



County Planning Committee

Date Tuesday 4 April 2017
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 March 2017 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/16/03310/FPA - Land to the East of HMYOI Deerbolt and North of Bowes Road, Startforth (Pages 13 - 48)
162 dwellings with associated highways, external works and new access roads, new car park and road link to HMYOI Deerbolt,
 - b) DM/16/04048/OUT - Land At The East Of Moss Close Farm Pelton DH2 1PG (Pages 49 - 80)
Outline application including means of access for the erection of up to 190 dwellings.
 - c) DM/16/04052/FPA - British Oxygen Co., Vigo Lane, Chester-le-Street, DH3 2RD (Pages 81 - 112)
Hybrid application for full planning permission for the erection of 123 dwellings and associated access, landscaping and engineering works and outline planning permission (with landscaping matters reserved) for the erection of up to 80 dwellings.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
27 March 2017

To: **The Members of the County Planning Committee**

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland,
I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson,
G Richardson, A Shield, P Taylor and R Young

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 March 2017 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors D Boyes, J Clare, P Conway, M Dixon, I Jewell, B Moir (Vice-Chairman), G Richardson, A Shield, H Smith, P Taylor and R Young

1 Apologies for Absence

An apology for absence was received from Councillor H Nicholson.

2 Substitute Members

Councillor H Smith as substitute Member for Councillor Nicholson.

3 Declarations of Interest

Councillor Clare and Dixon informed the Committee that they were local Members for the application to be considered at Agenda Item 5 (a) but had not reached a decision on the application.

4 Minutes

The Minutes of the meeting held on 7 February 2017 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/00985/OUT - Land to the North of Middridge Road, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of up to 240 dwellings, including details of associated vehicular access from a proposed roundabout on Middridge Road with all matters reserved except for site access on land to the north of Middridge Road Newton Aycliffe (for copy see file of Minutes).

C Harding, Senior Planning Officer, gave a detailed presentation on the application which included a site location plan, aerial photograph of the site, site photographs

looking north and west across the site and an indicative layout. Members of the Committee had visited the site the previous day and were familiar with the site and setting.

Councillor Anne Clark, Chair of Middridge Parish Council addressed the Committee to object to the application.

Middridge was a small, rural parish with Great Aycliffe to the east and Shildon to the west and people who lived there valued the independence and rurality of Middridge. Although some of the objections of the Parish Council had been addressed there were still some outstanding concerns.

Middridge Parish Council had already lodged their objections to the application, some of which had been addressed. However the objection still stood as there were several outstanding concerns.

Referring to sustainability of the site, Point 78 of the Planning Services report argued that although Eldon Whins was in Middridge Parish, its future residents would look towards Newton Aycliffe to meet their living needs. Point 83 then argued that the scale of development was commensurate with the role of Newton Aycliffe in the Settlement hierarchy.

However the County Council had already implicitly confirmed that they considered Eldon Whins to be part of Middridge Parish and not Great Aycliffe, because the designated Neighbourhood Area for the Middridge Neighbourhood Plan was the entire Parish, including Eldon Whins.

Moreover, existing Middridge Parish Residents looked toward Newton Aycliffe or Shildon to meet their living needs but in spite of this, they did not consider themselves residents of Newton Aycliffe or Shildon; future residents of Eldon Whins would most certainly not consider themselves part of Great Aycliffe when it came to the payment of Council Tax, since the Middridge precept was significantly lower than that for Great Aycliffe and in this regard they would consider themselves to be residents of Middridge Parish.

Consequently, the Parish Council did not accept the argument that the scale of the proposed development should be considered from the point of view of Newton Aycliffe, rather that it should be its potential impact on Middridge Parish which should be considered. In this case the proposed development was undoubtedly too large, given that Middridge at present had only 155 dwellings, with a population of just over 300.

Point 71 of the Planning Document referred to the Sedgefield Borough Local Plan Policy H2 which stated that Eldon Whins had an estimated yield of up to up to 160 dwellings, which would better reflect the density of housing to be found in Middridge Village.

Referring to access and highway safety, Ms Clark informed the Committee that the Parish Council welcomed the provision of a roundabout at the junction of Middridge Road and Greenfield Way. However there was no mention of the effect that extra

traffic would have on the Burn Lane/Middridge Road junction leading to Newton Aycliffe town centre and how that was to be managed.

In view of the fact that Eldon Whins was indisputably part of Middridge Parish, safe and suitable access for pedestrians and cyclists should be incorporated in the plan to foster integration between the new development and Middridge village in order for new residents to join in with activities of the village. Ideally this should not involve the dangerous crossing of the C35 Middridge Road or alternatively should incorporate some form of pedestrian crossing which could link in with The Aycliffe Way, which ran more or less parallel to the C35 on the south side, which would then lead on to the roadside footpath in front of 11-16 Middridge Farm Cottages and eventually to the village. This would also give access to the network of footpaths around Middridge parish.

The Parish Council viewed this at least as important as the Greenfield Way proposed footpath because to access the shops it was more realistic that people would use their cars. The Council was also concerned about the lack of cycle routes for the proposed development as only footpath access is mentioned in Point 120 and Ms Clark asked whether this would be rectified.

With reference to schools, Ms Clark informed the Committee that paragraphs 80 and 82 referred to the location and place availability of schools in relation to the new development. However there seemed to have been no consideration given to the effect that Eldon Whins development would have on Middridge school children who may be denied access to their nearest school, Byerley Park Primary School which was often oversubscribed. Byerley Park was the only primary school on the west side of Greenfield Way and was also the only Primary School within reach of Middridge by foot or cycle way.

Ms Clark noted that paragraph 93 of the planning document that the proposals would entail an incursion of built development into attractive countryside and there would be some harmful effects on the character of the local landscape. People chose to live in Middridge because of it being surrounded by open countryside which had been there, unspoiled, for hundreds of years. In one of the parish Council's surveys as part of its Neighbourhood Plan preparations, over 90% of the Middridge residents did not want any further development within the Parish. All gaps in the village layout had been built on.

Paragraph 93 also stated that the National Planning Policy Framework did not consider this to be valuable landscape but people of Middridge did as did the wildlife.

