



## Planning Services

# DELEGATED REPORT

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### APPLICATION DETAILS

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APPLICATION NO: DM/17/01593/RM  
SITE LOCATION: Land South Of Wallnook Lane & East Of Recreation Ground  
Langley Park  
PROPOSAL: Reserved matters (landscaping/appearance/layout & scale)  
pursuant to 13/00225/OUT for 334 dwellings (amended description)

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### Site

The application relates to land to the east of the Langley Park adjacent to land known as the recreation ground or "old rec". To the north of the site lies residential properties at Station Court and other residential properties adjacent to Wallnook Lane. Beyond Wallnook Lane to the north lies the River Browney. In the north-western corner the site meets Front Street.

The application site comprises predominantly of greenfield land in the form of agricultural fields, however, also encompasses an access track which is also a public footpath (footpath no. 24 Witton Gilbert) which leads to Hill Top Farm, a further section of public footpath (no. 27 Witton Gilbert) crosses the site in the north-west and further north-western sections of the site comprise of the Lanchester Valley Railway Path (LVRP). This route, formally an old railway line, is a recreational link utilised by walkers, cyclists and for horse riding.

The site forms a part of the wider Bearpark locally designated historic park, whilst the easternmost sections of the site form a part of a designated Area of High Landscape Value. Adjacent to the site in both the west and east are Local Wildlife Sites (LWSs) in the form of Langley Park Heath and Lower Browney Valley respectively. The site is also identified as a housing commitment under the County Durham Plan.

#### Proposal

In May 2014 planning permission was granted in outline for the erection of a maximum of 400 dwellings and associated works. All detailed matters were reserved except access. The application was subject to a condition (1) that within a period of three years from the grant of outline planning permission that an application for the reserved matters of appearance, landscaping, layout and scale must be made. This application seeks approval for those reserved matters. The outline planning permission was also subject to a number of other conditions and a S106 legal agreement.

Vehicular access arrangements for the proposed development were approved at the outline stage.

A new signalised junction with Front Street is proposed in the north-western corner of the site. As part of these work it is proposed for Wallnook Lane itself to be diverted at a point west of Wallnook Cottage to form a junction with the proposed new access road as oppose to meeting the Front Street directly as at present. The proposed access road would in part run along the route of the existing LRVP which sits atop of an existing embankment. The proposed access road would involve significant excavation of this embankment as the road is proposed at a lower level. Trees which currently line the route of the railway path would require removal to facilitate the access. The LVRP would be redirected for the length of the affected area with a crossing point proposed across the access road.

The reserved matters application has been amended during the course of its determination and now seeks a total of 334 dwellings comprising of a range of 2, 3, 4 and 5 bed properties. It was established under the outline planning permission that 20% of the dwellings to be construction would be affordable homes and of the 334 dwellings proposed this equates to 67 dwellings which are identified on submitted layout plan(s).

The application site is dissected along a north-south axis by a feature tree belt, this would be crossed by the estate roads though in the main the houses would be arranged either side of the tree belt. A pedestrian route is proposed through this tree belt with further connections from the development through to the old rec to west, the public footpath to east and along the southern boundary of the site.

An area of public carparking is identified towards the north-west corner of the site, proposed to replace an existing area affected by the access arrangements.

The land east of public footpath no. 24 is proposed to contain no housing but is proposed to include Sustainable Urban Drainage System (SuDS) basin and features together with forming an area of amenity space and landscaping. A second SuDS basin is proposed in the north-west of the site.

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## **PLANNING HISTORY**

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4/13/00225/OUT Outline planning application with all matters reserved except access for the erection of a maximum of 400 dwellings and associated works Approved 21st May 2014

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## **PLANNING POLICIES**

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### **National Planning Policy Framework (NPPF)**

The following elements are considered relevant to this proposal:

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.

NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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.

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.

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.

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.

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.

NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

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.

NPPF Part 15 Conserving and Enhancing the Natural Environment - 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.

NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

## **County Durham Plan**

Policy 01 - Quantity of Development

Policy 06 - Development on Unallocated Sites

Policy 15 - Addressing Housing Need

Policy 19 - Type and Mix of Housing

Policy 21 - Delivering Sustainable Transport

Policy 26 - Green Infrastructure

Policy 31 - Amenity and Pollution

Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land

Policy 35 - Water Management

Policy 36 - Water Infrastructure

Policy 39 - Landscape

Policy 40 - Trees, Woodlands and Hedges

Policy 41 - Biodiversity and Geodiversity

Policy 43 - Protected Species and Nationally and Locally Protected Sites

Policy 44 - Historic Environment

## **Neighbourhood Plan**

Policy 1 - Settlement Boundary of Witton Gilbert  
Witton Gilbert Neighbourhood Plan

Policy 2 - Housing Development in Witton Gilbert Neighbourhood Plan Area  
Witton Gilbert Neighbourhood Plan

Policy 3 - Older People's Homes  
Witton Gilbert Neighbourhood Plan

Policy 6 - Sustainable Design  
Witton Gilbert Neighbourhood Plan

Policy 7 - Biodiversity in the Parish of Witton Gilbert  
Witton Gilbert Neighbourhood Plan

Policy 11 - Broadband  
Witton Gilbert Neighbourhood Plan

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### Statutory Responses

Esh Parish Council - Raise objections. Objection is raised to the delays in the determination of the application and it is considered that this has happened to permit the County Durham Plan process to complete. Questions are raised as to why some documentation has only been made available in November 2020. The planning permissions should have expired. The development is considered to be in the wrong place and unnecessary.

Assurances are sought that any subsequent detrimental effects of the development on Parish Council land are compensated by the developer. The existence of a drainage ditch on the eastern boundary of the site appears to have been overlooked. The existing fenced pumping station is not referenced. The main access route remains unclear and informed by outdated and inaccurate traffic survey data. Public footpath no. 27 and the LVRP will be damaged by the proposal. The recreation ground is now a Fields in Trust Centenary Field dedicated to the war dead and could face harmful flooding and tree removal impacts. The Local Planning Authority had up until recently misunderstood the landownership of the recreation ground. Concerns regarding subsidence and the coal mining legacy of the site.

The development would potentially not be completed until 2034 and both existing and prospective residents would be impacted upon by a build duration of this length. Further development which will lead to cumulative impacts have occurred since this scheme was granted outline planning permission including upon local services and facilities. Adequate housing is available for sale in the area. Any benefits of the development would fall within Witton Gilbert Parish not Esh yet it is Langley Park which would receive the impact.

Objections are raised to the delivery of the access and impacts upon the LVRP and its users. No updated utilities assessment has been undertaken with particular reference made to internet provision. An improvement to services in Esh Parish should be funded by the developer. The sustainability and energy efficiency credentials of the development are criticised.

No consultation has been made in regard to the provision of access routes to the adjacent Esh Parish recreation ground and works to trees therein.

