation to secondary schools: The development is located within the North Durham local school place planning area. The nearest school(s) to the proposed the development is North Durham Academy

64. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

65. **County Archaeologists** – For previous application on this site, DCCAS advised that conditions should be applied to secure archaeological works, based on the results of the geophysical survey of the site. This advice still applies.

66. **Landscape** – are ‘happy with the proposed layout’.

67. **Pollution Control (Noise)** –confirm they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 concluding the development is unlikely to cause a statutory nuisance.

68. **Pollution Control (Contamination)** – Subject to confirmation that there have been no significant changes to the land in the last 4 years that would have caused contamination – Officers agree that agree with the submitted report and the conclusions that no remediation works are required.

PUBLIC RESPONSES

69. Neighbours and correspondents who made representations on the previous application have been again re-consulted, site notices were posted on Palmer Road and Plunkett Road at the proposed site entrances, and a press notice was published in The Northern Echo on 31st August 2017. 179 direct mail letters were sent.

70. When the original application was first reported to Committee in 2013 there was a strong and well-coordinated public campaign of objection to that proposal. This consisted of objection from the Dipton Community Partnership, 206 individual letters of objection from 128 households, and a petition of 283 names. Many correspondents wrote individual letters and sent in a standard pro-forma objection letter which was widely circulated. The petition did not set out reasons for objection.

71. Issues raised, and considered by Councillors in coming to their decision at that time included: a lack of need for new housing, loss of valued green space, poor highways access and existing on-street parking issues, compromising the amenities of dog-walkers and children playing in the street, poor design, loss of view, influx of 'unpredictable tenants' and change of the social make-up of the area. Reduction of property values, the commercial motivations of the Council, the Greenfield nature of the site, covenants and effect of the build process were all offered among objections considered by Members when the proposals were considered by Committee in 2013.
72. In response to the re-consultation exercise carried out when the last application was re-presented to Committee, 12 objections were received, with the majority of concerns previously raised referred to again.
73. The current application's consultation exercise has resulted in 59 objections from 40 addresses, with 32 of those objections in the form of a standard pro forma.
74. This standard letter notes the site as green-field, questions its value as a regeneration area, and regrets the lack of pre-application community consultation by the Council. The field is valued by the community, with any housing proposal out of character with the neighbourhood, destroying the quiet life enjoyed by neighbours. Access is poor and new traffic would pose a danger to existing residents.
75. In the detailed responses received, historical flooding issues previously raised appear less of a concern than previously, with the additional drainage information submitted during the last application appearing to have resolved issues for property directly affected: i.e. below the slope of the site.
76. Other concerns raised remain generally consistent. Highways concerns refer both to the capacity and design of the roads leading to the site, along with safety concerns for children playing in the street, and worries that construction access would be dangerous and compromise amenity. The influx of strangers into the area is contented likely to result in anti-social behaviour, with the omission of affordable units of detriment to the local community for other correspondents. The need for the units is questioned, with the loss of public open space of detriment to existing local amenity. Pressure on the wildlife area adjacent the site is an objection as is the effect on garden wildlife in surrounding properties. Pressure on local shops and services is a worry for correspondents, with lack of improvements for cross-site access a missed opportunity. The design of the development is considered poor, particularly in including three storey units, with concerns raised as to the potential quality of the applicants' developments. The Council's methodology for predicting schools places is questioned, with a suggestion that the sale of the land could be renegotiated. The scheme is considered contrary to the NPPF.
77. Reference is made to a restrictive covenant affecting the land, with the Council considered compromised for decision making, as landowner.
78. There is a specific relationship between new dwellings at plots 14/15 and the existing dwelling at 14 Plunkett Road, where loss of view, overshadowing, loss of sunlight and devaluation of property are concerns for the resident.

APPLICANT'S STATEMENT:

79. Durham Villages Regeneration Company (DVRC) was disappointed to receive a planning refusal for its previous application for the Plunkett Road, Dipton site. The Central Government Planning Policy Guidance Note issued on the 19th May last year relating to the use of planning obligations specifically states that "Where

affordable housing contributions are being sought, planning obligations should not prevent the development from going forward”.

80. The refusal of the planning application has prevented the development from progressing, and given that the lack of affordable housing was the sole reason for refusal, DVRC is very confident that the decision would be overturned at appeal.

