

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/01349/FPA
FULL APPLICATION DESCRIPTION:	Construction of sustainable drainage system (SuDS) basin, to service the "Go-Ahead" development and potential future sites
NAME OF APPLICANT:	Project Genesis Ltd
ADDRESS:	Land to the South East of Greencore Hownsgill Industrial Park Templetown
ELECTORAL DIVISION:	Consett South Steve France Senior Planning Officer
CASE OFFICER:	Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 1.25 ha. of land, at the southern end of Hownsgill Industrial Estate adjacent a site recently approved for the siting of a bus depot.
2. The land is highly engineered, being part of a plateau of unimproved grassland surrounded by a tree planted amphitheatre. The minor road between Knitsley and The Grove runs along the south of the site, where a field containing a wind turbine separates the site from the tree lined Lanchester Valley Railway Path. Hown's Gill Farm, with its solar panel array and caravan camping is visible 0.35 miles to the south-west across the valley containing this leisure route.

The Proposal

3. The application proposes erection of a Sustainable Drainage Basin in the form of a raised bund, surrounded by a maintenance road. The facility is to serve the recently approved Bus Depot in the first instance but also futureproofs for future development in the Industrial Estate.
4. This application is reported to Committee as a 'major' development on the basis of the size of the site.

PLANNING HISTORY

5. The site has no planning history.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
8. 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.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *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.
11. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

12. 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.
13. *Flood risk and coastal change* – sets out the sequential, risk based approach to the location of development, reducing flood risk, increasing resistance and resilience and the role of the lead local flood authority when determining planning applications,
14. *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.

The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:

15. *Policy GDP1 – General Development Principles* – requires ‘adequate provision for surface water drainage’, and gives protection to important wildlife habitats and species protected by law.

RELEVANT EMERGING POLICY:

16. 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:

17. *Northumbrian Water* – have been consulted as the proposed overflow exits into part of their apparatus. Whilst their reply is outstanding as this report is written, a condition restricting supply to that quoted in the submitted technical reports is expected. Members will be updated at the Committee meeting.

INTERNAL CONSULTEE RESPONSES:

18. *Drainage and Coastal Protection* – the proposal is acceptable in principle subject to confirmation of accordance with relevant design standards and a maintenance regime.
19. *Ecology* – consider the applicant should provide information on the quality of the habitats on site and the details of how they intend to mitigate for impacts on biodiversity; this is likely to be in the form of the use of suitable wildflower grassland mixes within the SUDs and an appropriate in perpetuity management plan for the created habitats that maintains the biodiversity of any created habitats.
20. *Landscape* - The proposed pond would not have a negative effect on the visual amenity value of the area.

PUBLIC RESPONSES:

21. The proposal has been advertised by way of notices posted on a highway near the site and press notices. There are no immediate neighbours. No response has been received.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

22. 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 purpose of the development and its visual effects.

The Development Plan

23. 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.
24. 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. In so far as it relates to drainage, Policy GDP1 of the Local Plan advises 'adequate' provision be made for surface water drainage, somewhat out of step with the importance government attaches to the subject in the NPPF. The Local Plan policy is therefore considered 'out-of-date'.

The NPPF

25. The NPPF gives particular attention to drainage and flooding issues, and in conjunction with the NPPGs seeks to ensure the control of surface water through the planning system. Paragraph 14 is therefore engaged whereby permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (*sic*) Framework taken as a whole', there being no policies that indicate that development should be restricted.

Development Proposals

26. The proposals, submitted by Project Genesis Ltd. to control surface water drainage are a strategic infrastructure project that will serve in the first place the recently approved adjacent bus depot along with other development proposals that may be attracted to the Industrial Estate. The project therefore appears to have both environmental and potential long term economic benefits in making the Estate more attractive to investors.

27. While at the time of writing the formal response from Northumbrian Water is awaited it is expected that this will identify the need for technical conditions, such as restricting flow rates. Members will be updated of this at your meeting and the proposed conditions list will be revised if required.

Other Matters

28. Ecology have asked for details of the proposed planting regime to ensure that there is a net biodiversity gain from the project. A condition is attached requiring a scheme, although direct discussions are taking place that may supersede this by the time of the Committee meeting.
29. No issues of landscape harm have been identified.
30. The facility has no traffic generation implications.

The Decision Taking Process

31. The relevant Local Plan Policy for this proposal is 'out-of-date'. There are no specific policies in the Framework that indicate that development should be restricted. The NPPF therefore advises that with no adverse impacts identified that would significantly and demonstrably outweigh the benefits when assessed as a whole, that permission should be granted.

