

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10th May 2017

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APPLICATION REF. NO:

17/00166/OUT

STATUTORY DECISION DATE:

24th April 2017

WARD/PARISH:

SADBERGE AND MIDDLETON ST GEORGE

LOCATION:

Land at OSGR E436544 N521434 Cobby Castle Lane Bishopton

DESCRIPTION:

Outline application for erection of up to nine residential dwellings (with all matters reserved except access)

APPLICANT:

Mr Darren Metcalfe

APPLICATION AND SITE DESCRIPTION

This is an outline application for the erection of up to nine residential dwellings on a site of some 0.3 hectares situated to the northern edge of Bishopton Village, to the west of Cobby Castle Lane and immediately to the north of a row of existing terraced houses. Access is the only matter submitted for consideration at this stage, and this is proposed from the unadopted highway at Cobby Castle Lane to the east of the site. Matters of appearance, landscaping, layout and scale are be reserved for later determination. The site is located adjacent to the Bishopton Conservation Area and adjoins the current development limits.

The site consists of a paddock consisting of a mixture of rough grassland and hardstanding, enclosed by post and rail fencing that includes a partially completed building close to the front of the site. A Public Right of Way runs along the western boundary, but outside of, the site. The immediate surrounding area is predominantly agricultural with some residential to the south and west, and the existing Primary School to the east.

The application has been submitted with the following information:

- Planning Statement
- Design and Access Statement including Heritage Impact Statement
- Phase 1 Desk Top Geoenvironmental Study
- Preliminary Ecological Appraisal
- Statement of Community Involvement

An indicative plan has been included within the submission, to demonstrate how the site could be developed for up to nine dwellings with associated infrastructure. This indicative plan includes the following design principles:

- Two terraces of two storey two and three bedroom dwellings following on from existing housing to the south to form an L-shape with reference to agricultural buildings within a rural setting;
- Oriented around a notional courtyard;
- Design and materials to reflect local vernacular;
- Parking to the front;
- Access from Cobby Castle Lane to the east, which it is proposed to widen from the point where the existing adopted road terminates (just north of 8 Cobby Castle Lane) as far as the proposed site entrance with a footway provided along the frontage of the development site;
- Verges and border planting to keep an open feel to the development;
- Native hedgerows and structure planting to form boundaries with some small groups / rows of ornamental tree planting;

The proposal has been the subject of pre-application consultation exercises with local residents in accordance with the Council's guidance contained within the Statement of Community Involvement document (2010).

Environmental Impact Assessment Requirements

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

PLANNING HISTORY

12/00241/CU - In May 2012 an application for planning permission for the conversion of a detached domestic garage was REFUSED.

12/00789/CU - In March 2013 a revised application for the conversion of a detached domestic garage to holiday accommodation was GRANTED.

14/01294/FUL – In March 2015 an application for planning permission for the conservation of a detached domestic triple garage to a dwelling including the erection of a single storey extension to the side, was GRANTED.

15/00809/FUL – In November 2015 an application for planning permission for the erection of a double garage to the side was GRANTED.

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint
- T9 – Traffic Management and Road Safety
- T11 – Traffic Calming – New Development
- T52 – Drainage Infrastructure

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a Multifunctional Green Infrastructure Network
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

Interim Planning Position Statement 2016

Other Documents

Design of New Development Supplementary Planning Document, July 2011
Planning Obligations Supplementary Planning Document, January 2013

RESULTS OF CONSULTATION AND PUBLICITY

25 Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

Nine objections have been submitted, which raise the following issues:

- *Church View and Cobby Castle Lane are essentially one lane streets by reason of residents parked vehicles making it impossible for opposing traffic to pass – one has to give way; Development will extend this single lane; The access is along a narrow road with a school on one side of the road and a row of terraced houses on the other, with two further houses along a rough track at the end of the road – this road cannot cope with any further vehicular use, with access onto the actual site being very confined due to the width of the road itself; It is also a hazard to the school children who enter and leave the premises onto Cobby Castle Lane; The road is designed for the use of residents of just eight terraced properties; The proposed development of up to nine properties could bring at least 18 additional vehicles to this already overloaded lane; The lane already provides access to commercial businesses, a large heating / plumbing company storage facility as well as a livery / farrier company both requiring large vehicle access; Residents will have to have their own transport as the village has very poor public*

transport provision; Plans for a play area opposite the development are going ahead, increased road traffic would compromise child safety;