Highway Authority - Raise objections. Comments have been provided through consultation responses and commentary at the Building for Life Design Review Process. The development fails to provide adequate non-allocated parking with non-allocated space requiring improvements in distribution. Non-standard driveway lengths are proposed and dimensions which do not meet current DCC standards, some irregular driveway lengths

remain in the layout which will encourage footway and obstructive parking. The shared surface design approach in areas is unclear. A second emergency vehicle access is not indicated. The proposed incorporation of two raised table traffic calming features is poor design. Retaining walls proposed above 1m alongside the highway will require approval from the DCC Highways Structures Manager.

Drainage and Coastal Protection - Raise objection. Comments have been provided through consultation responses and commentary at the Building for Life Design Review Process. It is considered that inadequate submissions on final surface water drainage design have been included. The proposals do not adequately meet SuDS water treatment/quality requirements with no commitment made to permeable surfacing on private and shared driveways and inadequate other features to treat dissolved or suspended contaminants. Overland flow is proposed to be channelled into ditches. Though modelling has previously been undertaken this was on the basis of a different drainage design, the proportion of overland flows now proposed to be channelled into the western ditch has not been modelled. Concerns are expressed that at this stage in design, culvert conditions and dimensions are not fully understood. A detailed domestic drainage layout has not been provided nor exceedance route plan in the event of system failure. The submitted design does not explore the potential of a central watercourse running through the site being embraced into the surface water disposal design. SuDS basin gradients have been designed to utilise 1 in 4 slopes, for water safety concerns these should be no steeper than 1 in 5.

Access and Rights of Way - Raise no objections. Comments have been provided through consultation responses and commentary at the Building for Life Design Review Process. Public footpath nos. 24 and 27 Witton Gilbert Parish pass through the site. The application suggests that these will be integrated into the development, however, their route potentially diverted. In such a case a diversion under section 257 of the Town and Country Planning Act 1990 would be necessary. More detail on the impact of the development on the public footpaths will be required under this process.

#### Internal Consultee Responses

Landscape - Raise objections. Comments have been provided through consultation responses and commentary at the Building for Life Design Review Process. The western edge of the layout is criticised with dwellings along this edge of the development would be in more direct conflict with trees that are outside of the applicant's control. A ditch runs along this western edge and it is questioned whether adequate space has been provided for maintenance access in this regard. The approach to the central tree line has improved during the course of the determination of the application with properties fronting onto the space and formation of an amenity space function. However, the more latterly received engineering-based drawings lead to concerns with sections of culvert being developed within the root protection areas of trees with the potential to damage their health and prospect of their retention. The widespread use of retaining walls will create a hard urban character to parts of the development and on the southern edge of the development the boundary would back onto a native species hedge which would be difficult to maintain on the plot side in places. Some retaining walls and ground works are shown locally within the root protection areas of trees. The engineering-based drawings also highlight that a number of routes and spaces within the development incorporate steps and retaining walls which will affect their visual flow and accessibility. Though some improvements have been made during the determination of the application, the extent to which the development would deliver robust corridors of greenspace running on an east-west axis across the site fall short of that indicated at the outline stage. Advice is provided in regards to planting

species selection and there is a lack of detail on the maintenance of the landscaping. The importance of external materials is emphasised as the roof-scape in particular will be a notable feature of the development.

Design and Conservation - Raise objections. Comments have been provided through consultation responses and commentary at the Building for Life Design Review Process. The latest suite of amendments does not address all the concerns raised by Design and Conservation or Design Review. Key concerns raised are; the severance centrally located public space by highway; parking dominance on the streetscene; lack of character areas and use of house types without distinctive design.

Environment, Health and Consumer Protection - Raise no objections subject to condition requiring a Phase 2 site investigation and, as necessary, Phase 3 remediation strategy and Phase 4 verification report.

Sustainability - No details in regards to condition 17 of the outline planning permission have been submitted.

### External Consultee Responses

Durham Constabulary Architectural Liaison Officer - Highlight that the layout includes a large number of walkways which should be reduced and those that remain should be well overlooked. Given the slightly isolated location of the development, the physical security of the buildings will be important. A series of design recommendations and good practices are suggested based on the principles of Crime Prevention through Environmental Design (CPTED) this includes but is not restricted to the need for adequate parking, boundary treatments and overlooked public spaces.

Sustrans - Requested details of the proposals and advised that they would contact the applicant/designers direct to advise on best practice for designing changes to the national cycle network.

### Public Responses

#### Objection

#### Principle of the development

- o An e-petition has been received seeking to remove the existing planning permission the justification relating to the scale of the development, gaining access to the development during an emergency and the environmental damage of the development including the extent of tree loss
- o The proposal takes little account of several core planning principles within the NPPF
- o The development does not relate well to the rest of the village in scale or character
- o The NPPF encourages the use of brownfield land wherever possible
- o No evidence that Langley Park or County Durham requires housing on such a scale and there is a risk that other properties will be vacant as a result
- o The County Durham Plan has been paused and no major development proposals should be proceeding as a result
- o The site is Green Belt and development is in conflict with relevant City of Durham Local Plan Policies
- o The Witton Gilbert Neighbourhood Plan does not allocate the site for housing

- o The proposal is contrary to a range of CDP objectives and policies
- o In granting the outline planning permission great weight was placed on the NPPF and this national guidance has been found to cause distortions in the planning system which the February White Paper is seeking to correct
- o Housing is not needed in the area
- o Loss of agricultural land

#### Design, Heritage, Visual and Landscape Impact

- o Significant loss of trees
- o The development will result in the loss of a protected hedge
- o The proposed dwellings are different and not respectful to the character of other developments in this part of Langley Park. Examples are provided such as at Witton Station Court and the listed old Witton Gilbert Train Station
- o A woodland area shown on the outline planning layout between the development and Witton Station Court has now been omitted
- o The development is on part of the historic Beau Park which is of landscape and agricultural value
- o The impacts upon the railway path walkway is harmful and diminishes its value
- o Detailed concerns are expressed in regards to the submitted arboricultural impact assessment including that the hedge bordering Witton Station Court is a protected hedgerow and assessment of the health of trees is in general disingenuous
- o The layout is disappointing with the housing dense, lacking green spaces and over-reliance on cul-de-sacs
- o Design principles such as Building for Life, the Nationally Described Space Standards and Passivhaus standards are not adhered to
- o The house types proposed are unacceptable

#### Sustainability

- o Langley Park has inadequate broadband, cable and digital provision
- o There are no community facilities for the young in the local area and with more young people as a result of the development the potential for anti-social behaviour will increase
- o The infrastructure of Langley Park cannot cater for the size and scale of the development and its cumulative impact with other development. Particular reference is made to GP surgery and school capacity, hospital capacity, availability of open space and youth/youth centre provision, internet connection and shops becoming too busy
- o Occupiers of the development will need to use their cars, there is no adequate public transport provision or employment opportunity and the site is therefore unsustainable
- o As a minimum and cater for the increase in population of the development the adjacent recreation ground should be redeveloped
- o References are made to the unacceptable environmental impacts of the development in the context of a climate emergency
- o The development incorporates inadequate energy efficient measures within the design