Ms Clark posed the following questions:

- The Parish Council would like some clarification on why so much money had been allocated to the Middridge allotments, £86,400, with there being no consultation. Where if any was it intended that there should be extra allotments? The Parish Council would have liked to use some of this money to provide some improved play equipment in the village play area and did not understand why so much money had been allocated to one

project. £60,480 had been allocated for improvements to outdoor sport space within Aycliffe North and Middridge Electoral Division. What part of this was for Middridge Parish?

- The number of dwellings quoted in the application was 240, being described as 2-5 bedroom houses. There appeared to be no provision of bungalows for older people. Would the Planning Department have control over the types of housing to reflect that in the village settlement for example no 2½ or 3 story houses with bungalow provision?
- What safeguards could be put in place to protect the proposed buffer zone of open countryside of around 1km in depth between the development and the eastern edge of Middridge?
- What were the timescales for the rate of development, for example, projected house build numbers per year and completion of site?

Mr W Mellors, local resident, addressed the Committee to object to the application. Mr Mellors conceded most of the points made in the report to Committee, particularly that it was the Sedgefield Borough Plan that applied to this application.

However, Mr Mellors pointed out that the report failed to mention Policy E4 which stated that proposals would normally be refused in the green wedges east, west and north of Newton Aycliffe. This Policy could be overridden if Policy H2 still applied to the site.

The report pointed out that the application site was once allocated for housing when it was originally purchased by the Aycliffe Development Corporation in order to prevent what was considered unsuitable leisure development but which had to be allocated for housing so as not to exceed their powers.

When the 2008 application for the site was refused by Sedgefield Borough Council it was pointed out that Policy H2 was only saved in order to safeguard sites such as Agnew 5 and Whitworth Park but not Eldon Whins. Further evidence that Eldon Whins was no longer considered a suitable housing site was shown by the deletion of Policy H7 which related specifically to Eldon Whins.

The decision went on to say that the planning team considered that Eldon Whins was no longer part of the Borough Local Plan and that it was considered to be unallocated greenfield land.

As the site was not allocated for housing in the Local Plan then all of the other environmental considerations still applied and the application should be refused because it infringed Policy E4.

The application further infringed the Durham County Landscape Strategy 2008 which designated the site as being in a Landscape Conservation Area in the Tees Lowlands Character Area with objectives to maintain and strengthen the rural character of the landscape between towns and villages.

Policy T16 of the Sedgefield Borough Local Plan also required maintenance and increased access to the countryside around towns and villages, particularly circular walks as was exemplified by the tree belt and footpath which defined the westward limit of development between Newton Aycliffe and Middridge.

Mr Mellors asked the Committee to refuse the application.

Mr M Verlander addressed the Committee on behalf of the applicant and landowner, the Homes and Communities Agency. The Home and Communities Agency was the Government's housing, land and regeneration agency in England and were charged with delivering locally, working quickly and at scale to boost overall housing supply and economic growth.

The proposed development was in line with the key objectives of the National Planning Policy Framework. The delivery of housing on this site would contribute to the Council's five-year Housing Supply, in that the NPPF require a supply of specific deliverable sites sufficient to provide five years' worth of housing against housing requirements with an additional buffer to ensure choice and competition in the market for land.

The Council was unable to demonstrate a five year housing land supply. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF made it clear that it was not the case that every housing site should therefore be approved, there was a strong presumption in favour of sustainable development. This site and the development proposed were considered sustainable.

Following the submission of the application Council officers had sought some revision to the scheme and clarification on some matters, including required amendments to the Flood Risk Assessment, Ecology Surveys/ Mitigation Strategy, Masterplan, Travel Plan, Transport Statement and Tree Survey.

The proposed development would also:

- Support the delivery of market and affordable housing in the area;
- Provide a range of house sizes, from 2 to 5 bed;
- Retain the existing tree belts on the site;
- Provide on-site open space; and
- Bring financial benefits, including the introduction of new, economically active households to the area, additional expenditure within the local economy and the creation of jobs related to the construction.

The Senior Planning Officer responded to the issues raised as follows:

- Although the site was in Middridge Parish, residents of the development would look towards Newton Aycliffe for their daily needs.
- The council could not insist on bungalows for this site but the housing types would become clear at the reserved matters stage.
- It was estimated that 20-30 dwellings each year would be built on sites such as this.
- The conclusion of Sedgefield Borough District Council that SBLP Policy H2 so far as it related to the Eldon Whins site no longer formed part of the

development plan, was, in his view, incorrect. A full discussion on this matter was included within his report.

- Protection of the buffer zone around the development – each application was considered on its own merits.
- The school placements and admissions manager had confirmed there was sufficient school capacity in the area.
- s106 contributions to allotments at Middridge – the Open Space Needs Assessment set out the requirements for public open space and set out that a total of approximately 1.28ha of public open space be provided on site, in the form of semi-natural greenspace, amenity space, and play provision. This level of provision could be secured at the reserved matters stage by means of a planning condition, although it was acknowledged that the retention of the existing shelter belts may meet a proportion of this requirement due to their existing amenity value. It was not normally expected that parks and garden, allotment, or outdoor sport space provision be made within the site on developments of the size proposed, with financial contributions to improve existing, or provide new facilities within the local area instead being provided, and these could be secured through a planning obligation secured through a s106 agreement. In this instance it was expected that a contribution of £86,400 towards the improvement of allotments within Middridge Parish, and £60,480 towards upgrading existing sports facilities within Great Aycliffe and Middridge Electoral Division would enable residents of the new development to have adequate access to such facilities.

The site of the proposed development was not in the green wedge identified at Policy E4 of the Local Plan.

Councillor Davidson asked about provision for pedestrians and cyclists within the development. The Senior Planning Officer replied that no site layout had been provided at this stage of the application.

Councillor Davidson informed the Committee that if the site had been further west he would have been more critical of coalescence. The Senior Planning Officer replied that the comments of landscape contained in the report identified where the site was in the character of the landscape.

Councillor Dixon informed the Committee that he recognised the concerns raised by residents of Middridge regarding coalescence. The Parish Council was in the process of producing a local Neighbourhood Plan to protect the rurality of the village.