- *The road leading to this proposed development is narrow and the proposed widening of the 'dirt road' does not resolve the problem;*
- *Close proximity to elderly people's bungalows;*
- *I believe access to the development is shared leading to problems that there will be no footpath or made up road to the development;*
- *It could be a matter of some concern how emergency vehicles would be able to access the development with cars parked on the road from Cobby Castle Lane residents;*
- *There is also a proposal for a long overdue play area to be accessed by village children on foot via the lane, further increasing safety concerns;*
- *In principle the development of two or three properties would be more appropriate for the area and the village;*
- *At the entrance to Cobby Castle Lane there is a livery stable which regularly holds equestrian competitions with numerous large horse transport vehicles passing the lane end; The current traffic situation in the village is at a crisis point due to numerous redevelopments of existing properties introducing much higher numbers of cars parking on both sides of the main village high street; It is frequently difficult to easily drive through the village and with many agricultural vehicles using the route at harvest times, etc. a serious accident is highly likely – the proposed residential development will further exaggerate this situation;*
- *The school creates particular problems with parking at drop-off & collection times with residents being seriously disadvantaged; The school parking situation would inevitably extend into this proposed development; The school has more than doubled in numbers of small children arriving and leaving the school via this lane twice per day; Frequently traffic gridlock at peak times; The school has just commenced a new nursery class further increasing the numbers of young children using this lane;*
- *Bishopton is a fairly small, rural village in a conservation area, which has over the years increased in size through various development, some of which are not in keeping with the surrounding houses and area; If the artists impression is a true representation of the final development then I feel that this design is detrimental to the character of the village and not aesthetically pleasing at all; There are only a few unique small villages in the area;*
- *The development by reason of its position and density is creating ribbon development and would have an unacceptable adverse effect on properties immediately adjacent to the site and surrounding area by reason of overlooking and loss of privacy; Loss of view over open countryside towards Downland Farm;*
- *The proposal lies outside the accepted development line of the village and is not sustainable in terms of amenities; There are no shops, no public transport, no youth or elderly facilities;*
- *The proposal by reason of its siting would lead to a fragmented form of development along the frontage of Cobby Castle Lane out of keeping with and detrimental to the character and appearance of the area and would be harmful to the open rural, undeveloped nature of this conservation area;*
- *The site plan of the proposed development encompasses the access lane which is private, unregistered land and is not within the control of the applicant; Concerns have to be raised about liabilities for owners of this lane and its future maintenance costs;*
- *The lane is a single track field access; There is the large high pressure water main under the track feeding nearby Stillington and would lead to significant technical problems with service connections;*

- *The proposed site is subject to flooding in heavy rain and is also boggy in places where wildlife (newts, frogs and bats) inhabit;*
- *The land in which the dwellings are proposed has been, in the past, used for Landfill (at a time when there were no rules and regulations on this matter); The site has had a number of uses in the past, one being a tip, and its suitability as a building site is questionable as hazardous substances are known to be buried here; A borehole survey would need to be carried out before permission is given;*
- *My property is on the end of the row and I will have a brick wall up to the boundary hedge – not a pleasant site from my kitchen window.*

Other issues raised that are not material planning considerations are as follows:

- *I feel that any complaints against this proposal will fall on deaf ears, as it is all about money as this has happened with the playground;*
- *There are properties in Bishopton that have been on the market for a long time as they cannot sell – nobody wants to buy them.*

Consultee Responses

The Council's **Highway Engineer** has raised no objections to the proposal subject to appropriate highway related conditions being attached to any approval given.

The Council's **Rights of Way Officer** has raised no objections to the proposal subject to appropriate boundary treatment adjacent to the public footpath or alternatively boundary treatment further away from the footpath.

The **Environmental Health Officer** has raised no objections to the proposed development subject to securing further ground investigations and a Construction Management Plan prior to approval or by planning condition.

The Council's **Ecology Officer** has raised no objections to the proposed development subject to planning conditions requiring the retention of trees and re-establishment of native hedgerow.

The Council's **Conservation Officer** has raised no objections to the proposed development.

Northumbrian Water has raised no objections to the proposed development subject to the inclusion of a planning condition requiring the submission and agreement of a detailed scheme for the disposal of foul and surface water from the development prior to commencement.

