

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/17/04130/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline residential development (Class C3 – Dwelling-houses) for up to 20 units including access. All other matters reserved.
<b>NAME OF APPLICANT:</b>	Homes and Communities Agency
<b>ADDRESS:</b>	Magistrates Court Ashdale Road Consett
<b>ELECTORAL DIVISION:</b>	Consett North Steve France
<b>CASE OFFICER:</b>	Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is 0.53 ha. of land, facing Ashdale Road, a short distance north of the centre of Consett. Ashdale Road is framed by the A692 at one end and the B6306 at the other, giving easy access to the wider transport network via private car or public transport – there are two bus stops on the road, and 19 bus stops and Consett Bus Station within a 500m radius of the site.
2. The land is currently occupied by the now redundant Magistrates buildings, a modern complex of flat roofed structures set on a raised bund, with car parking to one side and the rear, and an excavated service yard on the remaining west elevation. Specimen trees are planted around the site which is generally open, with fencing just to the rear boundary, separating it from the functional and significantly lower service areas of the adjacent Academy, and the car park fronting the Academy campus and Leisure Centre to the east. Another car park serving the Academy that includes a re-sited listed war memorial separated from the site by a grassed area including a footpath is visible from the other, west boundary.
3. Ashdale Road includes the frontage of the Academy and its adjacent playing fields, tennis courts, a large block of older residents' accommodation, the cleared site and remaining car-park of the demolished swimming pool, local-authority built housing, modern market housing, garage blocks, a commercial garage and a disabled persons' club in a varied urban environment.

## The Proposal

4. The outline application proposes consent for up to 20 new dwellings, with detailed consent sought for the proposed access only. This equates to around 39 dwellings per hectare (dph). The application is accompanied by an illustrative masterplan, submitted to show the site can physically accommodate the proposed maximum quantum of development proposed. All other matters, including layout, appearance landscaping, and indeed the number of units is 'reserved' for future consideration and approval, should this application be granted consent.
5. This application is reported to Committee as a 'major' development.

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## PLANNING HISTORY

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6. The site's planning history relates to the existing building's former use as a Magistrates Court. The demolition of the buildings complex is inherent within the proposals.

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## PLANNING POLICY

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### NATIONAL POLICY

7. 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.
8. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
9. 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;

10. *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.
11. *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.

12. *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.
13. *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.
14. *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.
15. *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:**

16. 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.
17. *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.
18. *Air Quality* – sets out the national European and National legislative framework and a local air quality management (LAQM) regime which requires every district and unitary authority to regularly review and assess air quality in their area. Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location.
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. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

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

23. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
24. *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.
25. *Policy HO22 – Recreational Public Open Space within Housing Layouts* - this Policy covers open space provision within housing sites. It states that provision should be made on site where possible, or via a financial payment in lieu of direct provision, where sufficient provision cannot be made on site. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy HO22 and paragraph 73 of NPPF.
26. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
27. *Policy TR3 – Cycling* – Requires cyclists’ needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

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

28. 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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. *Highways* – Subject to the access being designed to full adoptable standard, the Principal Highway Engineer raises no objection to the proposals. Concerns relating to highway safety have been investigated, with it noted that there are no accident records in the vicinity of the site access. From the indicative plans provided there is a difference of 3 spaces between the proposed and former uses, suggesting the trip generation rates would be similar. It is concluded there is no perceptible effect on highway safety from the traffic levels that would result from the development.

30. *Northumbrian Water* – at the time of writing, no response had been received from NWL. As the site is within an established urban area, no objection is expected. Any detailed scheme would be approved in accordance with required run-off rates.

### **EXTERNAL CONSULTEE RESPONSES:**

31. *The Coal Authority* – does not object to the proposed development subject to a condition requiring intrusive site investigations, reporting of findings, identification of remedial or mitigation works as required, and implementation of said works.

### **INTERNAL CONSULTEE RESPONSES:**

32. *Spatial Policy* – have identified the principal issues: Brownfield, sustainable location, no Neighbourhood Plan activity, Site not identified within the Consett Masterplan, 15% Affordable requirement. OSNA calculations/considerations have been provided.

33. *Drainage and Coastal Protection* – accept in this case that infiltration is not an option due to ground conditions, the outfall being a combined drainage system. Implementing the use of SuDS for water quality improvement is accepted as impracticable and therefore unnecessary. It is suggested that the surface water management scheme for the proposed development is implemented in accordance with the submitted Drainage Strategy.

