

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01498/OUT
FULL APPLICATION DESCRIPTION:	Outline application for the construction of up to 31 residential dwellings and associated works with all matters reserved except for access
NAME OF APPLICANT:	Northumbrian Water Limited
ADDRESS:	Land to the East of the Junction of Belle View Drive and Drover Road Castleside
ELECTORAL DIVISION:	Lanchester
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 1.77ha of land in Castleside, a village formed around the junction of the A692 and A68, 2.2 miles south-west of the town of Consett. Nine bus stops in the village connect it with Consett, Durham, Stanley, Wolsingham and Lanchester.
2. The site is part of a wider area of land that wraps around a covered reservoir. This is surrounded by the village on three sides, with the land to the south open countryside, which includes Ancient Woodland on the boundary. The site is a triangular area of land that slopes steeply from this countryside north to the reservoir and further towards the stone built Victorian terracing that fronts the A692. Consisting of semi-improved grassland used for grazing, the only structure on the land is a small electricity sub-station in a brick enclosure built into the stone wall boundary with Drover Road.
3. The surrounding village is a mix of architectural styles and materials, with Victorian stone terracing, modern estates and 1960's two storey, dormer and bungalow developments all apparent. The Village Hall is close to the site, along with playing fields and public open space. There are no off road public footpaths on or around the site.

4. The village has a restricted range of services in its own right, but is well served as part of the wider association of settlements attached to the town of Consett, and the extensive range of services and facilities offered by the main town.

The Proposal

5. The application is in 'outline' form, asking for the principle of up to 31 dwellings to be erected, seeking detailed agreement of the site access onto Drover's Road only. All other matters are reserved for subsequent approval.
6. This proposed access onto Drover Road is sited just below the aforementioned sub-station. Dover Rd is a steeply sloping busy highway, used by many drivers to bypass the busy junction of the A68 and A692. To show the site can accommodate the quantum of development proposed, an indicative layout, street scenes and site sections has been submitted with the application. No approval is sought for these elements at this time. The indicative layouts show that the suggested density of dwellings and gardens could be achieved in a design that allocates space for SuDS features, and buffers to the adjacent countryside / Ancient Woodland.
7. This application is reported to Committee as a 'major' development.

PLANNING HISTORY

8. Representing the most recent formal planning history on the site, in 2003 an application for an outline residential development was refused: as contrary to Planning Policy Guidance (PPG) Note 3 (Housing), which promoted new development on previously developed land, and on the basis the applicant had failed to demonstrate adequate visibility on the entrance to the development from Drover Rd, in the absence of estimates of traffic flows, being therefore considered detrimental to highway safety and Policy TR2 of the Derwentside District Local Plan, 1997.
9. The site has however been most recently assessed as 'green', i.e. achievable for development within 11-15 years, in the Strategic Housing Land Availability Assessment (SHLAA), Individual Sites Assessments, June 2018.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. In accordance with paragraph 48 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.

12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 6 - Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 11 - Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. *NPPF Part 12 - Achieving well-designed places.* The Government has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.
20. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

21. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

NATIONAL PLANNING PRACTICE GUIDANCE:

22. 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, and is subject to continual review.
23. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.
24. *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.
25. *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.
26. *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.
27. *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.
28. *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.

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. *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.
31. *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 180 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

32. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
33. *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.
34. *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.
35. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.
36. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
37. *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 96 of NPPF.

38. *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.
39. *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:

40. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

Five Year Housing Land Supply

41. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
42. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
43. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, the revised draft NPPF was issued for consultation, with paragraph 61 of that document advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
44. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
45. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

46. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

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:

47. *Highways* – The site access as proposed from Drover Road as part of this outline application is positioned to ensure safe access and egress from the site. County Traffic Engineers confirm the speed limit on Drover Road does not need to be change or relocated. The access as proposed needs to be built to adoption standards under a future Section Highways 38/278 Agreement. The site access in its current form is acceptable.
48. A suite of conditions and informatives relating to adoptable construction standards, speed limits in the development and the layout being constructed to adoptable standard are suggested.
49. *Northumbrian Water* – *‘With regard to foul flows, an enquiry was received by Northumbrian Water to ascertain suitable connection points and discharge rates to the public sewer network. Our work undertaken in response to this enquiry indicated that the adjacent sewer network does not have capacity to accommodate additional flows at present. Upon receiving certainty that this development will proceed, following the granting of planning permission, Northumbrian Water will carry out further assessment work to inform subsequent investment to enable a foul drainage strategy to be agreed for the site’.* A condition is suggested to enable Northumbrian Water to agree a suitable foul drainage strategy following further assessment works.