Northern Powergrid has raised no objections to the proposed development.

Northern Gas Networks has raised no objections to the proposed development.

Bishopton Parish Council has objected to the proposed development and made the following comments:

- *The designers have answered many of the issues raised by residents in their public consultation process. However, they have not commented on the possibility of a children's playground being developed. The Parish Council is well on the way (after two years work) to hopefully provide a much needed and requested play area immediately*

opposite the proposed site. The site has taken decades to find and is the only one available to the parish.

- *Documentation states that the site will not unreasonably impact upon the privacy or outlook of occupiers of nearby housing – but a number of houses have enjoyed open views across the countryside and will now look onto terraced housing with weird, tiny long strips of garden;*
- *The application mentions accessibility by foot, bicycle and bus, mentioning some bus stops on Kirk Hill. Accessibility by foot is very questionable since there are no footpaths beyond the village and walking can be hazardous. It indicates that the village benefits from a bus service linking to Darlington, Great Stainton, etc. However, the bus service only operates a few times on Mondays. There is no service connecting to Doctors, hospitals, employment outside of the village, etc.*
- *Highway considerations – documentation states Highways have raised no concerns. However, residents and the Parish Council are very concerned in view of the added traffic and congestion, which this development would create, especially considering the problems the school are already experiencing with traffic and parking at peak times. The infrastructure in this locality is already stretched to capacity and it is reasonable to assume that added properties would create even more problems for the existing residents. Perhaps a partial solution to this problem would be to make the large grassed area referred as a paddock for No. 6 a car park instead;*
- *The plans submitted create an area of over-development. The site is not big enough for 9 houses. Any development should be more spread out with better gardens. They state that the terraced plan respects and is appropriate to the character and appearance of the surrounding area. The existing terrace on Cobby Castle Lane is somewhat out of character with the rest of the village and it would be unfortunate to replicate that with houses that are described as reflecting the identity of local surroundings. The development is on the boundary of a Conservation Area and should blend in with the village as a whole;*
- *Ownership of Cobby Castle Lane beyond the adopted section does not seem to have been addressed within the application. This is known to be an issue;*
- *The Geoenvironmental Appraisal seems only to be a desktop study and recommends test put and the like on site to verify conditions. Indications are that there could be a positive danger to anyone brave enough to dig holes in their garden.*

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Impact on Designated Heritage Assets
- Impact on Non-designated Heritage Assets (Archaeology)
- Impact on character and appearance of the countryside and the village
- Highway and sustainable transport issues
- Surface Water and Flood Risk
- Land Contamination
- Design and layout
- Ecology
- Residential Amenity
- Developer contributions
- Delivery

Planning Policy

The site is located outside of development limits as set out in the proposals map accompanying the Borough of Darlington Local Plan 1997. Saved Local Plan Policy E2 (Development Limits) states that most new development will be located inside the development limits defined by the Proposals Map. The reasoned justification to the policy explains that the limits to development are intended to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled.

As a result of a recent appeal decision Local Plan policies relating to the supply of housing land and those that prevent development adjacent to existing settlements in the adopted development plan (parts of Core Strategy Policies CS1, CS10 and Saved Local Plan Policies E2 and H7) cannot be considered 'up to date' as the Council cannot demonstrate a five year supply of deliverable housing sites.

In these circumstances, applications for planning permission for residential development in all areas of the Borough should be considered with regard to the presumption in favour of sustainable development set out in the National Planning Policy Framework (paragraph 14). Consequently planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the framework as a whole, or in specific circumstances where development should be restricted.

Sustainable development has three broad elements: economic, social and environmental. These should not be considered in isolation, because they are mutually dependent. Economic, social and environmental gains should be sought jointly and simultaneously. The Interim Planning Policy Statement (Section 7) sets out the local expectations for housing sites not previously identified for housing in order to apply the NPPF presumption in favour of sustainable development. These are to ensure they:

- Do not unacceptably impact strategic infrastructure without sufficient mitigation;
- Have access to education facilities that have sufficient capacity or capability for expansion (typically 1km to a Primary School with appropriate safe route);
- Have access to goods and services (including shops, post office etc.);
- Accessibility to public transport and connectivity with existing settlements (such as footpath and cycleway links);
- Good design that respects the character of the area;
- Does not prejudice the good planning and future delivery of the strategic vision for the Borough;
- Compliance with restrictive policies identified in the NPPF.