Councillor Dixon referred to the HCA applying for the permission and then seeking a developer for the site and asked whether the HCA or the identified developer would be responsible for making payments under the s106 agreement. He also asked the following:

- how the £60,480 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division would be administered;

- what consultation had taken place on the £86,400 towards the provision of improvements to allotments within Middridge Parish. Councillor Dixon considered it would be better allocated this funding to allotments/Middridge Parish Council and the Village Hall Association to decide how to allocate this for the good of the village.

C Cuskin, Planning and Development Solicitor informed the Committee that the s106 agreement would be binding against the owner of the land and successor in title.

The Senior Planning Officer informed the Committee that there would be trigger points within the s106 agreement when payments were to be made. The £60,480 referred to would be allocated through the s106 Working Group and community groups could apply for funding as well as local Members. S106 payments were made to mitigate impacts of a development and needed to be specific. Should a community group come forwards with a sustainable proposal then the Council would give advice and the proposal would be considered by the s106 Working Group.

Councillor Dixon asked about the provision of a pedestrian crossing to the west of the site. The Senior Planning Officer replied that highways officers had not advised that this was needed.

A Glenwright, Principal DM Engineer advised the Committee that the critical highway connectivity issue for the site was to the primary school on the south side of the site. This was explained at paragraph 120 of the report and also covered by Condition 4 of the proposed planning permission. To the north of the site there was an existing shared cycleway on Burn Lane. It was very difficult to achieve a linkage to Middridge Village and the prime objective was linkage to Newton Aycliffe which residents would use for access to shops and employment.

Councillor Dixon referred to the s106 allocation to allotments and informed the Committee that other amenities in Middridge could be impacted by this development. The Senior Planning Officer replied that everything proposed was as requested in the County Council's Open Space Needs Assessment. The Planning and Development Solicitor added that a Policy basis would be needed to seek further s106 contributions.

Councillor Davidson informed the Committee that the issue regarding the s106 payments was not of additional money but of how the money would be allocated. The s106 payments would be allocated by the s106 Working Group in accordance with Policy.

Councillor Boyes referred to the 2008 application for the site which was refused for, among other reasons, inadequate consideration of the flood risk and asked why there was no Condition proposed for flood risk in the proposed planning permission. The Senior Planning Officer replied that a flood risk and drainage assessment carried out and the Council's Drainage and Coastal Protection officers considered that a successful drainage scheme could be achieved. Full details of the scheme could only be provided when a full site layout was agreed.

Councillor Conway referred to the s106 payments and considered it would be too late for consultation to take place with the Middridge Parish Council if the application was approved. The Senior Planning Officer replied that s106 payments were not a 'wish list' and were made to mitigate specific impacts of a development. Councillor Conway added that while he accepted there was a policy framework and that s106 payments were a strategy of mitigation consultation with the Parish Council would have been helpful.

Councillor Clare informed the Committee that while he understood the fears of residents of Middridge regarding encroachment this development was a long way from Middridge village. The development site was not green wedge and had been identified for housing since the 1970's. The proposed s106 agreement was generous and the development would bring increased precept income for the Parish Council. The development could also provide volunteers for the Village Hall Association as well as bring increased trade to the public house in Middridge without any change to the core of the village itself. The s106 payments were part of NPPF Paragraph 14 which considered the balance between the positives of a development against the adverse impacts of it. The balance in this application was in favour of development and Councillor Clare moved approval.

Seconded by Councillor Boyes and

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 10% affordable housing units
- a voluntary scheme of targeted recruitment and training for the construction phase,
- £92,920 towards highways mitigation works at A167/A689 Rushyford Roundabout,
- £86,400 towards the provision of improvements to allotments within Middridge Parish,
- £60,480 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division,
- £15,000 towards biodiversity improvement projects within Middridge Parish,
- a scheme of improvements to Cobblers Hall Plantation in relation to ecology and public access.

and subject to the Conditions contained in the report.

b DM/16/04042/FPA - Land to the North of Discovery Offices, William Armstrong Way, NETPark, Sedgfield, TS21 3FH

The Committee considered report of the Senior Planning Officer regarding a hybrid application for NetPark Phase 3a, comprising a full application for a new spine road, new access from A177, drainage works including a pipe bridge, associated

landscaping and infrastructure and outline application for up to 14 two-storey buildings providing circa 1,670 m² B1 floorspace on land to the north of Discovery Offices, William Armstrong Way, NetPark, Sedgfield (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, views across the site and an indicative layout.

The Senior Planning Officer informed the Committee that Business Durham considered that NetPark Phase 3a could provide/create up to 1400 jobs.

Councillor Boyes **moved** approval of the application. This was **seconded** by Councillor Jewell who considered the application had significant benefits and many positives.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

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APPLICATION DETAILS

APPLICATION NO:	DM/16/03310/FPA
FULL APPLICATION DESCRIPTION:	162 dwellings with associated highways, external works and new access roads. New car park and road link to HMYOI Deerbolt.
NAME OF APPLICANT:	Kier Living
ADDRESS:	Land to the East of HMYOI Deerbolt and North of Bowes Road, Startforth
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 10.54 ha in area and is located on the northern side of Bowes Road, in Startforth, which itself lies to the west of Barnard Castle. The main built up area of Startforth is largely situated on the southern side of Bowes Road. To the west of the site lies Her Majesty's Young Offender Institution (HMYOI) Deerbolt, with residential development beyond. Beyond the site, to the north, the land falls away steeply towards Deepdale Beck, and also the Teesdale Conservation Volunteers composting site.
2. The site itself comprises an area mainly formed of informal grassland, but also containing a number of trees, both individually and in larger groups. It also contains the existing access route to HMYOI Deerbolt, and the visitor car park. Historically the site had a military function, operating as an army camp and rifle range from the mid-late 19th Century until 1972, before being redeveloped by the Ministry of Justice. The site generally slopes from the west down towards the River Tees to the east, with increasing steepness as it approaches Lartington Lane.
3. The site lies outside of any nationally or locally designated heritage or ecological areas, although it does lie within an Area of High Landscape Value. The site abuts the western edge of Barnard Castle Conservation Area at its south eastern extremity, although the site does not fall within it. The Conservation Area includes a number of listed buildings, as well as Scheduled Monuments of Barnard Castle ("the Castle") itself, Barnard Castle Bridge, and Deepdale Bridge which lie around 200m to the east of the site. Deepdale Cottage and Deepdale Aqueduct are both Grade II

Listed, and lie approx. 150m to the north of the site. Deepdale Wood Local Wildlife Site is situated to the north of the site.