CONCLUSION

32. The scheme brings identified benefits, and with no adverse impacts identified, is recommended positively to the following conditions.

RECOMMENDATION

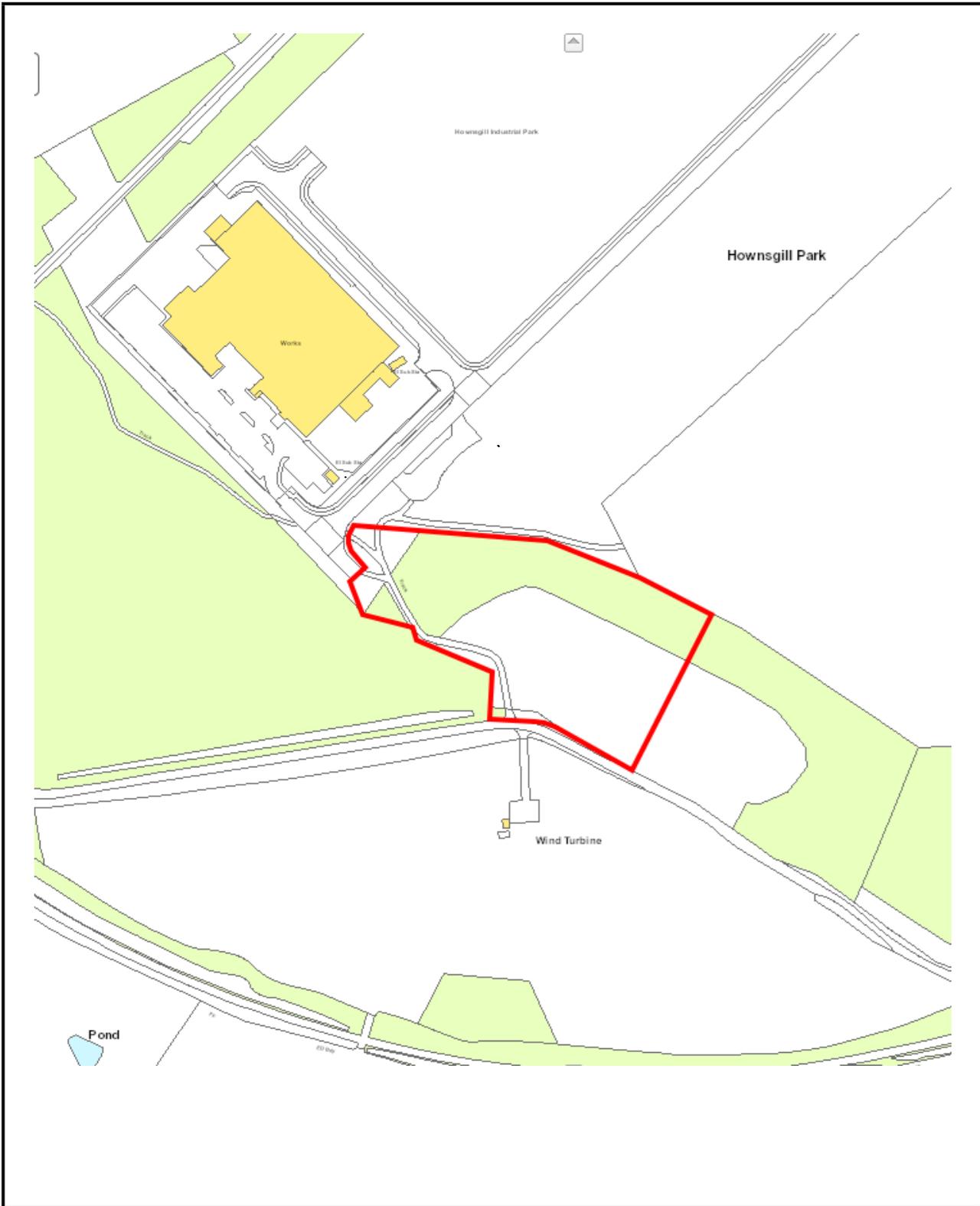
33. That the application be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended 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: 2543/506, 2543/511.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with the advice of part 10 of the Framework.
 3. Before development is commenced a scheme of planting to ensure the development achieves the net biodiversity gain advised by the Framework including a schedule for implementation must be submitted to and approved in writing by the Local planning authority.
Reason: To ensure the development achieves biodiversity benefits as required by Policy GDP1 of the Derwentside District Local Plan 1997 (saved policies 2009), and paragraph 109 of the Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies)
Statutory and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

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Comments

Date 28th June 2018

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