The above issues have been considered within the submitted application, in the form of detailed analysis through assessments and reports, including capacity of existing infrastructure, sustainability issues and, where mitigation or enhancement is required, proposals for this.

In terms of access to goods and services, it is acknowledged that the facilities within the village fall below those available in the larger villages. However, the village benefits from two public houses, the village hall, the primary school and the Church. The village also benefits from a bus service linking the village with the town centre, Great Stainton, Sadberge and the north east of Darlington (Whinbush Way). It is acknowledged that other than the existing services within the

village and the infrequency of the bus service, future occupants of the dwellings would be largely dependent upon the private car. As such, this would be contrary to the underlying aim of the NPPF and development plan policies, which seek to guide development to locations that make the fullest use of public transport, walking and cycling.

In cases where adverse impacts are identified, in this case the unsustainable location of the proposed development, paragraph 14 of the NPPF allows these to be weighed against the benefits of the development when assessed against the framework as a whole.

The site is available for development and the proposal would make efficient use of land, which has been subject to some development in such a way that would integrate acceptably into the village without adversely affecting the existing character and built form of the village and would contribute to the choice and supply of housing. These issues are to be afforded significant weight in the planning balance. The construction phase would also support the local economy and create or safeguard jobs and future occupiers would be likely to financially contribute towards and support services and facilities within the local area.

Impact on designated heritage assets

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will, amongst other things, be protected by protecting and enhancing the separation and intrinsic qualities of the openness between settlements.

This is in general accord with the core planning principles of the NPPF as they relate to conserving heritage assets in a manner appropriate to their significance, contributing to conserving and enhancing the natural environment and seeking high quality design.

As this proposal is situated adjacent to the Bishopton Conservation Area, the proposal must be considered against paragraph 131-134 of the NPPF in terms of its impact on the significance of designated heritage assets.

This recommendation must also be mindful of the requirements to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area, as set out in statute. The consideration of this issue goes to the heart of the decision making process. Notwithstanding the fact that the Council cannot demonstrate a five-year supply of housing sites, an assessment of the impact of the development on heritage assets must be the first consideration.

Paragraph 131 of the NPPF covers new development impacting on heritage assets (such as listed buildings and conservation areas) and states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and, the desirability of new development making a positive contribution to local character and distinctiveness.

The framework goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Paragraph 133 sets out the requirement to consider whether a proposed development will lead to substantial harm, or

total loss of a designated heritage asset, in which case planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed, as a separate exercise, against the public benefits of the proposal, including securing its optimum viable use.

The Council's Conservation Officer has been consulted and has raised no objections to the proposed development given the nature of the site in relation to the rest of Bishopton in terms of levels and adjoining modern, not traditional development. Subject to the development being of a high quality design with the use of quality materials, a landscape strategy and boundary treatment to address the relationship with the residential and rural surroundings to accord with the Design of New Development SPD, policy CS14 of the Core Strategy and the NPPF, the proposal is considered to have a neutral impact on the setting of the adjacent Bishopton Conservation Area.

Impact on non-designated heritage assets (archaeology)

Paragraph 135 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be taken into account in the determination of planning applications. It goes on to state that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 141 of the NPPF requires that Local Planning Authorities make information about the significance of the historic environment gathered as part of plan making or development management publicly accessible. It states that they should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Consultation has taken place with the County Archaeologist and it has been confirmed that the potential for significant archaeological remains is low and there is no requirement for archaeological works on this site.

Impact on character and appearance of the countryside and the village

One of the Core Planning Principles of the NPPF is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements.

The site adjoins the built form along the southern boundary and follows the line of domestic curtilage of properties to the west but can also be seen in the context of the nearby curtilage of the school on the eastern side of Cobby Castle Lane for this reason appears on the western side

of the lane effectively as an infill site. It is visually contained to the extent that the development of the site would be unlikely to impact adversely on the character and appearance of the surrounding countryside or the village. Planning conditions relating to landscaping and boundary treatment would be required should planning permission be granted, particularly in terms of the reinstatement of native hedgerows and the protection of existing trees bounding the site during the construction period.