#### Highways related matters

- o The increase in traffic at the access is a major concern at an already dangerous junction with the industrial estate



- o Cumulative impacts with other planning permissions in the area and impacts upon existing traffic congestion hotspots such as at Kaysburn
- o Objection to the impact of traffic lights upon traffic flows on the Front Street with references made to the problems which temporary traffic lights in the village has caused
- o Objection to the residents of Wallnook Lane having to give way at the junction with the proposed access
- o The plans submitted do not adequately show the access junction with the Front Street and how pedestrians will be safely catered for
- o Congestion and speeding are already significant issues in the village
- o Concerns expressed at the absence of an adequate alternative emergency vehicle access
- o The scheme does not encourage sustainable travel methods such as public transport, walking and cycling
- o Traffic survey data which has informed the access junction are old and do not reflect current car occupancy
- o The development (both construction and operational phase) would cause unacceptable impacts for walkers, cyclists, and horse riders in comparison to the current Lanchester Valley Railway Path
- o The proposed junction includes no Pegasus crossing to isolate pedestrian and cycle traffic from equestrian traffic waiting to cross
- o Concerns expressed at the implications of the proposed traffic lights upon the response times of emergency service vehicles
- o Estimates on the vehicular movements are considered to be too low
- o Queries are raised that as to whether there are plans for a relief road to be created
- o Queries as to whether Wallnook Bridge is to be repaired and if it were opened to one way traffic then this may alleviate some congestion
- o Concerns that the road width adjacent to plots 293-295 is wider than elsewhere perhaps suggestive that the developer has longer terms plans to the development the field to the east
- o Remains inadequate detailed plans in respect to the formation of the access
- o Concerns that the bridge would require strengthening which would in turn cause traffic implications and concerns with damage to Wallnook Lane and properties along it
- o Connections to the recreation ground are shown but this has not been agreed with Esh Parish
- o Road gradients will be problematic in wintery conditions and discriminate against some users
- o Traffic impacts could cause mental health issues
- o Objection to the limited re-provision of parking for the LVRP
- o Concern that the implementation of the proposed access is not required until the occupation of the 50th dwelling

#### Flood Risk and Drainage

- o The River Browney, the site and Wallnook Lane flood regularly
- o Climate change means that flood events are increasing
- o Currently the greenfield nature of the site and wooded hillside of the Lanchester Valley Railway Path helps to absorb rainwaters - this will be lost to the hardsurfaced nature of the development and increase the risk of flooding. There will be a specific problem during the construction phases of the development when such features are lost the final drainage design has not been implemented

- o A tree line proposed under the outline planning application to the rear of Witton Station Court is no longer proposed and these trees have flood prevention qualities
- o Existing drainage features within and adjacent to the site are not accurately identified within the submissions
- o No consideration has been given to the NWL pumping station west of Witton Station Court
- o The proposed Sustainable Urban Drainage System has limitations, the design will not work and concerns are raised over the safety and maintenance of its features. Concerns include that the attenuation basins will not be able to cater for the volume of waters necessary during a flood event
- o Occupiers may include impermeable surfaces within their homes at a later date increasing flood risk
- o Existing surface flow drainage infrastructure to be utilised within the development will not be able to cope with the flows whilst a combined sewer may fill completely with potential worst case scenario of foul water flooding
- o Concerns and queries about how drainage ditches and features will be maintained and who will pay for it
- o Concerns expressed that the committee report on the outline application did not accurately represent the views of the Environment Agency
- o The SuDS features are safety concerns and require fencing

#### Process/Procedures in relation to the Development

- o The outline planning permission has lapsed, the developer has not addressed all concerns which have been raised and this proposal should not be being processed
- o The outline planning permission should be revoked/rescinded
- o Due process has not been followed and the Council have not applied planning regulations properly in order to permit the development and acted in a negligent manner
- o Unacceptable delays have occurred to the determination of the application and the S106 legal agreement on the outline permission
- o Conditions applied at the outline stage have not been addressed
- o The Council may have viewed the proposal as a potential for financial gain
- o Concerns expressed that the views of residents were not adequately represented by local councillors at Planning Committee due to their conflict of interest
- o Concerns that some documents have been missing from the website
- o The County Council website highlights which considerations are deemed to be material in planning terms but no further detail is provided on what type of evidence the Council considers to be valid and the degree of advice provided is unacceptable
- o When the planning permission was granted in 2013 the Local Members withdrew from the Planning Committee and no replacement was appointed to represent the interests and views of communities
- o It is difficult for the community to feed into the planning process and in the past when questions on material matters have been raised unsatisfactory answers have been provided
- o Inadequate consultation has occurred with many objectors to the scheme from 2013 not being advised on this submission
- o Monies received via S106 legal agreement will be allocated to Witton Gilbert Parish rather than those affected in Langley Park
- o The Parish Council have not been invited to comment
- o Concerns expressed that those without access to a computer will be unaware of the development and the copies of plans should be issued to local residents

- o The Local Cllrs did not speak at planning committee at the time outline planning permission was granted due to a conflict of interest
- o Not all objectors to the outline planning application have been advised of the reserved matters submissions
- o Inadequate consultation exercises undertaken
- o Concerns are raised in regard to the transparency and accountability of the planning process with requests made on specific processes
- o Requests are made for a clear timeline for determination

#### Ecology

- o The works to engineer the access will have a detrimental impact upon a paddock adjacent to Wallnook Cottage which has been planted and developed as a wildlife sanctuary
- o A pedestrian route through the adjacent recreation ground is proposed which will cause detrimental impacts upon ecology
- o The development would affect a protected hedge rich in wildlife along the Southside of Witton Station Court
- o The loss of the fields to the development will result in the loss habitat
- o The Old Recreation ground forms habitat to numerous species

#### Residential Amenity and Pollution

- o Loss of privacy for the occupiers of Station Court
- o There is the potential for noise and disturbance as a result of both the construction and operational phases of the development
- o Inadequate public amenity space is proposed within the development
- o Traffic will cause air pollution
- o Light, noise, dust and dirt pollution

#### Site Stability and Contaminated Land

- o No adequate survey work has been undertaken on the old railway line in respects to its structure or contamination/pollution therein
- o Concerns that the risks of coal mining legacy have not been investigated with submissions of past subsidence evidence on and adjacent to the site provided

#### Viability and Business Case

- o The development is unviable and it is the responsibility of officers to advise that this is the case
- o The access is to be constructed on County Council land and the County Council have a responsibility to obtain best value for the land

#### Other Issues

- o Concerns expressed over ground stability and that the construction of the development could destabilise property at Witton Station Court
- o The plans inaccurately depict the Station Court development, water pumping station and a ramson strip of land on the Lanchester Valley Walkway owned by the Council
- o The site is on or near a Fields Trust area
- o The development crosses a Northumbrian Water wayleave of the main sewer which connects Witton Station Court to the Pumping Station

- o Any financial benefit to local businesses should they materialise would be negligible
- o Reference is made to a planning application at Stobbilee Farm where the erection of one dwellings was refused planning permission and an appeal dismissed. In this context the question is raised as to how planning permission can be granted for this development
- o We currently import much of our food and losing agricultural land increases our dependency upon imports
- o Concerns raised over impacts upon property values
- o Affordable housing provision is inadequate
- o A local equestrian business expresses concerns in relation to accessing Langley Park in order to exercise horses
- o A covenant protects the line of a foul water system serving Witton Station Court and the development would affect this area
- o The submitted plans are inaccurate in their depiction of the northern section of the site adjacent to Witton Station Court
- o Reference is made to further housing allocations on neighbouring land

Richard Holden MP North West Durham - No specific comments are raised on the application though correspondence from concerned residents received by his office are submitted for the attention of the LPA. The concerns raised are wide ranging focusing upon many of the matters summarised above.