EXTERNAL CONSULTEE RESPONSES:

50. *The Coal Authority* – concurs with the recommendations of the Phase 1 Geo-Environmental Desk Study; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A suitably worded standard condition is suggested.

INTERNAL CONSULTEE RESPONSES:

51. *Spatial Policy* - assess the status of relevant local plan policies, thus:
- Policy GDP1, requiring high quality design is NPPF compliant and should be factored in the planning balance.
 - Policy EN1 restricts development in the countryside, requiring proposals to be sensitively related to existing settlement patterns and environmental resources. The Policy is largely up-to-date and can be given weight.
 - Policy EN2 seeks to restrict development outside existing built up areas and encroachment into the countryside. Weight can be given to the Policy.
 - Policy EN11 Existing trees should be incorporated into new developments where possible. This is NPPF compliant.

- Policy HO22 requires public open space provision or monies in lieu. The general aims are consistent with national policy.
- Policy TR2 has general aims, which when read with the more up-to-date County Highway standards are consistent with the Framework and NPPG advice.

52. (Considering a larger parcel of land including the site) the SHLAA 2018 identified that the reservoir consolidates the settlement boundary. There has been planning permission granted in the past. There will be some issues that may affect yield - there will need to be a 15m buffer to protect the LWS and there is some surface water flooding that will need mitigation. Highways have no issues with the site but local car parking and narrow roads will have to be considered. The site has previously been identified for housing development in the existing Local Plan, although the policies relating to this were not saved as the evidence base became out-of-date.

53. An OSNA figure was identified to support the likely demands from the scheme of 31 units, will need to include offsetting for what can be provided on-site at the reserved matters stage.

54. *Drainage and Coastal Protection* – Engineers state, ‘*The proposal should comply with the NPPF which states that those proposing development are responsible for drainage designs which reduce flood risk to the development and elsewhere, potentially through the use of Sustainable Drainage Systems (SuDS). Surface water arising from a developed site should, as far as is practicable, be managed to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere. The proposal should also limit surface water discharge from the proposed development to comply with greenfield QBAR Rural Rate, which may be less than 5 l/s as suggested in the Flood Risk Assessment*’.

55. *Ecology* – the detailed scheme and landscaping scheme will inform the extent of any requirements for off-site mitigation to ensure the development meets the requirement of a net biodiversity gain, both from the effects of the physical development itself, and from the additional pressures new residents will bring on the surrounding natural environment.

56. *Landscape* – note the relationship of the site to the AHLV, the Ancient Woodland and a Local Wildlife Site. They state, ‘*There would be, in particular, a notable effect on the rural character of the area as perceived from Drover Road on approach to Castleside from the south. The effect on the character of the wider landscape of the Derwent Valley would be lower, given the level of visual containment and surrounding residential development, despite the proximity of the AHLV and the elevated location*’. A detailed design critique is given on the indicative layout. They conclude the proposals would have some adverse landscape and visual effects.

57. *Environment, Health and Consumer Protection (Noise)* – measures should be employed on site to mitigate any emissions of dust from the construction site activities carried out on site. A further detailed assessment of the air quality involving dispersion modelling is not required in this case.

58. *Environment, Health and Consumer Protection (Contamination)* – have assessed Wardell Armstrong geo-environmental desk study (April 2018) and agree with its conclusions and that a phase 2 site investigation is further required. A suitable condition is suggested.