Highway and sustainable transport issues

As the application was submitted with details of access, this issue must be considered in detail at this outline stage. The application indicates that access to the site will be taken from Cobby Castle Lane, which runs north south along the eastern boundary of the site. It is proposed to widen the Lane from the point where the existing adopted road terminates (just north of 8 Cobby Castle Lane) as far as the proposed site entrance, with a footway provided along the frontage of the site. The internal road would be provided in the form of a cul-de-sac. A vehicle swept path analysis has been submitted to demonstrate that emergency vehicles, refuse vehicles and service vehicles will be able to enter and leave the site in a forward gear.

18 No. parking spaces are shown on the indicative plan, providing two spaces per property.

The Council's Highways Officer has been consulted and has raised no objections to the proposed development on traffic generation or highway safety grounds but has requested some alterations to the indicative layout in terms of parking spaces and access for emergency vehicles. As this application is in outline with all matters reserved except access, it is recommended that suitable conditions to cover these are attached to any approval to cover the following:

- i) Internal highway layout, site access junction and external works to bring Cobby Castle Lane to adoptable standard;
- ii) Further vehicle swept path analysis;
- iii) Details of car parking and secure cycle parking and storage;
- iv) Construction Management Plan.

The Council's Sustainable Transport Officer has requested that, should planning permission be granted, a contribution to the current bus service 20, of between £5,400 and £8,100 (in line with the Planning Obligations SPD) depending on the mix of dwellings or a notional mix of dwellings, be secured by Section 106 agreement to help fund this service beyond December 2018 when it is due to cease.

Surface Water and Flood Risk

The proposed development is within Flood Zone 1.

Northumbrian Water has been consulted and has raised no objections subject to a planning condition being attached to any approval to secure submission and agreement of a detailed scheme for the disposal of foul and surface water, prior to the commencement of the development.

Land contamination

A Phase 1 Preliminary Geo-Environmental Appraisal has been submitted with the application. The report considers that the site has in the past been disturbed to some extent by adjacent

excavation and landfill activities and therefore must be considered a moderate to high risk from unknown hazards that could be present within the sub soils and subjacent landfill. The report recommends that further intrusive investigations be required to fully characterise the site in terms of its contaminative status.

The Council's Environmental Health Officer has been consulted and considers that conditions should be attached to any approval to secure further intrusive investigations and risk assessment (soils, groundwater and ground gases).

Design and Layout

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

Issues relating to the layout of the development, the scale, the appearance of the dwellings and the landscaping are all reserved matters that will be considered at a later stage. These matters will however be given full consideration when any application(s) for reserved matters are submitted.

Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

A Preliminary Ecological Appraisal report undertaken by Naturally Wild (November 2016) was submitted alongside this planning application.

The reports indicate that the habitats present are generally of low ecological value, but has made a number of recommendations including:

- Demolition of the on-site building must occur outside of the breeding bird season in order to avoid potential harm to birds that may nest in the building; or a breeding bird risk assessment must take place if the building is to be demolished within the breeding bird season;
- Existing trees along the western boundary should be retained and protected during construction;

- Any landscaping planting should use native plant species that will enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals.

The Ecology Officer has been consulted and considers that the report is acceptable and has raised no objections to the proposed development subject to retention of all boundary trees and the re-establishment of a double row native hedgerow on all boundaries to the development, excluding the area of the proposed entrance.

Overall, it is considered that subject to a condition to require submission and agreement of a scheme to protect trees, the re-establishment of the native hedgerows and compliance with the recommendations of the Habitat survey, together with a detailed landscaping scheme, the proposed development will conserve and enhance the natural environment.

Residential Amenity

Residential amenity in terms of the layout of the site and achieving an acceptable level of amenity for existing and future residents will be given full consideration when any application(s) for reserved matters are submitted.

The Council's Environmental Health Officer has requested a Dust Assessment Report to assess dust emission magnitude, the sensitivity of the area, risk of impacts and details of dust control measures. This can be secured by planning condition as part of a Construction Management Plan.

Developer Contributions

The application would be eligible for developer contributions in line with the requirements of the Planning Obligations SPD. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The Planning Obligations SPD sets out that a site of this size / type within the rural area would trigger contributions towards Education and Sustainable Transport.

Consultation with the Education department has established that a development of this scale will only produce a maximum of two children, and the local primary school has sufficient capacity to accommodate this. No education contributions are therefore proposed.