34. *Design and Conservation* – acknowledge that the site does not contain Heritage Assets, and that the setting of the nearby listed War Memorial is not adversely affected, likewise the nearby Blackhill Conservation Area.

35. *Environment, Health & Consumer Protection (Noise)* – note the submitted noise assessment identifies the air handling plant on the adjacent leisure centre as a

potential effect on residential amenity. A detailed noise impact assessment is suggested required. This request can be conditioned.

36. *Environment, Health & Consumer Protection (Contamination)* – agree with the methodologies of the submitted reports and the conclusion that further site investigation works are required. Appropriate conditions are suggested.
37. *Ecology* –The building is flat roofed and in good condition with limited linkages to the wider countryside. There are no bat records within 1km. Impacts on bat roosts are unlikely with a negligible risk of a maternity roost. Given the potential impacts the LPA does not require a bat risk assessment at this stage, however a bat risk assessment with any recommendations followed will need to be completed in due course and prior to the design of the site being fixed at reserved matters stage.
38. *Tree Officers* – ask that a detailed tree survey be submitted that identifies the most valuable specimens on site for retention. The trees on site do not warrant a Tree Preservation Order.
39. *Education* – Whilst there is acceptable capacity in the local area for Primary aged pupils, in relation to secondary schools, based on projected rolls, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £49,032(3 x £16,344) would be required to facilitate the provision of additional teaching accommodation.
40. *Affordable Housing* - The Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the North delivery area has an affordable housing requirement of 15%, equating to three units within the scheme.
41. *Landscape* - Request a detailed tree survey to accompany a proposals, suggesting the trees collectively and individually contribute significantly to the streetscape and visual amenity value of this town centre location.

#### **PUBLIC RESPONSES:**

42. Seven consultation letters were sent out to surrounding residents, with notices posted to the front of the site, and an advertisement in the local press.
43. In response local Member Cllr Owen-Temple, asks that his reservations with regards to this site are noted, particularly in terms of the density of this proposal in an area where the neighbouring houses are generously provided for in terms of plot, and where the traffic is difficult around school times, making dense additional housing unwelcome. Cllr Alex Watson mirrors the highways concerns.

*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=P1DGNTGDJ1U00>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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44. 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, residential amenity, and highway safety.

### The Development Plan

45. 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 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 the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
46. The Local Plan was adopted in 1997 and was intended to cover the plan period until 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

47. 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.
48. 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.
49. 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.
50. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as relevant policies within the Local Plan are out-of-date where outlined below.

## Five Year Housing Land Supply

51. 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.
52. 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)
53. 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.
54. 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.
55. 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.
56. 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.
57. 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.

## Policy Principle

58. There are no relevant or up-to-date Housing policies in the Development Plan, therefore determination reverts to the 'presumption in favour' of paragraph 14.
59. In terms of the principle of residential development in this location, whilst there was no adverse response to the Council's consultation exercise, a similar pre-submission exercise carried out by the applicants did receive some negative comments from surrounding residents. The site is previously developed, within an established urban area, with good access to existing goods, services and facilities.

No objection has been raised by the NHS Health Trust in response to their consultation for access to health and dentist availability, and the County Education Department have indicated the degree of mitigation required to provide for the additional demand on school places. In principle, Officers have concluded that the location is acceptable for residential development.

#### Impact upon the Surrounding Area and Neighbouring Amenity

60. The site does not neighbour existing residential development meaning that residential amenity implications are wholly within the development, and therefore deferred assessment for the reserved matters stage.
61. As regards the density concerns raised by the local Member, the surrounding area has a wide variety of house type style, age density and layout. The proposed density is 38 dph. The Department for Communities and Local Government's 'Land Use Change Statistics in England, 2015-16' indicates that for new dwellings on previously developed land, the average national density was 37 addresses per hectare. The NPPF only advises that, when plan-making, local planning authorities should 'set out their own approach to housing density to reflect local circumstances'. Within the submitted Design and Access Statement the applicant has shown that the land is physically capable of accommodating a scheme of up to 20 units, providing adoptable standard highways and incorporating open space with trees and footpath links to surrounding paths, in a potentially acceptable manner assessed against the requirements of Policy GDP1 and paragraph 17 of the NPPF. There are no grounds to refuse the development on the basis of the proposed density, which may in any event change at the reserved matters stage.
62. The site sits in front of the functional service elevations of the Leisure Centre and Academy. Environmental Health (Noise) Officers have indicated that the potential adverse impact of this relationship on the residential amenities of new residents could be safeguarded through an appropriate condition.
63. The proposed land use and its neighbours, subject to the details required submitted at the 'reserved matters' stage, are potentially mutually compatible. The scale, appearance and layout of any development on the site are wholly within the control of the Council, required agreed at the 'reserved matters' stage.