59. *Affordable Housing* - The Strategic Housing Market Assessment (SHMA) sets out the affordable housing need across the county. The proposed development at Land to the east of the junction of Belle View Drive and Drover Road, Castleside would fall in the North delivery area which has an affordable housing need of 15%, equating to 5 affordable units across this development should the proposed 31 units be delivered. This should be delivered as a mix of tenure with 70% for affordable rent and 30% for affordable home ownership. This should be delivered in a mix of 2 and 3 bedroom properties.
60. Where a discounted sale home ownership product is being considered, we would require the developer to provide an indication of the open market price of the discounted units, to allow this proposal to be supported. This information is required to allow the percentage discount to be determined to ensure the units comply with the affordability criteria. Where affordable rent is being considered the developer should seek a registered provider partner as soon as possible to determine interest in the site. Dialogue around the affordable housing requirement is recommended as early as possible.
61. *Education* – Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 31 dwellings would produce 10 pupils of primary school age and 4 pupils of Secondary age. In order to mitigate the impact of the development a contribution of £66,176 (4 x £16,544) would be required to facilitate the provision of additional teaching accommodation. This can be secured through a s.106 legal agreement.
60. *Archaeology* – acknowledge the additional survey work they requested has been undertaken by the developer, and ask for a condition to secure additional investigation works.

PUBLIC RESPONSES:

62. Twenty seven letters of public consultation were sent out to nearby residents and community buildings. Site notices were posted and an advertisement placed in the local press. Thirteen objections have been received, from local residents and the Parish Council.
63. The Parish Council object on four grounds: Highway Safety from increased traffic, Affordable Housing may not be affordable to local people, shortage of school places, and lack of facilities in the village.
64. The principal issue for local residents is the increased traffic the development will generate and the safety implications of this for vehicles, pedestrians and property. Use of the Village Hall exacerbates traffic issues on a steep hill that is used as a rat-run to avoid the main road junction. Traffic issues are cumulative with other housing schemes approved in the area.
65. Other issues raised include that the local school is at capacity, and the village generally has a lack of facilities. The relationship of the site to nearby Ancient Woodland and the AONB is of concern. The loss of the site for dog-walkers and villagers taking short-cuts is referred to, along with the loss of green spaces. Too many houses are being approved in Castleside which will lose its identity as a village. There are no places to play. The development may result in drainage issues. No social housing is proposed and the dwellings would not be affordable for people in or relocating to Castleside.

APPLICANT'S STATEMENT:

66. Northumbrian Water Limited (NWL) is pleased to see that your Officers are recommending approval of this planning application, which will allow for a forthcoming housing developer to build out the site (subject to the future approval of the Reserved Matters) to provide new market housing and affordable homes in a sustainable location.
67. NWL has been proactive throughout the application process, working with the Council through the submission of a pre-application enquiry to understand any technical constraints from the outset and to directly inform the final proposals. As a result a scheme of 31 homes including an ecological buffer, open space and a sustainable drainage scheme has been designed and is the final scheme you see before you.
68. The applicant has also been proactive through the community engagement process, inviting local ward members and residents to a consultation event which took place on Monday 28 February 2018 at Castleside Village Hall. Leaflets were posted to 750 homes in the local area in advance of this which also included a questionnaire.
69. As set out within this committee report, the scheme brings with it the opportunity to deliver a number of benefits. These include:
- 15% of the homes on site are to be affordable, in line with Durham County Council's requirements;
 - Enhance the existing range and choice of dwellings in Castleside to meet local needs;
 - The existing woodland to the south of the site is to be retained;
 - The enhancement of landscaping and provision of SUDS within the site which could support ecological benefits;
 - The provision of open space, including an opportunity to provide a children's play area on site;
 - Economic benefits including construction jobs, the generation of New Homes Bonus Payments and the opportunity to deliver an uplift in Council Tax revenues payable to Durham County Council; and
 - The provision of a monetary contribution towards highways upgrades and education.
70. NWL are required, as a regulated water and sewerage company, to make best use of their assets and dispose of them when they are no longer required for operational purposes, ensuring they get best value for the land and property.
71. In the context of national and local planning policy, we respectfully request that the Council grants planning permission of the proposed development without delay.

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=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

72. 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 in the countryside, the relationship to the existing settlement and Highways issues.

The Development Plan

73. 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 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

74. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework 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, such as the housing allocation for this site.