Cllrs Simpson and Coult - Raise objections. There have been unacceptable delays with the application and there is a clear lack of deliverability of the scheme. The Neighbourhood Plan does not allocate the site for housing. Concerns are raised over the severity of the flood risk. The site is a considerable distance from services and facilities and the gradients unappealing for elderly residents. Concerns are raised over the impact of the development upon local service capacity. The development has only one access and no emergency vehicle arrangements. The sustainability credentials/energy efficiency of the dwellings is inadequate. Significant concerns are raised in regards to the traffic implications of the development together with concerns over the structural integrity of the bridge over the River Browney. Detrimental impacts upon the Lanchester Valley Walk are cited.

Former Cllr McGaun - Raised objections. Concerns were expressed regarding whether the correct procedures and due diligence have been followed. A great number of local residents have expressed their concerns including in regards to the scale and layout of the development, environmental impact and safety. Attention is drawn in particular to concerns in regards to flood risk and traffic implications.

Campaign to Protect Rural England (CPRE) - Raise objection to the impact of the proposal upon the LVRP which is considered contrary to CDP Policy 10. It is noted that the LVRP does not appear on definitive maps as a public right of way but it is used as such and it is submitted that the route has this status. It also forms part of the National Cycle Network. As a result, it is considered that the affected sections of the LVRP cannot be subsumed or diverted without formal process.

British Horse Society (Durham) - Raise objection to the impacts of the proposed access junction upon cyclists, horse riders and walkers including the anxiety and safety risk potentially caused to horses. It is considered that public rights for horse riding existing on the route. Cumulative impacts with Digger Land at the weekend are raised. Objection is raised to the traffic and air quality impacts of the development and the loss of trees. The

access junction should have a pegasus crossing. Concerns that the well used track running to Hill Top Farm will be blocked during the construction process. Concerns are also expressed in regard to loss of trees and harmful ecological impacts, flood risk and potentially toxic contamination as part of the former railway route.

## Public Responses

Number of Original Neighbour Consultations	536
Total Numbers of comments received	129
Total Number of Objections	125
Total Number of Support	0
Total Number of Representations	3

Site Notice Posted - 15th June 2017

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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In May 2014 planning permission was granted in outline for the erection of a maximum of 400 dwellings and associated works. All detailed matters were reserved except access. The key matters for consideration are therefore the submissions made in respect to the reserved matters which are appearance, landscaping, layout and scale.

Much objection received as a result of the public consultation exercises on the application relate to the principle of the development or matters considered under the grant of outline planning permission. Such concerns are summarised in more detail under the Consultation and Publicity Responses section of this report, however, such concerns include; the loss of greenfield and agricultural land; the amount and need for a housing development of this size; impacts of the development upon local services and facilities and; impacts of such a major housing development upon traffic congestion and the availability of alternative modes of transport, the adequacy of the transports assessments undertaken and the adequacy of the signalised junction design.

However, matters relating to the principle of the introduction of up to 400 dwellings on the site were considered under the outline planning permission 4/13/00225/OUT. Matters relating to the sheer principle of this major residential development at the site are not be revisited under the application seeking approval for the reserved matters only. Furthermore, details of the vehicular access arrangements via a signalised junction with Front Street were also considered and accepted at the outline stage with the application accompanied by detailed plans of the access coupled with transport assessment submissions in relation to impacts upon the highway network.

Since the grant of the outline planning permission significant changes have occurred in relation to the Development Plan with both the County Durham Plan and Witton Gilbert Neighbourhood Plan now adopted. More up-to-date versions of the NPPF and Planning Practice Guidance have also been published. Where relevant this reserved matters application is considered against this up-to-date policy context.

Further key public objection surrounds; the age of the outline planning permission; delays with the issue of that planning permission and the submission of the view that the planning permission has now lapsed; delays with the determination of this reserved matters submission and; procedures surrounding such matters.

To provide clarification on the key matters in this regard, the outline planning permission 4/13/00225/OUT was presented to the 4th June 2013 County Planning Committee where Members resolved to grant planning permission subject to conditions and subject to the entering into of a S106 legal agreement. Where subject to a S106 agreement, a planning permission can only be issued once the legal agreement is completed. The S106 agreement was completed and dated 16th May 2014 and this permitted the release of the decision notice dated 21st May 2014, which is, therefore, the date of the outline planning permission.

As an outline planning permission, the decision notice of 4/13/00225/OUT was subject to a standard condition pursuant to Section 92 of the Town Country Planning Act 1990 relating to the time in which the reserved matters must be submitted and thereafter the development commenced. The wording of this condition is below;

"Application for approval of details of appearance, landscaping, layout and scale (hereinafter called the "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."

As a result, the applicant had until 21st May 2017 in order to apply for the reserved matters and this application was received valid within that timeframe on 15th May 2017. Whilst this reserved matters application is pending the outline planning permission remains extant.

The key matters for consideration under this application - layout, appearance, landscaping and scale are discussed below.

#### Layout and Landscaping

CDP Policy 6 relates to the development of land on unallocated sites. In part the policy provides a framework for assessing the acceptability of the principle of development on such sites. As an extant planning permission exists for this residential development these elements of the policy are not applicable, however, Policy 6 also provides more general design advice which are considered to remain relevant to the reserved matters submission. Namely criteria d requires that; proposals are appropriate in terms of their scale, design and layout; criteria e requires that the development will not be prejudicial to highway safety; and criteria h seeks to minimise vulnerability and provide resilience to climate change impacts such as flood risk.

CDP Policy 21 advises amongst other criteria that development should deliver appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Car parking should be sufficient to minimise the potential harm to amenity from footway parking.

CDP Policy 26 advises in relation green infrastructure. Relevant advice includes that proposals for new residential development will be required to make provision for open space to meet the needs of future residents and where appropriate, financial contributions will be obtained towards achieving new or improved open space offsite. In relation to public rights of way, development will be expected to be protected and where diversions are required, they should be direct, convenient and attractive.

Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. It is advised that major developments should create a well-defined, easily navigable and accessible network of streets and spaces. This includes providing convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles.

Amongst its advice, CDP Policy 39 states that development will be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views with particular attention to be paid in designated Areas of High Landscape Value. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 40 advises that new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Development will be expected to treat trees and hedges as site constraints, Policy 40 explaining that they should be retained within developments with adequate stand-off distances ensured.

WGNP Policy 7 states that new development should integrate biodiversity into new development where possible and that a means to do so is that existing features which support biodiversity, such as watercourses, hedgerows, walls and trees should be retained and where possible enhanced as part of the development.

A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan.

This is supported further by Witton Gilbert Neighbourhood Plan (WGNP). Policy 2 advises that new housing development within the neighbourhood Plan area will be required to result in high quality sustainable design that amongst other criteria reflects Building for Life principles. Amongst its advice, WGNP Policy 6 advises that development should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character.

Several iterations of the reserved matters submissions have been presented to an in-house design review process to assess the scheme against the Building for Life 12 (BfL 12) Standards. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. In addition to this overall design review process key design assessment is provided within the consultee responses of key consultees such as Design and Conservation and Landscape.

On the whole, some elements of the development are considered to have fared positively against some of the BfL criteria and policy related design assessment overall. Elements of poor design are considered to remain, however and this is reflected within the most recent BfL assessment where the development achieved 6 red, 4 amber and 2 green scores.

### Working with the Site and its Context

A key consideration with the layout of the development is the manner in which it works within the context of the sites features such as its landscaping, water courses and topography. During the course of the determination of the application some concerns have been resolved or lessened, others have remained.

The site contains a prominent central belt of mature trees. Earlier renditions of the reserved matters layout failed to take proper account of this with properties too close and having side elevations and fenced off curtilages beside it. Concerns were raised with the manner in which properties failed to address a southern pedestrian route with a lack of surveillance of it.

Amendments and further demonstrations during the course of the determination of the application have addressed some of these concerns with properties generally fronting onto the central tree belt with a pedestrian route through it proposed. The southern pedestrian route is set on higher ground and well set back from proposed properties to address the aforementioned concerns.

However, there remains a number of concerns with the manner in which the detailed layout and landscaping works with key site features.

In relation to the central tree belt consultee feedback has remained critical with the extent to which the central spine of trees is severed by vehicular highway. To facilitate vehicular access to both sides of the site a degree of severance would be inevitable. However, earlier renditions of the layout presented that this could be kept to just two incidences. On the latest proposals a further severance occurs towards the southern end. The landscaping belts proposed on east-west axis across the site are considered less robust and effective than had been master planned at the outline stage.

The submitted Arboricultural Impact Assessment (AIA) is considered to fail to fully present the potential impacts of the development upon trees within the site. The AIA presents a range of potential conflicts between features of the development and trees this includes but is not restricted to the impacts of the access arrangements which would result in the significant loss of trees along the line of the LVRP (this was known at the outline stage), impacts of the internal estate road and the proximity of the dwellings and gardens along the western edge of the development. However, the engineering layout plans received depict other potential conflicts. In several locations proposed culvert features are identified for inclusion as part of the drainage system together with the provision of sections of retaining wall. Each of these has the potential to cause significant impacts upon the roots of the trees and thereby their health and potential to be retained. The AIA is therefore considered to underestimate the full extent of the potential impacts of the development upon important trees within the site and as a result there is the potential for important trees, which should be treated as site constraints, having their health/life expectancy unacceptably detrimentally affected contrary to CDP Policies 39 and 40 and advice at Paragraph 170 of the NPPF.



A landscaping plan accompanies the application which provides details on the proposed arrangement of landscaping around the site including the plant species proposed. Key elements include but are not restricted to additional hedgerow planting to the southern and eastern boundaries of the housing, further tree planting amongst the central spine of trees, areas of open space and structural landscaping east of public footpath no. 24.

There is an absence of details on the establishment and long-term management regime for the landscaping proposals. Potentially in the event of an approval conditions could be utilised requiring further details to this end, though the reserved matters stage would be the appropriate stage for these details to be submitted. Landscape highlight some particular concerns in regards to the effective access and maintenance of some features. Concerns are raised in particular along the western boundary and whether adequate space has been provided to the rear of properties to permit proper maintenance of the ditch. On the southern boundary a native species hedge is proposed but this will abut a high boundary feature comprising of retaining wall and fencing and the hedge would likely be unmanageable for many residents on the plot side in places.

Landscape are critical of the impacts of retaining walls and steps within areas of open and landscaped space considering that they will create hard urban features affecting the visual flow of these spaces.

At the outline stage consideration was given to the potential impacts of the proposals upon heritage assets. Key matters considered and accepted at that stage were that the proposals would involve development within the bounds of the Bearpark locally designated historic park; a significant change would result to the section of the LVRP which itself was considered a non-designated heritage asset and; no impacts of any significance were anticipated upon heritage assets beyond the application site. The detail of the reserved matters submission is considered to raise no new or differing impacts with no objections raised having regards to Policy 44 of the CDP. In regard to matters of archaeology, conditions 11 and 12 of the outline planning permission require the implementation of a programme of archaeological investigation and recording and in the event of approval these conditions would still require separate discharge.

#### Highways and connectivity related matters

At the outline stage the applicant submitted a Transport Assessment addendum detailing an emergency vehicle access should the main access route into the development be unavailable. The alternative emergency access proposed was via the access track which runs along the eastern boundary of the site. However, the submitted layout fails to provide the specific location where this emergency access would puncture into the development.

In relation to other connections, final engineering drawings depict that some connections (and areas of open/landscaped space) are affected by steps and retaining features which will limit or affect their use by some users. Engineering based drawings indicate that the realigned section of the LVRP would incorporate steps. The LVRP is used by pedestrians, cyclists and horse riders. The steps would detrimentally affect this section of the LVRP. Steps are proposed on route to the southern boundary footpath and a retaining wall severs a private drive in the vicinity of plot 183 and 211 hindering the ease at which some users could move around the site.

The Highway Authority have assessed parking provision within the development. The development is considered to fail to provide adequate non allocated parking space with poor distribution in areas.

Driveway lengths depart from the Councils parking standards. Driveways have been designed with the dimensions of 4.8m x 2.4m for a single driveway, 9.6m x 4.8m for a double length driveway and 4.8m x 4.8m for a double width when the Council standards are 5.5m x 2.7m, 10.5m x 2.7m and 5.5m x 4.7m respectively.

There remain instances where the non-standard drive lengths are proposed which would be likely to encourage additional vehicles parking to the rear of another with the obstruction of footways. To avoid such issues all drives should be designed so as to be multiples of 5.5m in length.

Further detailed design criticisms are raised by the Highway Authority. Shared surface design is unclear. There are incidences where soft landscaped service strips meet hardsurfacing adjacent to drive accesses and parking spaces leading to confused approach for pedestrians to navigate. Examples would include in the vicinity of plots 155-156 and 140 and 232, 233, 238 to 241.