#### Highway Safety

64. The Highway Safety implications of the scheme are a principle concern of the Councillors. Planning Officers made sure that one of the site inspections was timed to observe the effects of the end of the academic day at the Academy. Crossing patrols and a Police presence were apparent, along with parking on-street, on the application site, and on the remaining car park following demolition of the swimming baths.
65. There was a dramatic, if very short duration effect on the vehicular highway, matched by the effect on the pedestrian highway of the egress of large number of walking students leaving the academy at the end of their day, not uncommon in the vicinity of schools.
66. The Highways Development Manager's comments conclude there is no perceptible effect on highway safety from the traffic levels that would result from the development, acknowledging the implications of the surrounding land uses. The proposed site access arrangements have been considered in detail and are considered acceptable.

67. Policy TR2 of the Development Plan gives no lead on protecting general highway safety beyond the site. The NPPF advises only that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In light of the advice from the Highways Department, Officers conclude the development acceptable. A standard construction hours condition is set out below, with a requirement to identify times when heavier construction related traffic could avoid the academic day.

#### Other considerations

68. The applicants have agreed to a legal agreement to ensure that the development meets expectations for provision of open space where this is not provided on-site. Requirements for affordable housing and education provision can be ensured through the same mechanism. Each of these requirements are considered to meet the tests for the use of a legal agreement, being: necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind, and ensure that the proposals are Policy compliant.

69. Implications for drainage, contaminated land and ecology can be met through the imposition of appropriate conditions.

70. The relationship to the listed structure has been assessed by Conservation Officers and concluded acceptable, preserving its current setting, and meeting the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Part 12 of the Framework.

71. Policy TR3 of the development plan requires access to cycle parking facilities. A condition to this end is proposed.

72. As an outline application, most of the detailed issues including the appearance, layout, tree retention and landscaping, relationship to the war memorial, connections to existing footpaths, parking requirements and so on are included in the remit of the reserved matters part of the outline procedure, for future approval in the event that the outline application is successful.

#### Economic Benefits

73. Whilst not quantified to a degree that would allow specific weight to be added to this important component of the planning assessment, that the development will bring economic benefits to the local economy during the construction phase of development and from the subsequent economic activity of new residents is a material factor in favour of the development.

#### The Balancing Exercise

74. The application brings the benefits of adding to the County's housing supply on a brownfield site in a location that is considered wholly 'sustainable'. It will increase opportunities for home ownership. This is of positive weight to an application that already benefits from the 'titled balance' in favour of sustainable development. The aforementioned economic benefits add further positive weight.

75. Requirements for open space, affordable housing and education provision can be secured through a legal agreement. Other technical requirements can be achieved through the imposition of appropriate conditions.

76. Concerns relating to highways do not contravene the Development Plan's Highways policies, and are not such that they are considered to fail the advice in the NPPF that, 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. The highways issues relating to the academy are existing and will not be significantly exacerbated by the proposed development.

77. No negatives have been identified that would significantly and demonstrably outweigh the identified benefits. There are no specific policies in the Framework that indicate development should be restricted.

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## **CONCLUSION**

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78. The scheme brings the benefits of additional housing supply, economic activity and the reuse of a brownfield site and with no significant adverse impacts identified. The 'tilted balance' leads to a recommendation for approval of the proposals, subject to the required legal agreement, and the identified conditions.

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## **RECOMMENDATION**

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79. That the application be **APPROVED** following the applicant entering into a s.106 agreement to provide:

(i) up to £41,140 (based on an average occupancy of people per dwelling, i.e. £935 x 44 people) for the provision of open space and play space for use only in the electoral division,

(ii) up to £49,032 (3 pupils x £16,344) in order to mitigate the impact of the development on demand for secondary education in the area through the provision of additional teaching accommodation,

(iii) 15% of the development – 3 units - in a form of affordable housing to be agreed with the Local planning authority,

and subject to the following conditions:

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

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

2. Approval of the details of: number of units, layout, scale, appearance, landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