4. There are several public rights of way running near to the site, although none cross it. Footpath No. 36 Lartington runs along the line of Deepdale Beck to the north of the site, whilst Footpath No. 8 Startforth runs through housing development to the south. The site at present has an informal recreation role, but is not dedicated as a public park.

The Proposal

5. The proposed development comprises 162 dwellings, including 24 affordable dwellings, in a configuration of 55 two-bedroomed houses, 48 three-bedroomed houses, and 59 four-bedroomed houses.
6. The development would be accessed from the north, from Lartington Lane, with an access road winding up the steep bank, following the approximate route of the existing access, albeit at a generally shallower gradient. The access would then reach the main part of the development, which would comprise perimeter blocks of houses, with a central green spine of public open space. A number of trees would be retained within the development, including two large oaks, which sit within areas of open space. Further tree planting is proposed throughout the site, with the existing belt to the east of the site being largely retained.
7. Those properties facing Bowes Road would have parking to the rear, with a footpath in front, strengthening the frontage on to main road. The design of the properties would see a number of character areas being presented, each taking design cues from dwellings in the surrounding area.
8. It is also proposed as part of this application to provide a car park for the HMYOI Deerbolt, which would lose an existing car park as a result of the development, and would be located at the western edge of the site, essentially forming a buffer between the housing development and HMYOI Deerbolt. Vehicular access to this car park would be provided directly from Bowes Road, with this car park access road also doubling as an emergency access for the housing development.
9. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal over 4 hectares in area.

PLANNING HISTORY

10. There is no specific planning history relating to this site.

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to

approach development management decisions positively, utilising twelve 'core planning principles'.

12. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 1 – 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 of a low carbon future.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
16. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
17. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from

unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Teesdale District Local Plan (TDLP) (2002)

22. *Policy GD1 – General Development Criteria.* States that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy ENV3 – Development Within or Adjacent to Areas of High Landscape Value.* Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
24. *Policy ENV5 – Development Within or Adjacent to Nature Conservation Sites* states that development which may affect a nature conservation site will be subject to rigorous examination, and will not be permitted if there are likely to be significant adverse impacts.
25. *Policy ENV7 – Development affecting Local Nature Conservation Sites* states that development proposals that likely to damage the nature conservation value of sites will not be approved unless the case for development outweighs the harm, and that resultant harm is kept to a minimum
26. *Policy ENV8 – Protecting Animal and Plant Species Protected by Law.* Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.

27. *Policy ENV10 – Development Affecting Trees and Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss to protected or mature trees and hedgerows which contribute to local amenity.
28. *Policy ENV15 – Development Affecting Flood Risk .* Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
29. *Policy ENV17 – Sewerage Infrastructure and Sewage Disposal.* Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.
30. *Policy BENV4 – Development within and/or adjoining Conservation Areas* states that the development will only be permitted where it will not adversely affect the setting of the conservation area, or views into, or out of the area.
31. *Policy BENV11- Sites of Archaeological Interest.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.
32. *Policy H1A – Open Spaces Within Developments.* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with the minimum standards.
33. *Policy H3 – Housing Developments On Sites Of More Than 0.4 Hectare.* States that development will be permitted on sites over 0.4 hectare, comprising previously developed land, within the development limits of identified settlements.
34. *Policy H6 – New Housing in the Countryside* A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.
35. *Policy H12 - Design* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of Policy GD1 where relevant to the development involved.
36. *Policy H14 – Provision of Affordable Housing with Developments.* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
37. *Policy T2 – Traffic Management and Parking.* Car parking provision in new development will be limited to that necessary to ensure the safe and efficient

operation of the site, in accordance with the standards set out in appendix 2, except in areas where the provisions of Policy T3 apply.

EMERGING PLAN:

38. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Teesdale District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Barnard Castle Town Council* – Objects to the application, noting that the development is inappropriate to the setting of neighbouring buildings, the castle, and open spaces. Further, it is considered that there would be significant harm to the character, quality and distinctiveness of the landscape, having particular regard to views the castle and Scar Top. Furthermore traffic, parking, noise and other environmental problems will be detrimental to the character of the conversation area. Additional concerns are raised with regard to the ability of existing facilities with the town to accommodate increased demand. Concern is also raised with regards to the content of some of the submitted documents.
40. *The Coal Authority* – Raise no objections.
41. *Highway Authority* – Raise no objections considering that the submitted Transport Assessment demonstrates that the local highway network can accommodate traffic generated by the development. Comments are also made regarding the proposed layout, and the need to secure several final detailed changes through a planning condition.
42. *Northumbrian Water Limited* – Raise no objection, subject to a condition finalising details of foul and surface water disposal.
43. *Drainage and Coastal Protection* – Offer no objections.

INTERNAL CONSULTEE RESPONSES:

44. Spatial Policy – Offer no objection. The site lies beyond the settlement limits of Barnard Castle and Startforth, and therefore the development is contrary to Policy H3 however this policy is out of date. Consequently it falls for the application to be determined in accordance with Paragraph 14 of the NPPF.

45. *Landscape* – Offer no objection. It is noted that the site is within an Area of High Landscape Value, would be visible from several viewpoints and would have a significant landscape and visual effect at a local level. However, the retention of peripheral tree planting as well as additional new planting would mitigate the effects of the development.
46. *Landscape (Arboriculture)* – No objections are raised, although it is noted that the proposal would result in a loss of trees across the site, which should be weighed in the planning balance. It is also noted that care needs to be taken around root protection areas, and that two footpaths may cause damage to trees if not properly considered.
47. *Design and Conservation* – Offer no objection to the application. Whilst there would no positive benefit to the setting of any nearby heritage assets, it is considered that there would also be insufficient harm to sustain an objection.
48. *Ecology* – Offer no objections, subject to the development being carried out in accordance with the mitigation measures set out in the submitted ecology documentation.
49. *Environment, Health and Consumer Protection (Pollution Control)* – Offer no objections, in relation to odour and noise, subject to conditions relating to noise mitigation being attached to any permission.
50. *Environment, Health and Consumer Protection (Air Quality)* – Offer no objections. It is noted that the construction phase will likely form a source of particulates, however this can be managed via a Dust Management Action Plan.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Housing* – Identify that 15% affordable housing should be provided on the site with an appropriate mix of affordable rent and affordable home ownership.
53. *Archaeology* – No objection subject to a written scheme of investigation, and the subsequent recording of any finds being secured by condition.
54. *School Places and Admissions Manager* – Advise that there are sufficient primary and secondary school places available in the area to accommodate pupils from the development.
55. *Sustainable Development* – No objections are raised.