Two raised tables have been retained on the main 6.75m access road as traffic calming features at junctions. Having regard to guidance within the Council's Highways Design Guide for Residential Development and Manual for Streets the design aims should be to create streets that control vehicle speeds naturally rather than having to rely on unsympathetic traffic calming measures. The Highway Authority advise that raised tables would only be necessary if straight lengths of carriageway exceed 60m and that these features should be removed from the design.

This range of highways and connectivity related design deficiencies are considered to be contrary to advice contained within CDP Policies 6, 21 and 29, WGNP Policies 2 and 6 and advice contained at paragraphs 91, 108, 110 and 129 of the NPPF.

### Residential Amenity

Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Similarly, WGNP Policy 2 advises that new housing development should not adversely impact upon the amenity of existing and future residents.

In relation to new development the SPD provides advice upon the separation between properties, both existing and proposed, together with advice on the dimensions of private gardens. The purpose of such guidance is to ensure that new residential development provides for adequate levels of amenity for existing and prospective occupiers whilst also preventing the poor design caused by cramped and congested layouts.

The minimum distances advised between main facing elevations containing window/s serving a habitable room are; 21m between two storey buildings and 18m between bungalows. Between a main facing elevation to gable wall without a window serving a habitable room then 13m is advised to a two storey gable and 10m to a single storey gable.

Further advice is provided so as to factor in changes in levels and the storey heights of buildings with the advice being that the above distances should increase by 3m for every additional storey and by 1m for every 1m that the floor level of one dwelling would be

higher than the facing. So, for example, where the finished floor level of one two storey property is set 1m higher than another and their main elevations face, the SPD advises that a 22m separation distance would be appropriate.

The SPD advises that garden spaces should be of an appropriate size, having regard to the size of the dwelling and character of the area but advises that a garden length of no less than 9m is appropriate.

It should be noted that the SPD is also clear that there will be instances where this distance guidance can be departed from and that it is not intended that the distances be applied rigidly. Lower separation distances can be accepted for instance where specific design ensures privacy and amenity or where it is considered appropriate factoring in the character of an area or to permit variations in a layout. Relaxation in standards is more appropriate for prospective residents who can decide whether or not to move into a new house unlike existing residents who have already invested in their homes.

The development site benefits from not having any existing residential properties to the west, south and east, and being well divorced from the siting of the proposed dwellings. To the north the proposed dwellings would come into closer proximity the residential properties of Witton Station Court and Austin House. The proposed dwellings would be set on higher ground. In relation to properties 1-17 (odd) Witton Station Court, separation distances are quite significant, each around or in excess of 30m and these relationships are considered acceptable.

The rear elevation of the proposed plot 334 dwelling would be located approximately 18m south of 23 Witton Station Court. However, the proposed Baywood house type contains no windows to habitable rooms within its rear elevation and this relationship is considered acceptable.

Plots 333 and 332 would be situated south of 21 Witton Station Court with the nearest elements coming to within approximately 22.7m of 21 Witton Station Court, however, this is a rear projection with no windows within. The main rear elevation of 21 Witton Station Court is approximately 25.1m away. Officers consider this relationship to be acceptable.

Austin House is situated approximately 21.1m north of the proposed siting of the nearest proposed dwelling to rear - plot 312 and 22.4m from plot 311. Austin House contains habitable room windows within its rear elevation and beyond a garden. Topographical survey information accompanying the outline planning application shows that at the immediate rear of the stable block beside Austin House the level is 95.5m AOD. Site visits show that finished floor levels of Austin House appear commensurate with the adjacent stables. Plots 318 and 317 are proposed to be set at 98.4m AOD and are therefore considered to be set somewhere towards 3m higher than Austin House. Officers consider that the proposed development would result in a significant reduction in the levels of privacy and amenity than Austin House occupiers would presently have. A design and layout more sensitive to the presence of Austin House should have been formed.

In regard to relationships between proposed properties, there are instances where the separation accords with the guidance within the SPD, however, there are also numerous instances where this is not the case.

Plots 29 and 30 face plots 31 and 32 at a separation of approximately 19.8m with the proposed finished floor levels being roughly the same. This is 1.2m below the recommendations of the SPD.

Plots 142 and 157 have main facing elevations at a separation distance of 19.5m, 1.5m below the recommended standard. There would also be a modest difference in finished floor levels between the properties of 0.75m.

Plots 196 faces plots 197-199 at a distance of 19.1m. There is also a modest change in finished floor levels between the properties of 0.75m.

Plot 309 would face plot 311 at a separation distance of 19.1m with a modest change in finished floor levels of 0.65m.

The rear elevations of plots 197-199 are opposite the rear elevations of plots 205-206 at a separation distance of 22.1m. The change in finished floor levels between the properties is 2.55m and the SPD guidance advises that at least 23m should be provided.

Plots 262 and 261 are set at an angle with their rear elevations facing in a roughly south-westerly direction towards plots 240-241. The proposed finished floor levels of plots 240-241 would be set 3.675m higher, the separation distances between the grouping of properties varies but at the centre point is approximately 20m. The angles between the properties mitigates impact to an extent but not considerably so factoring in the distance and significant level change.

Plot 49 has a rear elevation facing the side elevation of plot 31 at a separation distance of approximately 12m. This is 1m below the standard of the SPD, irrespective of level differences. Plot 31 has a proposed finished floor level 1.725m above that of plot 49. The SPD guidance therefore advises that a distance of nearer 14m should be provided rather than 12m. A similar though better relationship occurs between plot 50 and plot 31.

The house types at plots 171 and 172 contain front elevation bay windows to lounge space and separation distances from these to the plot 190 and 191 dwellings opposite would be approximately 18.7m with the remains of the dwellings having a separation of approximately 19.6m. A modest change in levels of a maximum of 0.55m would occur between the properties.

At plot 174 the Maplewood house type, which has a ground floor lounge bay and first floor bedroom projection, is separated from the opposing 187 and 187 dwellings by approximately 19.2m and 19.6m respectively. There would be a change in levels between the properties of 0.825m.

Plot 234 has habitable room windows which would face that at plot 230 at a distance of 19.2m at the nearest point to a bay window. A separation distance of 0.975m would occur between the properties.

There are instances where proposed garden sizes fall below SPD standards, some more marginally but others more considerably so, examples include plots 219-224, 236, 237 and 265. Some plots on the western boundary would also have garden spaces below the size standards of the SPD such as plots 89 and 90 and these garden spaces would be affected by the shading offered by adjacent trees which would contribute to diminishing the standard of private amenity space provided.

A submitted boundary treatment plan proposes a 1.1m high timber fence to rear curtilage boundaries in many instances where a retaining wall is proposed. Such a fence would afford readily available overlooking of the neighbouring plot set on much lower ground.

The above is not an exhaustive assessment of all the relationships within the development which do not meet the advice contained within the SPD, but it represents a number of the examples.