The NPPF

75. Paragraph 11 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 an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this (sic) Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

76. Paragraph 74 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.

Countryside Policy

77. In terms of compliance with the Development Plan, there are no relevant up-to-date housing Policies. Policies EN1 and to a lesser extent EN2, designed to protect the countryside are compatible with the NPPF and still have weight. Paragraph 12 of the Framework states, proposals should be considered against those policies '*most important for determining the application*'. Each planning application, and each proposal is then taken on its own merits and Members will note that another application on this agenda uses the same policies and comes to a different conclusion.

78. The site at Drover Road is effectively surrounded by the existing settlement on three sides, and was concluded in the SHLAA assessment as a consolidation of the built

form of the settlement. In terms of Policy EN1 whilst the proposals are development in the countryside, they are '*sensitively related to existing settlement patterns*'. Given the SHLAA assessment that the development of the site, Policy EN2's relevant criteria, preventing development that is '*an encroachment into the surrounding countryside*' is not considered compromised, as the countryside could be argued to extend into the existing built development, with the site an infill. The settlements have already 'merged' evidenced by the existing urban form. The site is not 'ribbon development'. Policy EN2's requirements are met.

Housing

79. The County Council have a positive housing land supply position that means that in terms of the additional supply of housing the development would bring, the benefit can only be considered neutral. The site was identified as suitable for housing in the Development Plan, but as noted elsewhere in this report, the evidence base that supported that allocation is now out-of-date. Most relevant at this time is the Durham County Council, Strategic Housing Land Availability Assessment, Individual Sites Assessments, June 2018 gave a 'green' categorisation to the site, concluding it has residential development potential.

Highway Safety

80. The Outline application seeks to 'reserve' all detailed matters for later consideration, except for access. A detailed access arrangement is shown. As part of their assessment Highways Engineers will have considered the additional traffic the development will create, the capacity and layout of the existing highway and road network. The cumulative effect of the development on these aspects in association with other approved schemes, the effect on the safety of pedestrians and the sustainability of the location of the site are all further elements within their remit. All of these aspects are concerns for local residents. Highways implications were flagged as a potential site constraint as part of the SHLAA process. However, it is critical that Highways Officers offer no objection to any aspect of the proposals providing the site and its access are built to adoptable standards. Planning Officers are led by this view and conclude highways issues are acceptable.

Sustainability

81. Local residents and the Parish Council have questioned the sustainability of the Castleside for this and future development. The Settlement Studies carried out to inform future Planning Policy documents point out that small settlements often sit in a hierarchy, where hamlets and smaller villages provide for themselves a basic set of services and facilities, but rely on larger neighbours for others. Castleside, along with Moorside, The Grove, Delves and Leadgate have been seen as part of a group of settlements relying on Consett for some of their principle facilities and services. Paragraphs below detail where specific additional local contribution is required for the likes of Education and Open Space provision to mitigate specific demands the development would generate. The village is concluded to have services available proportionate to its size, and access along an 'A' road to the wider services of the main urban town centre of Consett. The SHLAA assessment concluded, 'Site is reasonably well located in relation to local shops'. The suggested refusal on these grounds is not considered tenable.

82. New development and new residents have the potential to protect and sustain existing businesses and facilities and attract new investment.

Impact upon the Surrounding Area and Neighbouring Amenity

83. This is an outline planning application and where internal consultees have made detailed criticism of the submitted layout, they are assessing an 'indicative' plan, submitted to show the site can be developed rather than detailed proposals involving proposed residential relationships.
84. The applicant's availed themselves of the Council's pre-application advice service which allowed the site to be considered by the Building for Life (BfL) forum. This resulted in the proposals being significantly reduced, with the quantum of development proposed in the revised proposals allowing for the suggested visual / wildlife / woodland buffers to be included, steeper parts of the site avoided benefitting longer views, and land for SuDS features allowed. The result is that the impact on the surrounding area was reduced to a level where Officers indicated the scheme had the potential to be supported on these issues if unexpected elements did not emerge through the formal planning process.
85. The site has no direct effect on the Area of Outstanding Natural Beauty (AONB), which does not extend east of the A68, some 700m to the west.
86. The indicative plan does show that in principle an attractive design could be achieved that meets required separation distances both to existing development and within the scheme, incorporates land for SuDS features and open space, leaving significant buffers between the build development and the nearby designated Ancient Woodland, and avoids the upper part of the site more visible in longer views. The proposal is concluded compliant with Policy GDP1(h) which seeks to protect residential amenity, and achieve a scheme that is in keeping with the character and appearance of the area.