PUBLIC RESPONSES:

56. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 6 letters of objection have been received, including from Teesdale Conservation Volunteers. The issues raised are summarised below:

Principle of Development

- Lack of demand for housing.
- Plenty of unsold properties in Startforth.
- Lack of local employers for potential future occupiers.
- Impact upon local services such as doctors and schools. Particular concern following the recent closure of a local primary school.

- Lack of village facilities – no pub, no shop, no community centre.

Landscape, Heritage and Visual Impact

- The development not in keeping with character and appearance of local area.

Biodiversity

- Development is on green space within village and will impact wild flowers, trees, plants, wildlife and birds.
- Impact upon protected trees.

Sustainability and Highway Safety

- Extra traffic noise and congestion due to increased movements.
- Existing speeding issues on A67.
- Increase in traffic unacceptable, particularly on Lartington Lane.

Residential Amenity

- Residential development will be too close to the existing composting business, which produces odour and noise.
- The noise and odour reports produced to assess the impact of the existing compost business are not sound.
- Odour and noise produced by the existing composting business are likely to give rise to complaints from future residents, placing the business at risk.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O4JZCIGDGWW00>

APPLICANTS STATEMENT:

57. Kier's proposal is for a development of 162 houses which will include both 2, 3 and 4 bed for sale housing along with an element of affordable housing.
58. The scheme as proposed utilises former Ministry of Justice land which has since been transferred to the Homes and Community Agency, earmarked by the HCA for housing development in line with government targets set for new housing within the north east of England.
59. The scheme has been designed in full consultation with both the Homes and Communities agency, Durham County Council planning and associated consultees. This design process has led to the scheme having incorporated many of the unique site features such as the two old oak trees which have been placed in public areas and retention of the larger higher value woodlands on the boundaries. In addition in liaison with Durham drainage and Northumbria water we have brought in sustainable design features such as swale drainage systems within the new public areas to create a scheme that not only minimises the impact on the local drainage systems but is a place that will enhance Startforth village .
60. The scheme design is one which tries to recognise the heritage of the Barnard Castle area in its use of materials and topographical design but at the same time creates its own identity within the area as a desirable place to live. As part of this process the scheme was passed through the NEDRES design review panel who helped critique the early designs and shape the project into its current form. A key feature of the site will be the central public open space which directly links via footpaths back to the existing Startforth village and provides a link to all local people

to access through the site, onto Lartington Lane and into the woodland walks beyond – ensuring this new scheme is integrated to the existing village.

61. Overall we feel that the hard work, time and effort that has gone into the design of this site and the housing within it, along with the way the site has been altered many times in response to the stakeholders of the scheme and their comments reflects in the high quality project we are proposing – one that both Kier, the HCA, Durham County Council and the residents of Startforth Village and Barnard Castle can be proud of.

PLANNING CONSIDERATIONS AND ASSESSMENT

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability, impact of the character of the surroundings, impact on heritage assets, layout and design, affordable housing, residential amenity, public open space, access and highway safety, ecology, flooding and drainage, and other issues.

The Principle of Development

The Development Plan

63. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that greater weight may be given to local plan policies depending on their degree of consistency with the NPPF.
64. The TDLP was adopted in 2002 and was intended to cover the period to 2010. NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

65. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

66. The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
67. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the TDLP are out-of-date as outlined below.

Five Year Housing Land Supply

68. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
49. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet, and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
69. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
70. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.

71. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

72. The TDLP, through Policy H3 states that housing development will be permitted on sites within the settlement limits of Startforth, where it accords with other environmental policies. TDLP Policy H6 sets that housing in the countryside, beyond settlement limits will be unacceptable, except in specific circumstances. It is clear that these policies are, in NPPF Paragraph 49 terms, policies for the supply of housing. The Secretary of State has previously concurred with a Planning Inspector who considered that where policies for the supply of housing, such as these, are based on housing figures of some age, and which did not represent an objectively assessed housing need, are "out of date" irrespective of the position on 5 year housing land supply. Given the age of the TDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to date objective assessment of need. Policies H3 and H6 are therefore considered to be "out-of-date" for the purposes of this application.
73. Given the age of the TDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
74. Policies H3 and H6 are considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection, and it is considered that only moderate weight can be afforded to these Policies, in accordance with Paragraph 215 of the NPPF.
75. Relevant policies for the supply of housing within the TDLP are out-of-date, and are not fully NPPF compliant, however, this does not mean that they should be disregarded or be given no weight, albeit the weight that can be afforded to them is reduced. As a result of the current housing land supply position the presumption in favour of sustainable development is engaged. Consequently, the acceptability of the proposed residential development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

76. The County Durham Settlement Study 2012 is an evidence based document which considers the role and status of settlements within the county. For the purposes of the Settlement Study, Barnard Castle, Startforth and Stainton Grove are considered as a single entity, which is considered to form a "main town" Tier 1 settlement.