It is acknowledged that the SPD permits flexibility in the application of these standards. Appropriate relaxation might apply for instance where the local character is one defined by more densely arranged properties. However, the location of the site is edge of settlement and the character presented is one deemed of more a typical suburban and edge of settlement character. It is also acknowledged that the levels of the site are challenging. However, it is considered that the development has failed to provide adequate privacy and amenity for the existing property Austin House together with an unacceptable frequency of occasions where the amenity of the future occupiers of the development would also be compromised. As a result, the proposals are considered to be contrary to CDP Policy 29 and the associated SPD, Policy 2 of the WGNP and the advice contained at paragraph 127 of the NPPF.

### Drainage and Flood Risk

Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. The quantity and quality of surface and groundwater bodies should be protected and where possible enhanced. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. Criteria H of CDP Policy 6 advises that development should minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding. Key advice within Part 14 of the NPPF includes that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and that major developments should incorporate SuDS unless there is clear evidence that it would be inappropriate.

Considerable public concern to the development relates to flood risk and drainage design. Under application 4/13/00225/OUT no objections to granting planning permission in outline were raised having regard to such matters taking into consideration the content of the Flood Risk Assessment (FRA) submissions made and having regard to the consultation responses received from key consultees of the Environment Agency, Drainage and Coastal Protection and Northumbrian Water. It was acknowledged though, that a final detailed drainage design incorporating the principles of SuDS had not been fully developed. Conditions were applied to the planning permission requiring the development to be carried out in accordance with principles contained within the submitted FRA (condition 6) and final SuDS design (condition 7).

In order to incorporate a genuine SuDS system containing a range of SuDS features to create a suitable sustainable surface water management train, the design should develop alongside other elements of the layout and proposal as a whole and thereby form an intrinsic part of the overall design. Should the reserved matters submissions provide confidence that an appropriate SuDS design can be delivered, then even in a scenario of some elements requiring further refinement, then it would be acceptable that this could be resolved in respect to this proposal via separate application to discharge conditions 6 and 7.

However, Drainage and Coastal Protection have raised significant objection to the drainage design submissions made and, as a result, there is not the confidence that the

reserved matters of the development can be fixed and an acceptable SuDS design emerge under a future condition discharge.

The proposals do not adequately meet SuDS water treatment/quality requirements with no commitment made to permeable surfacing on private and shared driveways and inadequate other features to treat dissolved or suspended contaminants. Inadequate explanation has been provided in regard to why such genuine SuDS features cannot be incorporated into the design in preference for alternative designs such as impermeable drives and the use of downstream defenders as a substitute.

Overland flows are proposed to be channelled into ditches. Though modelling has previously been undertaken this was on the basis of a different drainage design, the proportion of overland flows now proposed to be channelled into the western ditch has not been modelled. Concerns are expressed that at this stage in design, culvert conditions and dimensions are not fully understood. Furthermore, a detailed domestic drainage layout has not been provided. Modelling shows flood risk at various locations across the site and in the absence of a detailed domestic drainage layout certainty cannot be provided that these water levels are not within 300mm of connected properties. Drainage and Coastal Protection also advise that they would expect an exceedance route plan to be submitted in the event of system failure.

Drainage and Coastal Protection advise that the submitted design does not explore the potential of a central watercourse running through the site being embraced into the surface water disposal design. SuDS basin gradients have been designed to utilise 1 in 4 slopes. Drainage and Coastal Protection advise that for water safety reasons these should be no steeper than 1 in 5. The more shallow the gradient the greater the reduction to the risk associated with accidental entry.

The reserved matters application is accompanied by an updated (from the outline submission) FRA. This document includes a series of mitigation requirements to be applied to the detailed design. Amongst them is a commitment that where plots back onto existing drainage ditches they should be designed so that the rear gardens have a longitudinal fall away from the plot towards the ditch. However, the submitted engineering based layout plans do not depict this in all instances but rather that gardens slope in the opposite direction.

The above matters relate to the final operational phase of the development. Public concerns have also been expressed in regards to the potential for flood risk issues occurring during the construction phase of the development as a result of overland flows when excavation has occurred including along sections of the raised LVRP when excavations occur to deliver the access and prior to the final drainage system being in situ.

In response to this the applicant has submitted a Temporary Surface Water Management Statement. Officers have considered its content together with Drainage and Coastal Protection. The submission presents broad principles and approaches to address this issue proposing the provision of temporary construction phase channels, ditches and swales to intercept overland flows together with the use of temporary settlement ponds. Estimations of necessary attenuation volumes and land take to facilitate this are included. Emphasis is also placed on the positive drainage features such as road gullies which it states would be formed as part of the construction of the access road along the section of the former railway bund/LWV. Officers consider that the statement provides some assurances in regard to the management of surface water during the construction phase, however, it lacks full detail of the design of the temporary features or details on their

programme of delivery and as a result requires further development to demonstrate fully that temporary, construction phase surface water management issues can be acceptably addressed.

In conclusion, it is considered that inadequate submissions have been made in regard to the surface water drainage design with a failure to demonstrate that; an appropriate management of surface water forms an intrinsic part of the development; flood risk will not be increased; adequate protection of overland flows will be in place; that the development adequately protects water quality (and where possible enhances it) and; that the development incorporates an acceptable and genuine SuDS design. As a result, the application is considered contrary to Policies 6 and 35 of the CDP, associated BfL SPD and advice contained at paragraphs 163 and 165 of the NPPF.

## Appearance and Scale

The application proposes a range of housetypes and each are two. The properties vary in size reflective of the mix ranging from more modest 2 bed homes up to larger 5 bed properties. However, each are considered typically scaled for their market and officers raise no objection to the scale of each of the housetypes in their own right.

The proposed housetypes have altered during the course of the determination of the application due to a change in the prospective housebuilder. Those now proposed do not exert any particularly locally inspired or otherwise distinctive character. Furthermore, Design and Conservation are critical that on a development of this scale the proposals lack distinctive character areas. In response, the applicant has submitted a character areas site layout which breaks the site up into four such areas and highlight that a conditional approach could be taken to define final material and fenestration approaches to help in establishing these character areas.

Though in the event of an approval conditions could potentially be utilised to refine these details, approaches to define any different character areas and the design of the dwellings themselves are matters that should be resolved at this reserved matters stage. Furthermore, officers consider that only very limited distinction between different areas of the site would likely emerge from a condition seeking to further refining these details alone.

Overall, given the development is a significant one totalling 334 dwellings, the combination of the general mediocrity of the range of housetypes proposed coupled with the lack of genuine character areas is considered to weigh against the standard of the design and the application as a whole. The result, it is considered, is that the development would create a repetitive built form lacking in visual interest, local or otherwise distinctive qualities or identifiable built navigation points. Such conclusions emerged during the most recent presentation of the development to the BFL Design Review Panel with a red score in respect to "Character".