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

3. The development hereby approved must be carried out within the site identified on the following boundary plan, with the proposed access carried out in full accordance with the following approved access plan:  
D6590.001 - Red line boundary plan  
P17074-001B – Proposed site access strategy  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 and TR2 of the Development Plan.
4. The development hereby approved must comprise of no more than 20 dwellings.  
Reason: To clarify the extent of the approved development.
5. Before any part of the development hereby approved is commenced, an existing site levels survey for the whole site and a proposed highways levels plan for all communal vehicular and pedestrian highways, and shared drives must be submitted to and approved in writing by the Local planning authority. Before any individual plot commences development an existing levels plan, a proposed ground levels plan to cover the whole plot and show all formed slopes and retaining structures, existing and proposed boundary markers, and elevations showing finished floor, eaves and ridge levels must be submitted to and approved in writing by the local planning authority, with the development carried out in full accordance with said approval.  
Reason: to ensure a satisfactory form of development and in the interests of residential amenity, as required by Policy GDP1 of the Development Plan.
6. The reserved matters application must be accompanied by: a Tree Survey, an Arboricultural Impact Assessment, a Tree Protection Plan and an Arboricultural method Statement, all of which must comply with BS 5837:2012 which must be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in full for the full course of the approved development works. There must be no works or storage of materials, plant or vehicles within the tree protection area during construction works.  
Reason: in order to ensure the implications of development works for the trees on site are fully taken into account and mitigated through development works in accordance with Policy EN11 of the Development Plan.
7. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.  
Reason: In the interests of visual amenity and Policy GDP1 of the Development Plan.
8. In advance of the Reserved Matters application a bat risk assessment must be undertaken by the developer, and where this concludes with recommendations for further survey work, and subsequent recommendations for mitigation and/or required working methods are identified, these must be carried out and inform the design, layout and detail of proposals, be clearly identified in the reserved matters application and thereafter be carried out in full within a timescale to be agreed in writing by the Local planning authority. The bat risk assessment and any following survey work must be submitted in writing with the first Reserved Matters application submitted.  
Reason: to protect the interests of species protected by law.
9. Before development commences, full constructional details of the proposed roads, to be of a standard capable of adoption, including levels, kerbs, drainage, footways,

footway crossings and shared drives shall be submitted to and approved in writing by the Local planning authority. A schedule for construction of the road and triggers for implementation must be included in said document. The works must be carried out in full accordance with the written agreement.

Reason: to ensure a safe and satisfactory highways layout, in accordance with Policy TR2 of the Development Plan.

10. The reserved matters application must include submission of a scheme of cycle parking facilities, to be agreed in writing with the Local Planning authority and implemented in full before any approved dwelling is occupied.

Reason: To encourage sustainable means of transport and in accordance with Policy TR3 of the Development Plan.

11. The surface water drainage for the scheme must be carried out in full accordance with the Drainage Strategy - Ref: 12708 – December 2017 Rev f1 13/12/2017, including in particular the discharge rates contained therein.

Reason: to ensure the surface water drainage implications of the site are fully taken into account as required by part 10 of the NPPF.

10. For foul drainage, the development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled “Drainage Strategy Report” dated “December 2017”. The drainage scheme shall ensure that both the foul and surface water flows shall discharge to the combined sewer via manhole 0307. The surface water discharge rate shall not exceed the available capacity of 18 l/sec that has been identified in this sewer.

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

12. Prior to the commencement of development the developer must: Undertake a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity; Submit in writing a report of the findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary; Implement in full said identified remedial works and/or mitigation measures.

Reason: In order to ensure coal mining legacy issues that may occur on the site are fully mitigated in line with part 11 of the NPPF.

13. Before development commences, the developer must provide a detailed noise impact assessment, compliant with the methodology stated in BS 4142:2014, demonstrating the noise rating level from nearby commercial noise sources. Should the assessment demonstrate that the rating level of existing commercial operations/fixed plant be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must be proposed, which when required on a dwelling must be implemented in full before the dwelling to which it relates is occupied, or otherwise, before any dwelling is occupied and maintained for lifetime of development .

Reason: to ensure the amenity of new residents in accordance with paragraph 17 of the NPPF.

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

or d, are not required. Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 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.

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.

13. In relation to Contaminated Land: pre-commencement:

(a) 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.

(b) 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 (Following the submission of a preliminary ground gas risk assessment, for some developments the Local Planning Authority may agree in writing to the installation of Gas Protection Measures as a precautionary measure without first carrying out ground gas monitoring). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

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.

14. In relation to Contaminated Land: Completion

(c) 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.

(d) 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.

15. 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. The developer must identify morning and afternoon periods when principle access to the academy is required, and provide a written scheme, for approval in writing by the Local planning authority that ensures that heavy construction related traffic avoids this period.