As indicated above, a contribution to the current bus service 20, of between £5,400 and £8,100 (in line with the Planning Obligations SPD) depending on the mix of dwellings or a notional mix of dwellings, be secured by Section 106 agreement to help fund this service beyond December 2018 when it is due to cease.

Overall, it is considered that should planning permission be granted the above would meet the tests set out above, is necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Delivery

As detailed earlier in this report, as the interim planning position set out for housing in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified; if an outline planning application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the submission of all outstanding reserved matters and typically a one year time limit for the commencement of development from the date of approval of the last reserved matters. Should planning permission be approved, it is recommended that this approach be followed.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development; social and environmental, and outlines the number of roles that the planning system performs. These include contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and, contributing to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, and using natural resources prudently.

The proposed development is considered to contribute to the three dimensions of sustainable development, and the local interpretation of the NPPF presumption in favour of sustainable development set out in the Interim Planning Position Statement. In particular, the proposal, along with the mitigation and improvements outlined within this report, will not unacceptably impact on strategic infrastructure, has access to education facilities and access to local goods and services, has accessibility to public transport, does not prejudice the good planning and future delivery of the strategic vision for the borough; and is compliant with the relevant policies set out in this report.

Additional benefits include the creation of local direct and 'spin-off jobs' during the construction phase, support for local services, alongside increased accessibility through developer contributions to the continuation of the existing public transport service.

RECOMMENDATION

THE DIRECT OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

i) PUBLIC TRANSPORT PROVISION

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

General

- 1) Approval of the following details ('the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:
 - a) layout
 - b) scale
 - c) appearance
 - d) landscaping

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of eighteen months from the date of this permission.

REASON – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

- 2) The development hereby permitted shall be begun either before the expiration of;
 - (a) three years from the date of this permission, or
 - (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.
- 3) E2 – Landscaping (Implementation)
- 4) E5 – Boundary Treatment (Submission)
- 5) B4 Details of Materials
- 6) B5 (Development in Accordance with Approved Plans)
- 7) C5 (Restriction of PD Rights – Residential)
- 8) CL2 (Phase 2 Site Investigation Strategy)
- 9) CL3 (Phase 2 Investigation Works)
- 10) CL4 (Phase 3 Remediation and Verification Strategy)
- 11) CL5 (Construction / Remediation Works)
- 12) CL6 (Phase 4 Verification and Completion Report)

- 13) Prior to the commencement of the development precise details of the internal highways layout, site access junction and external works to bring Cobby Castle Lane up to adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall also include the provision of a footway along Cobby Castle Lane to link into the existing infrastructure. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of highway safety

- 14) No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

- 15) Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON- In the interests of highway safety

- 16) Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.

REASON – In the interests of highway safety

- 17) Prior to the commencement of the development, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include the following:
- a) Dust Assessment Report, which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management ‘Guidance on the assessment of dust from demolition and construction’ February 2014;
 - b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 ‘Code of Practice for Noise and vibration control on construction and open sites’ 2009;
 - c) Construction traffic routes, including parking areas for staff and visitors;

- d) Details of wheel washing;
- e) Road Maintenance;
- f) Warning Signage.

The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of residential amenity

- 18) Construction work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00 – 14:00 Saturday with no working on a Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity

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

REASON – To prevent increased risk of flooding from any sources in accordance with the NPPF.

- 20) Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interest of visual and residential amenity.

- 21) The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations set out in the Ecological Appraisal undertaken by Naturally Wild (November 2016) unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the protected Species and their habitats

- 22) Prior to the commencement of the development hereby approved, a Method Statement and Tree Protection Plan (to include hedgerows) shall be submitted and agreed in writing by the Local Planning Authority, to ensure that adequate tree protection measures are in place during construction.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

INFORMATIVES

The developer is required to submit detailed drawings of the proposed internal highway and off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278 / 38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs P McGuckin 01325 406651) to discuss naming and numbering of the development.

An appropriate street lighting scheme and design to cover the proposed amendments should be submitted to and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M Clarkson 01325 406652) to discuss this matter.

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely: -

- Soakaway;
- Watercourse, and finally;
- Sewer.

If sewer is the only option, the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission within the above foul and surface water condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

For information – we can inform you that a trunk water main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to apparatus and therefore we will be in contact to establish the exact location of these assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.