A further concern relates to parking dominance on the streetscene. It is acknowledged that in order to meet the Councils Parking and Accessibility Standards requirements then on a significant housing development of this nature substantial in-curtilage and non-allocated visitor parking is required. However, a variety of measures can be deployed to seek to avoid streetscenes being unacceptably dominated by parking. These can include the arrangement of dwellings so that those with larger front garden spaces break up areas of parking, use of parking courtyards where well designed and the approach to garaging as examples. Examples of where this parking dominance issue is considered remain are

plots 225-229; 246-249; 268-271; 193-195 and 200-202; 197-210; 155 to 165; and 123-129.

As outlined earlier, Landscape are critical of the impacts that the extent of retaining walls will have on the development in terms of their hard, urbanising impact and the manner in which they will break up the visual flow of landscaped spaces.

Overall, deficiencies are considered to remain in relation to the appearance of the development contrary to advice contained within CDP Policies 6 and 29, WGNP Policies 2 and 6 and key design related advice within the NPPF at paragraphs 127-130.

#### Other Matters

CDP Policies 15 and 19 seek to address matters of housing need and ensure that an appropriate mix of dwelling types and houses are provided including in relation to affordable homes and homes for older persons and this is supported further by WGNP Policies 2 and 3. In this instance such matters are effectively controlled by the requirements of the outline planning permission which under the S106 legal agreement requires that 20% of the development constitutes affordable homes and this is depicted on the submitted layout. Condition 18 requires that 10% of the dwellings to be provided incorporate accessible and adaptable measures so that the development includes housing which can meet the needs of old people and those with disabilities. No further details have been submitted under the reserved matters to this end, however, in the event of an approval further submissions could be made via an application to discharge condition 18.

At the outline stage it was noted that due to the potential for increased recreational pressure within the Old Rec, a Local Wildlife Site, and associated detrimental impact upon heathland therein, mitigation and compensatory measures would be necessary with land identified to south and east of the application site and within the ownership of the applicant as being locations where this compensatory planting could occur. Condition 9 of the outline planning permission controls this and in the event of an approval would still require an acceptable scheme to be devised and the condition discharged having regard to CDP Policies 41 and 43.

WGNP Policy 11 advises that all new development should incorporate the means of enabling high speed broadband. No submissions have been made under the reserved matters in relation to the feasibility or otherwise of a high speed broadband connection for the proposed homes.

The application is accompanied by an updated (from the outline stage) Preliminary Geoenvironmental Appraisal Report. Environment, Health and Consumer Protection have assessed this updated report and raise no objections though advise that an additional condition should apply requiring a Phase 2 site investigation and, as necessary, Phase 3 remediation strategy and Phase 4 verification report having regards to CDP Policy 32.

A number of conditions apply to the outline planning permission which are not directly addressed under the reserved matters, where these remain outstanding a separate discharge of condition application(s) would be necessary.

#### Conclusion

The outline planning permission established the principle of residential development at the site together with agreement the access arrangements to the development via a signalised



junction with Front Street together with realignment works to Wallnook Lane and the LVRP. The key matters for consideration are therefore the submissions made in respect to the reserved matters which are appearance, landscaping, layout and scale. The application has drawn considerable public objection, the matters raised are summarised within the report and referenced where relevant to the reserved matters under consideration.

Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. The Development Plan in County Durham is considered to be up to date and Paragraph 11 c advises that where a development accords with the Development Plan approval should be granted without delay. Conversely NPPF Paragraph 12 highlights that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted (unless material considerations in a particular case indicate that the plan should not be followed).

A number of conflicts with both the CDP and WGNP have been identified which relate to; the manner in which the development works with the site and its context including important landscape features; highways and connectivity related design deficiencies; failure to ensure adequate privacy and amenity for both existing and prospective residents; drainage design and flood risk issues and objections to the appearance and character of the development. No material planning considerations are considered to exist which outweigh these objections and refusal is therefore recommended.

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## **RECOMMENDATION AND CONDITIONS**

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Refused for the following reasons

1. The Local Planning Authority considers that the proposed development fails to acceptably integrate existing trees into the development as a result of the inclusion of retaining wall and culvert features located within the root protection areas of trees which make a positive contribution to the character of the area with likely resultant harm to their life expectancy or potential requirement for removal. It is, therefore, considered that this detrimental impact upon important landscape features is contrary to County Durham Plan Policies 39 and 40 and Paragraph 170 of the NPPF.
2. The Local Planning Authority considers that the proposed development fails to provide a layout with adequate parking and access arrangements, including: inadequate visitor parking provision; through incorporating vehicular parking spaces of sub-standard dimensions; non-standard driveway lengths; unsympathetic raised tables for traffic calming; inappropriate shared surface design which would be detrimental to pedestrians; a separate emergency vehicle access proposed at the outline stage is not accommodated for within the layout; and, steps and retaining features would affect connectivity and accessibility for users of the site, including the introduction of a stepped section on the Lanchester Valley Railway Path route. It is, therefore, considered that such matters of highway safety and connectivity are contrary to County Durham Plan Policies 6, 21 and 29, Witton Gilbert Neighbourhood Plan Policies 2 and 6 and Paragraphs 91, 108, 110 and 129 of the NPPF.

3. The Local Planning Authority considers that the proposed development fails to provide adequate privacy and amenity for the occupiers of Austin House together with a number of relationships across the development that would fail to provide adequate privacy and amenity for prospective occupiers of the development would also be compromised and be below policy expectations. It is therefore considered that the development is contrary to County Durham Plan Policy 29 and the associated Residential Amenity Standards Supplementary Planning Document, Policy 2 of the Witton Gilbert Neighbourhood Plan and Paragraph 127 of the NPPF.
4. The Local Planning Authority considers that the proposed development has failed to demonstrate that; an appropriate management of surface water forms an intrinsic part of the development; flood risk will not be increased; adequate protection of overland flows will be in place; that the development adequately protects or enhances water quality and; that the development incorporates an acceptable and genuine Sustainable urban Drainage System design. It is, therefore, considered that the development is contrary to Policies 6 and 35 of the County Durham Plan and Paragraphs 163 and 165 of the NPPF.
5. The Local Planning Authority considers that, by reason of the design and appearance of the range of dwellings proposed and lack of formation of genuine character areas, the development fails to provide for any locally inspired or otherwise distinctive qualities with a resultant built form that would lack visual interest or identifiable built navigation points. These impacts are compounded by areas where vehicular parking will dominate the street scene, areas where retaining walls will create a hardening and urbanising effect on landscaped spaces to their detriment and vehicular highways sever the central tree belt. As a result, the proposals would fail to create a development constituting good design or that would positively contribute to the character of the area. The proposals are, therefore, contrary to County Durham Plan Policies 6 and 29, and the associated Building for Life Supplementary Planning Document, Witton Gilbert Neighbourhood Plan Policies 2 and 6 and Paragraphs 127-130 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

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**SIGN OFF**

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**Case Officer E Signature** Henry Jones 20.01.21

**Authorising Officer E Signature** Andrew Inch 20.01.21