Reason: to protect reasonable expectations of amenity by local residents, in line with Policy GDP1 of the Development Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2012)

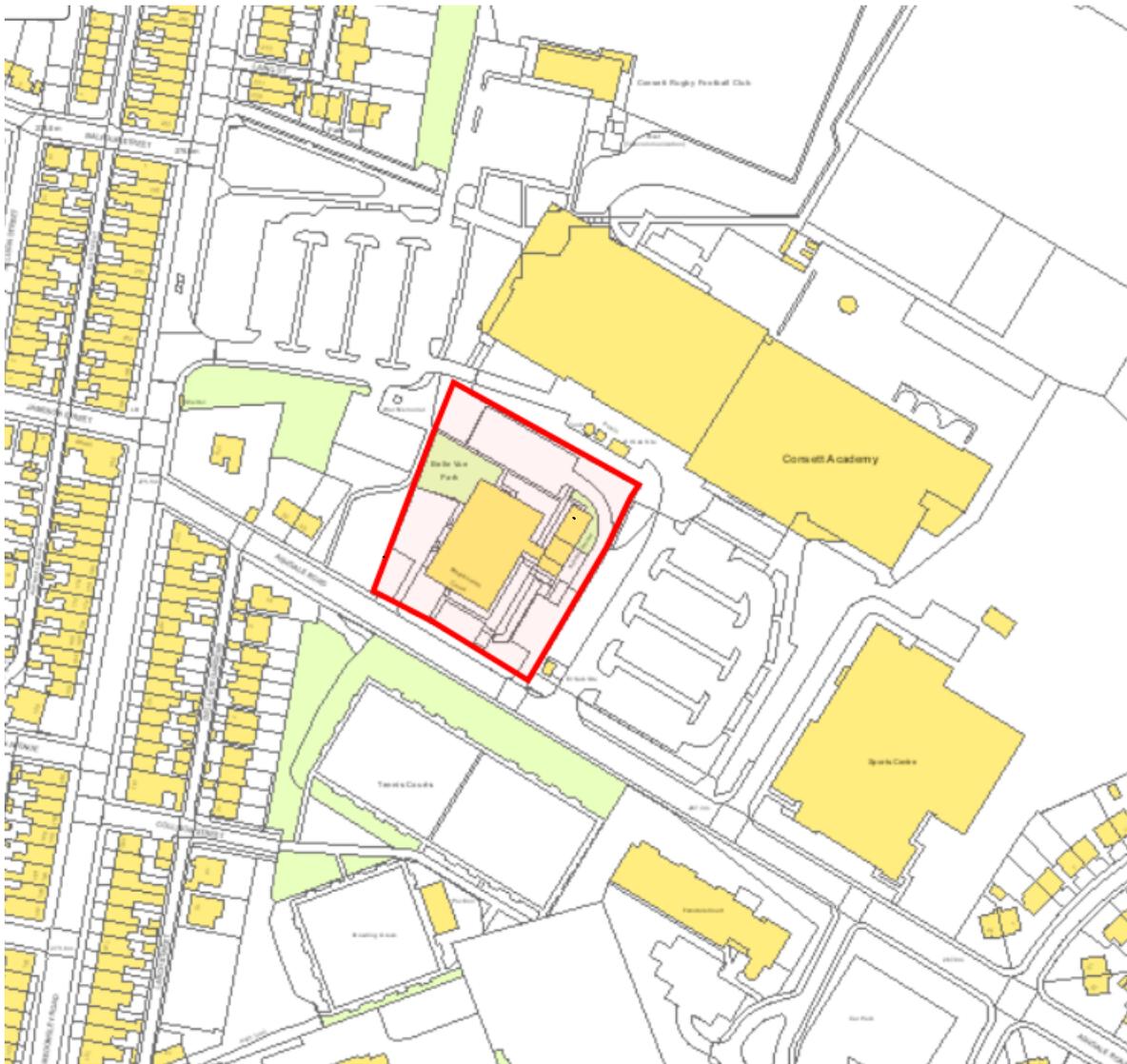
National Planning Practice Guidance Notes

Derwentside District Local Plan 1997 (saved policies)

The Department for Communities and Local Government: Land Use Change Statistics in England, 2015-16

Statutory, internal and public consultation responses

Submitted forms, plans and supporting documents



**Planning Services**

Outline residential development (Class C3 - Dwellinghouses) for up to 20 units including access.

Application Number DM/17/04130/OUT

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**Comments**

**Date** 29<sup>th</sup> March 2018

**Scale** NTS