Other Issues

87. *Legal Agreement / Conditions* - The following is a brief summary of technical topics that require to be addressed and formally mitigated in outline approval via a legal agreement and conditions for further agreement as part of the detailed scheme. There are tests required for imposition of both mechanisms set out in the NPPF, NPPG and Community Infrastructure Levy Regulations 2010. Where Officers suggest these mechanisms are used, it is on the basis that it is considered that the relevant tests are met. A number of pre-commencement conditions are suggested. This is likewise on the basis that they meet the tests required for this approach and relate to issues that must be addressed in advance of physical development.
88. *Affordable Housing* - The developer has indicated that the usual requirements for affordable housing can be agreed through a legal agreement tied to any approval. Policy HO22 of the Development Plan justifies the imposition of this requirement in this instance through inclusion in the intended legal agreement.
89. *Drainage* - The development sets out an indicative layout that allows space for sustainable drainage features. Drainage Officers ask that a detailed scheme be prepared through the surface water hierarchy. An appropriate condition will be required. Policy GDP1 of the Development Plan and Part 14 of the Framework require this issue addressed.
90. Northumbrian Water (as consultee) acknowledge there is insufficient capacity in the system at the moment to accommodate the development. A condition could ensure that no dwelling was occupied until this was rectified, ensuring compliance with Part 14 of the NPPF.

91. *Education* - The County Education Department has identified a requirement for the development to make provision for the extra demand it would create. This requirement can be accommodated within a s.106 legal agreement. Paragraph 94 of the Framework requires this mitigation.
92. *Open Space / Play Space* - Whilst the form of the development, the type and number of units proposed, and the provision of any on-site functional open space can all be deferred to the 'reserve matters' process, Spatial Policy Officers have identified an amount of OSNA contribution that equates to the impact of the scheme in its current form, that again can be secured through legal agreement. The provision would ensure compliance with Policy HO22 of the Development Plan.
93. *Ecology* - There are no protected species on the site. The County Ecologist acknowledges that due to the type of application, the net bio-diversity loss/gain cannot be established at this point – the nature of the detailed landscaping proposals and make-up of the buffer zone will inform whether the required mitigation can be carried out on-site, or whether off-site mitigation in the immediate locale is required. This would address both the physical effect of development on the site, and additional pressure on Local Wildlife Reserves from new residents. Inclusion in the legal agreement and appropriate conditions can ensure this requirement, and ensure compliance with the advice of Part 15 of the Framework, paragraph 175 in particular.
94. *Economic Benefits* - 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 in the lifetime of the development is a material factor in favour of the development. The applicant also points out that additional benefits include, '*the generation of New Homes Bonus Payments and the opportunity to deliver an uplift in Council Tax revenues payable to Durham County Council*'.
95. *Noise and site works* - Specialist Officers suggest conditions to mitigate these areas, both during site works and in the lifetime of the development.
96. *Heritage Assets* - The developer has carried out the site investigations requested by the County Archaeology Section, who have confirmed that their further requirements can be dealt with by way of a condition.
97. *Coal and Contamination* - The Coal Authority and Specialist Officers confirm that coal mining legacy issues and any contamination on site can be dealt with by way of appropriate conditions.

CONCLUSION

98. The application involves development of an area of countryside that whilst contrary in principle to countryside policies, on detailed assessment is concluded a logical infill of the existing settlement. The site does not possess any particular features which distinguish it from other countryside although its undeveloped state means that the development would result in the loss of an open site and part of the countryside. However, any adverse effects upon the character of the area would be very limited. Highways Engineers are confident that the access and highways implications of the site are 'safe and satisfactory'. Effects on nearby countryside, including Ancient Woodland, are acceptable. Technical issues and impacts on the settlement can be mitigated.

99. The County Council has a comfortable housing land supply position at present, and therefore any benefits to housing land supply are of little weight when considering benefits and negatives of the application.
100. Despite local concerns, Castleside is considered a sustainable location for residential development.
101. Subject to a legal agreement and an appropriate suite of conditions to ensure the implications of the site can be mitigated, and that the Council has control over the quality of a detailed scheme, the proposals are recommended positively.