77. Barnard Castle, as a Tier 1 settlement, is generally well served by services with access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that permitting housing development of an appropriate scale on this site on the edge Startforth is consistent with the role the settlement plays within the County Durham hierarchy, and would represent a sustainable, accessible location. It is accepted that Startforth itself has only limited facilities, a point raised by several objectors, however given the proximity of Startforth to Barnard Castle, it is considered that the approach taken by the settlement study, in acknowledging that for functional purposes residents of Startforth would turn to Barnard Castle for their everyday needs is a sensible one.
78. From the application site, St Mary's RC Primary School lies 700m away, Montalbo Primary School lies 1.4km away, and Green Lane Primary School a distance of approximately 1.9km away. In terms of Secondary Schools, Teesdale School, and Barnard Castle School are around 1.8km away. Barnard Castle Town Centre containing a Morrison's supermarket, a number of public houses, restaurant/takeaways, Barnard Castle Surgery, and a petrol station is around 800m away, whilst major employers on Harmire Road, including GSK are around 2km away. All of these distances are within the preferred maximum walking distance suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys", although admittedly towards the higher end of what might reasonably be expected.
79. Bus stops are located to the south of the site on Bowes Road, which are served by the 71/72 Barnard Castle Circular Service, which provides services throughout the day to the town centre and Teesdale School. The journey takes approximately 8 minutes when travelling towards the town centre, and around 5 minutes when returning.
80. The Council's School Places and Admissions Manager advises that there are sufficient primary and secondary school places to accommodate the additional pupils likely to be produced from this development and the impact of the development would not need to be mitigated in this respect. This response takes into account the fact that Startforth Morrith Memorial Primary School has recently closed. Barnard Castle Surgery is currently accepting new patients, indicating that there is existing capacity.
81. Overall, it is considered that the site has access to a large array of services and facilities, adequate to serve the development proposed and that these are within relatively easy reach of the site. The development would be of a scale commensurate with the role of Barnard Castle & Startforth in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land.
82. In conclusion, it is considered that the walking distances and the established bus service would give future residents alternative options to the private motor car to access to services and amenities, in accordance with TDLP Policy GD1 and Paragraph 61 of the NPPF.

Impact on the character of the surrounding area

83. TDLP Policies GD1 and H12 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while

also having an acceptable impact on the surrounding landscape of the area. TDLP Policy ENV3 seeks to ensure that new development does not detract from the character of an Area of High Landscape Value (AHLV), whilst TDLP Policy ENV10 seeks to avoid unreasonable loss or harm to protected or mature trees. This is reflected in Parts 7 and 11 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It is therefore considered that full weight can be afforded to TDLP Policies GD1, H12, ENV3, ENV10 and ENV12 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, whether its impact upon the AHLV is acceptable, and whether it represents good design.

84. The site lies in the Pennine Dales Fringe County Character Area. The site is made up primarily of open grassland, with the character of parkland, with a number of mature trees, although none are subject to Tree Preservation Orders. The Pennine Dales Fringe is designated as an AHLV within the TDLP.
85. It is acknowledged that the site forms part of the wider AHLV, however, in terms of purposes of whether the site, in itself forms a “valued landscape” for purposes of Paragraph 109 of the NPPF, this is considered not to be the case. The AHLV extends over much of the area around Barnard Castle, stretching from Gainford in the east, to Bowes in the west, as far north as Hamsterley and to the south beyond the A66, and essentially includes the vast majority of the former Teesdale District that does not fall within the North Pennines Area of Outstanding Natural Beauty. As a result, the application site forms only a small part of a far larger area.
86. The site itself is undoubtedly attractive in its current form, although the presence of the HMYOI Deerbolt car park, located on part of the former parade square associated with the former military use of the site is a little incongruous. The strong tree belts at the eastern edge of the site, and individual specimens within it do add to the parkland character, however overall it is considered that the site, in isolation cannot be considered to be a valued landscape.
87. Of perhaps greater importance is the role that the site plays in the wider AHLV, and it is accepted that views over the site, within the context of the wider AHLV are available from Scar Top, and also the castle, which sits in a commanding position above the River Tees. In order to assess the impact of the development upon these views, the application has been submitted with a Landscape and Visual Impact Assessment (LVIA), which demonstrates that views of the site, particular during the summer, will be heavily filtered by existing mature trees – most notably those at the northern edge of the site.
88. The Council’s Landscape officer has reviewed the scheme, and submitted LVIA and have advised that although the development would have a significant landscape and visual impact at the local level, that as a result of the significant amounts of existing peripheral tree planting, as well as incorporating new planting, that the wider effects of the development would be adequately mitigated.
89. The indicated mitigation planting along the eastern edge of the site would however need to be implemented at the appropriate stage to ensure screening at different stages of this development. It is recommended that this is secured by condition, however subject to this, the proposal would be considered to be in accordance with TDLP Policies GD1 and ENV3 AND Parts 7 and 11 of the NPPF in this regard.

90. In terms of those trees that current exist within the site, the development would result in the loss of a number of moderate, or low quality trees. Some of these would be lost in order to allow the development to proceed, others due to structural defects or limited safe useful life, and the remainder removed as part of a density thinning programme in existing groups in the interests of good arboricultural practice.
91. Critically, the main large specimens that are within the site, in the form of three oak trees are proposed for retention, with the submitted layout having been designed in order to take account of them. It is noted that a further three trees that are to be retained may come under pressure due to the proximity of public footways that are proposed, however it is considered that final details of how these paths can be satisfactorily constructed can be secured by means of a planning condition. Generally however, the application is considered to be in accordance with TDLP Policy ENV10
92. Overall, the proposals would entail an incursion of built development into an area that has the character of attractive parkland, and there would be some harmful effects on the character of the local landscape, however these would be localised. Wider impacts upon the AHLV could be mitigated by existing and proposed planting, and the site itself is not considered to constitute a “valued landscape” for the purposes of Part 11 of the NPPF, and the NPPF does not seek to otherwise restrict development upon sites that may have an adverse impact upon local landscapes, other than through the Paragraph 14 planning balance assessment.
93. Having regard to this assessment, it is acknowledged that there would be a residual localised adverse impact as a result of the development, that the development would lead to the loss of a number of existing trees, and that the development would potentially adversely impact several trees that are to be retained. As outlined above, such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Impact upon heritage assets

94. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
95. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets that may be affected by the development, whilst Paragraph 131 states that the impact local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires the impact of a development upon the significance to be considered, and that great weight should be afforded to the asset’s conservation.
96. Policy BENV4 relates to development adjoining conservation areas, and is considered to be NPPF consistent so can continued to be afforded significant weight. TDLP Policy BENV11 relating archaeological remains, and TDLP Policy BENV3 relating to development impacting upon the character of listed buildings are

considered to be only partially NPPF compliant so can only be afforded reduced weight.