81. It is worth noting that the Committee heard that there were also other benefits that would stem from the scheme, notably an improved kick around area for local children and, fundamental in respect of national planning guidance on flood alleviation, that the current surface water run-off from the site, that has in the past caused significant damage to the properties immediately below the site, would fall from 23.3 litres per second to 4.4 litres per second at the 1 in 100 year flood event if the development is progressed. The fact that there are very clear positive planning benefits stemming from the DVRC proposals in addition to the supply of new homes would further enhance the chances of success at appeal.

82. That said DVRC fully recognise the reasons why the Planning Committee are so passionate about the supply of affordable homes across the County. DVRC has been a very active deliverer of affordable homes across Durham in recent years. Since the joint venture company was set up, it has delivered over 1,300 new homes across Durham County of which over 420 (over 30% of the total) have been affordable homes built for local housing associations or the Council. The following projects are recent examples:-

- Sherburn Hill – a current mixed tenure scheme that includes 5 affordable rented homes being delivered via Karbon Homes
- Bowburn – a recently completed development that included 6 affordable rented bungalows and houses in partnership with Isos Housing/Cestria as well as other discounted market housing for sale to first time buyers.
- College View, Esh Winning – a mixed tenure development that included 22 affordable rented houses and bungalows for Isos Housing and Durham Aged Mineworkers Homes Association
- Pinewood, Esh Winning – a development of 10 family homes all for affordable rent via Isos Housing
- Valley View, Ushaw Moor – 29 affordable rented house and bungalows for Isos Housing and Durham Aged Mineworkers Homes Association
- Doric Road, New Brancepeth – 26 affordable rented house and bungalows for Three Rivers Housing (4 Housing Group)
- In addition several years ago DVRC delivered a series of Council housing schemes that delivered 28 affordable rented homes in Bearpark, High Pittington, Croxdale and Bowburn

83. The viability of the Dipton project prevents the delivery of affordable homes procured under a Section 106 planning agreement – such as those at Sherburn Hill and Bowburn – as Registered Providers typically pay only £64,000 to £69,000 for a two bedroom house for affordable rent. This is a significant reduction (approaching 50%) on the open market value forecast for Dipton – hence any Section 106 affordable housing requirement makes an already borderline scheme undeliverable.

84. If however there is no planning obligation to provide affordable homes, it is possible to attract Homes and Communities (HCA) Affordable Homes grant to the scheme. In recent years the level of grant offered for affordable rented homes by the HCA fell dramatically under a Conservative government which prioritised home ownership. Very recently however higher levels of grant are now on offer due to the fact that Theresa May has placed emphasis back on the provision of affordable homes rather

than just the provision of Starter Homes which was the thrust of the David Cameron affordable homes policy.

85. Karbon Homes have in the last few weeks been able to secure an allocation of grant to provide 4 two bed affordable rented homes at Dipton. Whilst their enhanced financial offer to DVRC for these dwellings resulting from this grant is still short of the open market value of the proposed homes, DVRC is willing to present a revised proposal that includes 4 affordable rented homes to be delivered via Karbon Homes as a means to address the Planning Committee's aspirations utilising monies that would otherwise be spent pursuing a planning appeal.

86. Variations to the land purchase contract between the Council and DVRC have been agreed so that the 4 houses can be legally secured as affordable homes long term by the Council in the same way that they would have been secured under a Section 106 Planning Agreement.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OV19BRGDH3X00>

PLANNING CONSIDERATIONS AND ASSESSMENT

87. 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, provision of affordable housing, drainage, highway safety, wildlife impacts and residential amenity.

88. Importantly however, this application has been submitted shortly after a directly comparable scheme – excepting the offer of affordable housing – has been considered by this Committee. It is important to note that this application represents the applicants attempt to address the previous grounds of refusal that the proposal failed to make provision for affordable housing. The proposal in all other respects remains exactly the same. Applicants have a reasonable expectation that if they address the refusal reasons from an unsuccessful application, that they should receive an approval.

89. The application that is reported here to Committee is the same scheme as that reported on July 27th 2017, once again subject to a s.106 legal agreement to secure monies for off-site bio-diversity works. The scheme now proposes 4 'intermediate' dwellings, to be secured through a registered social landlord, which can be ensured secured through the land transfer.