RECOMMENDATION

102. That the application be **APPROVED**, subject to the developer entering into a s.106 legal agreement to provide the following, and the conditions detailed below:

A section 106 Legal agreement to secure, proportionate to the direct impacts of the development:

- monies to address the direct impacts of any education shortfall created by the development, (£66,176 on the basis of the indicative scheme),
- monies to mitigate the direct impacts of development on bio-diversity from both the development works and direct impacts from new residents if not mitigated in full or part within the reserved matters application, said funds to be used within an agreed distance of the site,
- monies to make provision for any open space shortfall as assessed through the Council's OSNA model if not mitigated in full or part within the reserved matters application, (£48,134 on the basis of the indicative scheme),
- the provision within the reserved matters scheme of 15% affordable housing in a form compatible with the Framework,
- funding of off-site highways upgrades that are directly required as a result of the development.

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. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall thereafter be carried out as 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.

3. The development hereby approved must be carried out within the site identified on the following boundary plan:
- SK-00.01 REV B - Red line boundary plan

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 31 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. No dwellings shall be occupied until a scheme for the ongoing maintenance of any 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.

7. Before development commences, full constructional details of the proposed roads, the site access, and any required offsite highway works, 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.

8. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

9. Development must not commence until a detailed scheme of surface water disposal from the development has been submitted to and approved in writing by the Local Planning Authority. The proposal should comply with the NPPF which states that those proposing development are responsible for drainage designs which reduce flood risk to the development and elsewhere, potentially through the use of Sustainable Drainage Systems (SuDS). Surface water arising from a developed site should, as far as is practicable, be managed to mimic the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere. The proposal should also limit surface water discharge from the proposed development to comply with greenfield QBAR Rural Rate, which may be less than 5 l/s as suggested in the Flood Risk Assessment. Reference should be made to the Councils SuDS Adoption Guide 2016 which gives details of how

schemes should demonstrate compliance with national standards and local policy taking into account: Prevention, Source Control, Site Control and Regional Control. The scheme must be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure that the implications of surface water drainage are fully assessed and mitigated as required, compliant with Policy GDP1 of the Development Plan and Part 14 of the NPPF.

10. Before development commences, the developer must undertake a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity. This must include, but is not restricted to:

- The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and
- Implementation of those remedial works.

Further, this must be submitted to and approved in writing by the Local Planning Authority in consultation with The Coal Authority within the prescribed timescale.

Reason: To ensure the implications of the Coal Mining Legacy are addressed, in accordance with the NPPF.

11. 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.

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. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

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 a of the condition and where necessary a

Phase 3 Remediation Strategy shall be prepared in accordance with part b 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.

12. Prior to the submission of reserved matters the applicant must secure the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);
- ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);
- iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with paras 197 and 199 of the NPPF because the site is of archaeological interest.

13. 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. 199 of the NPPF which ensures information gathered becomes publicly accessible.

14. No development, site clearance or preparatory work shall be undertaken outside the hours of 0730 and 1800 Monday to Friday and 0730 and 1300 on a Saturday, with no works to take place on a Sunday or Bank Holiday.

Reason: To give due regard to the amenity and privacy local residents can reasonably expect to enjoy in line with Part 15 of the Framework.

15. Prior to the commencement of any part of the development, site clearance or preparatory work hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum, but not necessarily be restricted to, the following:

- (a) A Dust Action Plan including measures to control the emission of dust and dirt during construction;
- (b) Details of methods and means of noise reduction;

- (c) Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- (d) Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- (e) Designation, layout and design of construction access and egress points;
- (f) Details for the provision of directional signage (on and off site);
- (g) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- (h) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
- (i) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- (j) Routing agreements for construction traffic;
- (k) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (l) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- (m) Detail of measures for liaison with the local community and procedures to deal with any complaints received, and;
- (n) Demonstration that regard shall be had to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