97. Within 500m of the site, there 3 Scheduled Monuments, 154 listed buildings, and Barnard Castle Conservation Area. The scheduled monuments comprise Deepdale Bridge, Barnard Castle (“the Castle”), and Barnard Castle Bridge. All lie outside of the site, but within close proximity to it. The vast majority of the listed buildings are situated within Barnard Castle Conservation Area, and are concentrated within the town centre, although there are a number of Grade II listed buildings in Startforth itself. The conservation area lies on the opposite side of Bowes Road at the site’s south-eastern extent, but is otherwise concentrated on the eastern side of the River Tees.
98. In terms of potential impacts upon these identified heritage assets, the submitted Heritage Assessment considers that due to the limited intervisibility between the site and Deepdale Bridge, and the lack of development on that part of the site closest to it, that the impact would be neutral. Similarly, it is considered that the proposed landscape planting associated with the development would largely screen it from Barnard Castle Bridge, also resulting in a neutral impact. It is acknowledged that the panoramic views from the Castle are a key part of its significance, however the existing, established mature trees and landscaping that surrounds the site obscures it from views from the Castle, as established in the LVIA. Consequently this impact is also considered to be neutral.
99. The potential impact of the development of Barnard Castle Conservation Area has been raised by Barnard Castle Town Council as a matter of concern, and that such concerns are predominantly related the impact that traffic, parking, noise and other environmental issues as a result of an increased local population.
100. With regards to these concerns, it is considered that the development would lead to an increase in population within Startforth, and it is reasonable to suggest that these residents would spend time in Barnard Castle Conservation Area, and would also be likely to increase traffic within the town to a certain extent. However, it is also considered that such increases as the result of the population of 162 additional dwellings (approximately 388 people), in a town with an existing population of around 5,500, would be difficult to assess, difficult to quantify and unlikely to have a significant adverse impact upon the character of the Conservation Area. In visual terms, there is only intervisibility between the application site and the conservation area, and the overall impacts are considered to be neutral.
101. The heritage value of the site itself is now largely limited to its cultural value as a result of its previous use as a military camp. Consequently the development itself would have only a limited impact upon this. The site is now cleared, and has been subject to pre-determination archaeological investigation through trial trenching, and nothing of particular significance was revealed. As a result, it is considered that it is unlikely that the development would result in the loss of significant heritage assets in form of archaeological remains, and that the development would accord with the requirements of Policy BENV11, as well as Paragraphs 134 and 139 of the NPPF.
102. The Design and Conservation Officer has considered the submitted heritage assessment and considers its findings to be sound. Equally, the County Archaeologist raises no objections to the development.
103. Overall, the development is considered to not have a materially adverse impact upon designated and non-designated heritage assets that exist within the vicinity of the application site and the proposed development is therefore considered to be in

accordance with TDLP Policies BENV3, BENV4 and BENV11 as well as Part 12 of the NPPF.

Layout and Design

104. TDLP Policies GD1 and H12 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding area.
105. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to TDLP Policies GD1 and H12.
106. The proposed development has been subject to significant pre-application discussion, and has been subject to design review both at a regional level, as well as internally at the Council's own Design Review meetings. The topography of the site, existing trees, the unsuitability of a direct access from Bowes Road, and the need to account of existing offsite land uses means that achieving a high quality development has presented challenges to the designers, and has also led to a reduction in the number of properties proposed, as the development has proceeded through the design process.
107. It is considered that the resultant development has successfully overcome many of the challenges proposed. Access would be taken from Lartington Lane, using the existing access with an access road climbing steeply up the wooded bank. The development would be characterised around a centre landscape corridor providing recreational space, and pedestrian access to Bowes Road. The housing mix would predominantly see 4 bedroom units at the northern end of the site, closest to the entrance, with an increased number of 3 bedroom and affordable units located to the south and west of the site.
108. As part of the design process, the existing character of Startforth has been assessed, with the development taking account of the fact that there are a number of architectural approaches and different ages of properties in the immediate vicinity. As a result, there is no strong local vernacular upon which the proposed development could rely for design cues. The proposed development takes the form of perimeter blocks, with in curtilage parking to the rear of dwellings where appropriate, but most notable to those properties fronting Bowes Road. The dwellings themselves fall into four character areas, namely "Modern interpretation of local vernacular", "Rural Edge Cottages", "Startforth Extended" and "Feature Homes". The result is a development that has interest, and its own character, whilst acknowledging the surroundings within which it would be located.
109. The Design and Conservation Officer has advised that the design shows elements of good practice in the creation of character areas, and that the primary areas of interface with the existing settlement layout are addressed with a degree of legibility provided by linked public spaces, the central green spine, and the use of feature houses. It is also noted that not all of the architectural features incorporated into the proposed dwellings are not influenced by local design, and a more restrained approach could have provided of cohesion, however the design of the dwellings as proposed would create a sense of character within the development.

110. Overall the proposed development is considered to be acceptable in design terms, offers the potential for the creation of a pleasant and appropriate environment. The development is therefore considered to comply with TDLP Policies GD1 and H12, as well as Parts 7 and 11 of the NPPF subject to conditions requiring the submission of details of materials.

Affordable Housing

111. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst TDLP Policy H14 sets that negotiations will take place with developers to secure affordable housing where appropriate, as identified by local need. The requirements of the policy do not entirely align with the NPPF, and therefore the policy is considered to be only partially consistent with NPPF. Accordingly, advice within the NPPF should take primacy with regards to this issue.
112. The Council's evidence base for the area suggests that a proportion of affordable housing amounting to 15% would be required on this site, amounting to 24 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 75% affordable rent and 25% discounted sale.
113. The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990, with the proposed layout indicating the appropriate level of affordable provision within the development.

Residential Amenity

114. The site layout indicates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings can be achieved as advocated in the Local Plan, and that suitably sized gardens would be provided. Furthermore, appropriate separation distances can be provided between existing and proposed dwellings such that there would be no significant adverse effects in terms of loss of light or dominance.
115. TDLP Policy GD1 also requires that development should not disturb or conflict with adjoining uses, and also not compromise public health. This policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 11 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
116. It is acknowledged that the site is located in relatively close proximity to two land uses that have the potential to impact upon the level of residential amenity available to future occupiers of the development. These are identified as being HMYOI Deerbolt, which has the potential to be a source of noise, and also the Teesdale Conservation Volunteers composting site, which has the potential to be a source of both noise and odour.
117. With regards to the composting site, the applicant has provided both odour and noise assessments, which consider the impact that this existing use will likely have upon future occupiers. Turning first to odour, the report concludes that there is the potential for slight adverse effects when operations are being undertaken on the composting site. However the overall impact is considered to be negligible, when

site specific considerations are accounted for. Such considerations include the fact that the operations are not continuous, that there have been no substantiated odour complaints since the site commenced operation in 2003, that the development site is predominantly upwind of the composting site, that intervening topography and woodland provide screening dissipation potential, and that sniff tests undertaken within the development site yielded only small exposure to odour.