Principle of the Development

The Development Plan

90. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan (DDL P) remains the statutory development plan and 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.

91. The DDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

92. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, 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.
93. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
94. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context.
95. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

Five Year Housing Land Supply

96. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date.
97. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:
- 1,533 dwellings per annum (29,127 houses by 2033)
 - 1,629 dwellings per annum (30,951 houses by 2033)
 - 1,717 dwellings per annum (32,623 houses by 2033)

98. As of April 2017 the Council considered that it had a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
99. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.
100. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. On that basis, the Council would therefore be able to establish a supply of housing land in excess of 5 years.
101. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.
102. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.
103. There are no relevant saved Housing policies in the Local Plan and therefore the Development Plan is seen as being '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.
- If 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.
104. There are no specific policies that indicate development should be restricted in this location.
105. The application site is 'greenfield' land. Whilst the NPPF asks Local Authorities to direct developers in the first instance to 'brown-field', this does not preclude the development of sites not previously developed.
106. Officers' conclusion on the principle of development will therefore depend upon an assessment of the benefits and disbenefits of the scheme.

Five Year Housing Land Supply

107. The up-to-date position of the Council's housing land supply is set out in detail in the Spatial Policy response, above. Case law indicates that the boost to housing supply

is a positive material planning consideration which should be factored into the planning balance test under Paragraph 14 whether the Council has the required supply of housing identified, or a shortfall, albeit a shortfall would add to the positive weight.

108. Therefore, whilst the Council's updated position on the issue of housing supply is that, whilst untested, the required housing supply exists, in potentially adding to the supply of new dwellings this element of the proposals should be given positive weight in the planning balance.

Impact upon the Surrounding Area

109. Of the previous two main areas of contention to local residents i.e. drainage issues and highways issues, detailed concern on the first matter appears to have receded with the applicants revised drainage proposals – evidenced by the lack of objection from the properties directly affected. This objection was withdrawn from the last application when the proposed drainage scheme was enhanced.
110. Advice and Policy on flooding and drainage is set out in the Framework, the NPPG and within Policy GDP1 (i) and (j). The details of the proposals submitted are considered both by the 'statutory undertaker', Northumbrian Water, and the Council's Drainage and Coastal Protection Team, the Council having the role as Strategic Flood Risk Authority (SFRA). Northumbrian Water have indicated no issues with the proposals subject to a condition controlling the detailed flows into its formal drainage system, in accordance with the submitted documents (with some additional details required).
111. Council Drainage Engineers have worked to achieve a detailed scheme with the applicants using the best principles of sustainable drainage – effectively using natural techniques to slow, capture and percolate water before it reaches the piped network. To this end the proposals now include for a SuDS basin and a swale across the lower part of the built development, designed to control and greatly reduce potential for overland flows to below what would occur naturally on the site now. Council Engineers confirm the proposals are in line with National and Local Advice, and the proposals are concluded to meet the requirements of Policy GDP1.
112. Whilst residents maintain concern on highways grounds, in terms of the capacity of the surrounding road network and highway safety, highways Engineers have discussed the requirements for an adoptable standard internal site layout, and the implications for the wider vehicular and pedestrian highway network beyond the site and concluded the proposals are acceptable. Policy TR2 of the development plan is considered satisfied, with it noted for the planning balance that the NPPF advises that, '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. The conclusion of Highways Engineers precludes this conclusion for Officers and it is advised that a refusal that meets this test could not be sustained on highways grounds.

Affordable Housing

113. The difference between the current proposal and the scheme refused by Members in July is the offer of 4 'intermediate housing' units. The refused application was accompanied by a detailed financial appraisal that sought to justify the omission of the affordable units as originally proposed in 2013. Whilst Officers accepted the viability case, Members concluded at the Committee Meeting in July that this omission 'significantly and demonstrably' lessened the benefits that could be

attributed to the proposal in the planning balance to the point where a refusal was justified.