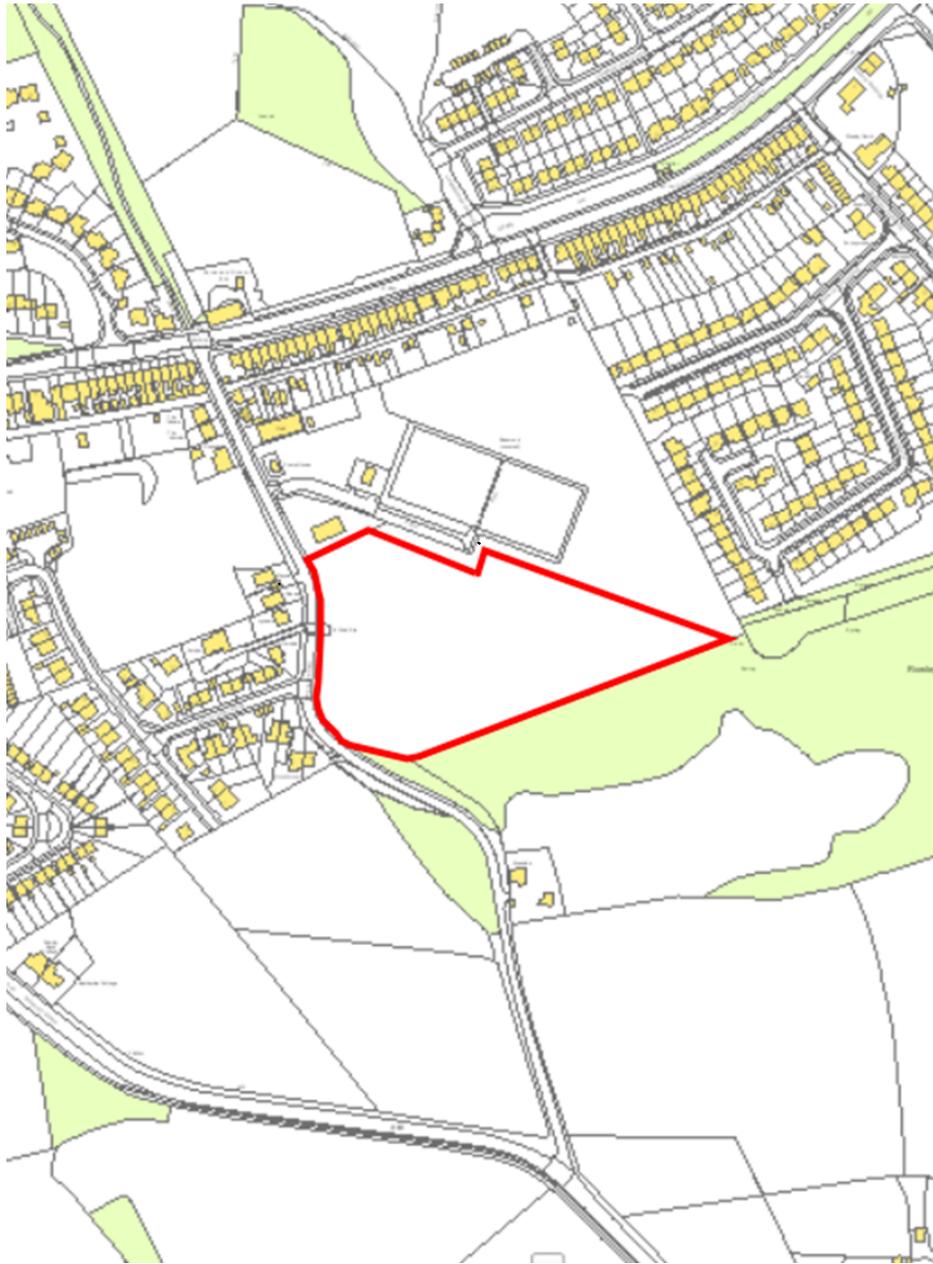
Reason: To give due regard to the amenity and privacy local residents can reasonably expect to enjoy in line with Part 15 of the Framework.

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 (2018)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents
Durham County Council, Strategic Housing Land Availability Assessment, Individual Sites Assessments, June 2018



Planning Services

Outline application for the construction of up to 31 residential dwellings and associated works with all matters reserved except for access

Application Number DM/18/01498/OUT

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Comments

Date 27th Sept. 2018

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