114. Assessment of the viability figures submitted to justify the lack of provision was carried out with regard to probity – the Council being the landowner and, as Local Planning Authority the arbiter of the proposals. This apparent conflict of interests has been raised as an issue by objectors, but is not an unusual circumstance, with the procedures of the Council as Local Planning Authority, and the Professional conduct of Planning Officers following strict guidelines and procedures. Following a detailed assessment of the financial appraisal by the Council's Viability Officer in the Spatial Policy Team, the conclusion had been that the provision of affordable housing would render the scheme unviable, to the standard expectations of profit margins developers may expect. This aspect of the resubmitted proposals has not changed, and that the developer has offered more benefits should be seen as a positive of the resubmitted proposals in response to Members' stated concern as reflected in the refusal reason. The Government advice on viability as set out in the NPPF and NPPG and summarised above indicates to decision makers that the scale of burdens on development (i.e. the provision of affordable housing should not prevent the development being deliverable.
115. In order to satisfy the 15% affordable housing threshold identified through the Council's 2016 SHMA the scheme would require provision of 8 affordable dwellings. The scheme proposes 4 'intermediate dwellings', a form of housing that the Council has consistently accepted as meeting the intent – if not the specific definition – of the NPPF's requirement for Local Planning Authorities 'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...' (paragraph 50).
116. The crux of the current application is that Members must decide whether in now offering 50% of the expected provision, the proposals are such that the scheme's benefits are not, 'significantly and demonstrably' outweighed by this under provision.
117. It is noted that the specialist housing provision, if approved, would not be secured through s.106 legal agreement, the Council having appropriate control of this issue as landowner.

Education Provision

118. The previous scheme had originally been recommended approved subject to the signing of a s.106 agreement to ensure a financial provision to deliver an additional classroom in the immediate locale to address a need identified at that time. With the passage of time circumstances had changed with the County Education Department confirming that this provision has been secured from elsewhere. As a consequence, a financial contribution is no longer required from this development, with the County Education Department advising of future capacity in the system able to accommodate the educational needs of the children the development is likely to generate.
119. As the identified 'need' no longer exists, Officers advise that any request for monies through a legal agreement for further education provision would fail the tests in the Community Infrastructure Levy 2010, NPPF and NPPG of being, 'necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'. No 'need' has been formally identified, quantified or justified. With no refusal reason on the previous approval, this issue has effectively been recently accepted by Members.

Neighbouring Amenity

120. A specific residential amenity concern has been identified between plots 14/15 and the existing dwelling at 14 Plunkett Road, where loss of view, overshadowing, loss of sunlight and devaluation of property are concerns for the resident. 25 metres separates the existing dwelling, not including its 3m conservatory, from the proposed gable end of the new, with the latter set lower on the slope of the hill. With the suggested guideline for such a relationship 12.5 metres, the separation is wholly compliant with Policy GDP1 (h) of the Development Plan, and not one that could form the basis of any sustainable refusal reason. That resident's further concerns on loss of view and potential devaluation of property are no of material weight in the planning process. Residents in Palmer Road who complaint at the proposed relationship are separated from the proposals by over 30m.
121. Construction traffic will cause disruption during the build process as a fact of life. The balance between protecting existing residents' reasonable expectations for such and allowing the development to progress efficiently can be controlled through a standard working hours condition and an agreed construction management plan.

Other considerations

122. That the development will contribute to the local economy with jobs and investment in the supply chain through the development process, and further from expenditure from residents once the development is complete is of positive material weight in the planning decision. Also relevant is that fact that encouraging economic regeneration is one of the core objectives of Durham County Council – in the 'Altogether Betters'.
123. Archaeological issues can be dealt with to the satisfaction of the County Archaeologist by way of a standard condition.
124. The Coal Authority's requirements can be addressed through an appropriate condition.
125. The County Ecologist has negotiated with the developers to ensure in the first instance that an on-site scheme of bio-diversity mitigation be provided in the form of planting around the open space. Further it is proposed that a sum of £8,500 be ensured through legal agreement to mitigate the direct effect of the development on the adjacent and nearby ecology areas maintained by the Council. This requirement is considered to meet the 'tests' for imposition of legal agreements, in: 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 (as required by the Community Infrastructure Levy 2010 and as tests set out in the NPPF and NPPG).
126. The comments of the Council's Landscape Team raises no issues, but makes suggestions for the landscape layout.
127. The development will incur a loss of some Amenity Open Space, with the Open Space Needs Assessment (OSNA) having identified a shortfall of parks and gardens, outdoor sports space and play space within the wider ward. That the remaining open space is to be improved mitigates this matter by degree. Overall however this is a shortfall from the development that must be considered in the planning balance.
128. The SHLAA assessment has concluded that while the site is not considered to be close to a broad range of services and facilities, this is not considered to be problematic as it is well provided for in terms of bus services and links to other main

settlements. The site is well contained within the built up area. Paragraph 35 of the NPPF advises that developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and to have access to high quality public transport facilities. The site scores reasonably well in relation to this.

129. The response from the Council's Environmental Protection (Noise) Officers raised no concern at the proposals – a standard working hours condition is suggested to mitigate the residential impacts of development.
130. Environmental Protection (Contamination) Officers have suggested a condition to control the effects of development in their field.
131. Whilst the previous application required submission of a detailed 'Sustainability Statement' these issues are now addressed through the Building Regulation process.

The Planning Balance

132. The proposals are therefore considered through a 'tilted' planning balance – 'tilted' because of the 'presumption in favour'.

Benefits

133. The site will provide a contribution to housing supply, which is material in the planning balance. The proposed development will provide some benefit to the supply of housing, with the weight to be given to that benefit limited on the basis that, on the basis of the Council's own, albeit untested assessment, a significant under-supply does not exist.
134. In terms of broadening housing choice in the planning balance, NPPF core planning principles (paragraph 17) include the requirement to meet housing need for the area and expand the range and choice of housing in the area. With the scheme now proposing some affordable provision there are benefits over the scheme previously refused, changing the planning weight of this element favourably, noting however it still falls short of the full Planning requirement.
135. Setting the weight to be attached to the scheme's contribution to the local economy, paragraph 7 of the framework considers the three dimensions of sustainability and in this application - the development of the site would contribute to the economy through the delivery of houses, both during their construction but also via new residents supporting local services. This is also in line with the Council's, 'Altogether Wealthier' corporate aspiration. This element of the proposals may be considered as a benefit.
136. Supporting sustainable patterns of growth, core planning principle 11 (NPPF) seeks to ensure patterns of growth are managed to ensure the fullest use of sustainable modes of transport. The location of this site is such that it provides opportunities for residents to travel by modes other than the private car thereby contributing positively to the locational sustainability of the scheme. This can be considered as a benefit.
137. The adverse impacts of the development attributed by the local community have been examined in detail by the specialist consultees who advise on those areas. Of principal concern, issues of drainage and highways have been redesigned to meet national and local guidance and policies, where, subject to being ensured in detail through conditions, have been found acceptable.

138. Likewise, the implications from development for biodiversity and archaeology are considered capable of mitigation to an acceptable degree, through legal obligation and the imposition of appropriate conditions.

Adverse Impacts

139. That the scheme results in the loss of some publically accessible open space (0.28ha of the current 0.92ha) and the scheme does not make provision for the full expectations of replacement open space and play provision is considered in the balance to count against it. This is in part mitigated by the improvements proposed to the remainder of the facility and therefore the magnitude of harm is limited. The applicant's justification for this lies in their expectations for viability from the development, and with no change to this part of the proposals from the scheme as previously considered, this issue has been recently accepted by Members.
140. Officer's assessment of the planning balance is that the development benefits from the presumption in favour of such, that there are no issues identified that, 'significantly and demonstrably' outweigh the benefits and accordingly, planning permission should be granted.

CONCLUSION

141. The Northern Area Planning Committee in 2013 resolved the proposals were acceptable, subject to a legal agreement to secure identified and quantified needs relating to Education and Affordable Housing provision. This latest report has considered the proposals as a whole and identified issues that have been revised following the Committee refusal of the last scheme as presented without affordable housing in July 2017. The implications of both the revisions and the consistent areas of the proposals are set out.
142. Application of the 'tilted' planning balance has concluded that there are no adverse impacts that significantly and demonstrably outweigh the benefits. In particular it is Officers' advice that the shortfall in affordable housing provision is not such that it would, 'significantly and demonstrably' outweigh the benefits discussed above.
143. With no formal identified need for education provision, the formerly identified shortfall having been met, there is no basis to ask for a sum towards education.
144. On this basis Officers conclude that the scheme, revised to include an amount of 'intermediate housing' is acceptable.

RECOMMENDATION

145. That the application be APPROVED subject to the developer entering into a legal agreement to secure a financial contribution of £8,500 to mitigate the effects on the natural environment from development works and ensure the proposals result in a net bio-diversity gain, 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:

External Materials: Dipton QDL 000 XX DR D 744-300-01

Enclosures: Dipton QDL 000 XX DR A 744-300-02

Garage Plans and elevations QDL 000 XX DR D 744-399-01

Planning Drawing QDL 000 XX A 744-1054-01 – 1054HT

Planning Drawing QDL 000 XX A 744-1178-01 – 1178HT

Planning Drawing QDL 000 XX A 744-651-01 – 651HT

Planning Drawing QDL 000 XX A 744-851-01 – 851HT

Planning Drawing QDL 000 XX A 744-867-01 – 867HT

Planning Drawing QDL 000 XX A 744-955-01 – 955HT

Planning Drawing QDL 000 XX A 744-1054-01 – 1054HT

Planning Drawing QDL 000 XX A 744-1178-01 – 1178HT

Updated Site layout QDL 000 XX DR D 744-311-01-E (incl. Affordable)

Detailed Landscape Proposals c-966-02 rev.b + c-966-03 rev.a

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

3. The development must be completed in full and detailed compliance with the following plans and documents:

- Queensbury Design Ltd.SUDS MANAGEMENT PLAN, 11 October 2017
- External Works QD744-04-01 rev.P
- Engineering Layout QD744-03-01 rev.S

and the recommendations, specifications and mitigations contained in the 'Flood Risk Assessment and Drainage Strategy QD744, Feb 2013, submitted in support of the application, including in particular the stated restricted foul and surface discharge rates into the existing formal drainage network. Prior to the commencement of development specific written confirmation that the restricted surface water discharge of 10l/sec will be achieved at the connection to the surface water sewer at manhole 8108 must be submitted to, and approved in writing by the Local planning authority, thereafter implemented in full accordance with said approval.

Reason: In order that the drainage implications of the development are properly addressed, in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

4. Before development is commenced an appropriate programme of further intrusive site investigation works must be undertaken to confirm coal mining conditions at the application site prior to the commencement of development. This document must ensure that in the event that the site investigation works confirm the need for the treatment of any areas of shallow mine workings and/or

the mine entry for stability purposes, and/or any other mitigation measures (e.g. foundation precautions, gas protection measures etc.) to ensure the safety and stability of the proposed development, these works are undertaken prior to commencement of development. The document must include details and timings for these additional identified works, and an assessment of the effect of the works on site drainage. The site must be developed wholly in accordance with said document with confirmation of its completion in full being provided at the completion of the development.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site.

5. In addition to the basic landscape information shown on approved plans Landscape Proposals c-966-02 rev.b + c-966-03 rev.a the areas of the site surrounding the playing pitch, the developer must provide a detailed specification of planting, management and maintenance for the creation of high quality biodiversity areas that complement and enhance the adjacent Local Wildlife Site. This document must be submitted to, and approved in writing by the Local Planning Authority before the commencement of development. Said specification must include details of planting species and specification and timing. Planting must be carried out in the first available identified period following the commencement of the development.

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009) and part 11 of the NPPF

6. For the full course of development works on the site, site works, deliveries and the operation of materials, plant and machinery (including generators) must be carried out only during the following hours: Monday - Friday 08:00 to 18:00 hours inclusive, Saturday 09:00 to 14:00 hours inclusive, with no works on Sundays and Bank Holidays

Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
 - i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii; Post-fieldwork methodologies for assessment and analyses.
 - iv; Report content and arrangements for dissemination, and publication proposals.
 - v; Archive preparation and deposition with recognised repositories.
 - vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

8. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

9. Prior to the commencement of development the developer must submit in writing to the Local planning authority a scheme of remedial works to treat areas of shallow coal mine workings to ensure the safety and stability of the site, for written approval; and a schedule for implementation of those remedial works measures. The development must be carried out wholly in accordance with said written approval.

Reason: Coal mining legacy poses a risk to the proposed development and that remedial works to treat areas of shallow coal mine workings to ensure the safety and stability will be required to be undertaken prior to commencement of the development.

STATEMENT OF PROACTIVE ENGAGEMENT

140. 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