118. In response to this, the operator of the composting site commissioned an alternative odour consultant to peer review the submitted information. The resultant peer review report considers that the submitted odour assessment does not provide a robust assessment as a result of a number of technical methodology shortcomings, and that there is a potential for emissions from the facility to affect amenity levels within the proposed development. As a result of this work, Teesdale Conservation Volunteers have objected to the application, on this basis.
119. The Council's Environment Health and Consumer Protection officers have considered the originally submitted report, the peer review submitted by the objectors, as well as a further rebuttal to the peer review from the authors of the original odour assessment. Having had regard to all of the submitted information, officers advise that they consider that the originally submitted odour assessment is appropriate, and the conclusions that it reaches are reasonable.
120. It is also noted that the composting site operates under a permit issued by the Environment Agency. The terms of the permit state that "...emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, unless the operator has used appropriate measures, including...those specified in any odour management plan to prevent, or minimise odour." The permit also requires the site operator to submit a revised odour management plan, if pollution occurs outside of the site.
121. NPPF Paragraph 122 states that local planning authorities should assume pollution control regimes will operate effectively. In this context therefore, it is considered that significant weight should be afforded to the fact that there is an effective control mechanism in place to minimise odour from the composting site, regardless as to whether planning permission is granted for this site. This is evidenced by the lack of complaints about the site to date, and the history of good compliance with the terms of the permit.
122. On balance therefore, it is considered that whilst there is undoubtedly the potential for odour to occasionally be apparent within the proposed development, that these instances are likely to be irregular, and limited in their duration. Such impacts are considered likely to fall short of constituting statutory nuisance, and whilst they would perhaps have some impact upon residential amenity, would be unlikely to erode it to such a degree, that it would be considered unacceptable. As a result the proposed development is considered to be in accordance with TDL Policy GD1 and Part 11 of the NPPF in this respect.
123. With regards to noise, Environmental Health and Consumer Protection officers advise that they are satisfied with the methodology within the submitted noise report. It is acknowledged that there is the potential for a significant adverse impact to occur within the external areas of those properties that are proposed closest to the Teesdale Conservation Volunteers site, whilst compost shredding activities are being undertaken. However, it is also noted that the proposed layout in this area would result in gardens being situated on the screened side of the dwellings, with the houses themselves providing attenuation. In terms of internal noise mitigation,

measures such as acoustic glazing and ventilation mean that it is considered likely that recommended internal noise limits as set out in BS8233:2014 will be achieved.

124. In terms of the noise from HMYOI Deerbolt, specific additional monitoring was carried out by the applicant at the request of officers over a period of 22 hours, and it is acknowledged that at the time of the survey that the YOI was operating under capacity, and that it was at a time of year when inmates would be expected to spend more time indoors. It is therefore possible that noise levels recorded would be somewhat below a potential "worst case" scenario.
125. The results of the noise survey indicated that in terms of average noise levels over a 16 hour period during the daytime and 8 hour period at night, that there would not be a significant impact on future occupiers. Nevertheless, it is noted that there has been a recent complaint from an existing local resident with regards to noise from the YOI, and that in order to address this, the YOI have sought to mitigate impacts by relocating inmates and installing trickle ventilated closed windows where practicable, which seems to have resolved that specific complaint.
126. However, it is still considered likely that especially during the summer months when inmates may be expected to be outside for longer periods, and also when the YOI is operating at full capacity, that there is the possibility that noise, particularly from shouting, would be audible within the development. Such noise events are considered likely to be short in duration, and unlikely to have a significant impact on average noise levels over a longer period. Whilst therefore, there would be unlikely to be a statutory nuisance, there is the possibility that there would be a residual intermittent and short-term impact upon residential amenity, and this should be considered in the planning balance.
127. In terms of air quality, Environmental Health and Consumer Protection advise that there is unlikely to be an adverse impact as a result of this development, to the extent that the development would be considered unacceptable. There is greater possibility of impacts during the construction phase, however these can be adequately addressed through an appropriate Dust Management Plan.
128. While recognising that the Environmental Health and Consumer Protection officers have additional controls outside of the planning system that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties, some form of control is necessary. The issues raised by Environment, Health and Consumer Protection officers could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties.
129. Overall, it is considered that the development would not cause any unreasonable adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured. The development is therefore considered compliant with SDLP Policy GD1 in this respect and Parts 8 and 11 of the NPPF.

Public Open Space

130. TDLP Policy H1A seeks to ensure adequate open space and recreational space is provided within new housing development. This policy is considered to be only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs

Assessment (OSNA) 2010 is considered the most up to date assessment of need for the purposes of Paragraphs 17 and 73 of the NPPF.

131. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
132. The OSNA sets out that a total of approximately 2ha of public open space should be provided on site, in the form of semi-natural greenspace, amenity space, and play provision. The submitted layout indicates that a total of almost 2.4ha of open space will be provided in these typologies, representing a significant oversupply.
133. It is not normally expected that Parks & Garden, Allotment, or Outdoor Sport Space provision be made within the site, with financial contributions to improve existing, or provide new facilities within the local area instead being provided, and these can be secured through a planning obligation secured through Section 106 of the Town and County Planning Act 1990. In this instance it is expected that a contribution of £40,845 towards upgrading existing sports facilities within the Barnard Castle and Startforth Parishes, would enable residents of the new development to have adequate access to such facilities. In the event that the improvement of existing facilities is not ultimately possible, it is suggested that the planning obligation include a “cascade mechanism” to allow contributions to be directed towards initiatives related to improvements of other open space typologies within these parishes. With regards to parks and gardens, and allotments, it is considered that this provision is offset by the significant levels of oversupply of amenity open space within the application site.
134. Overall therefore, the application is considered to be in accordance with TDLP Policy H1A and Paragraphs 17 and 73 of the NPPF with regards to the provision of public open space.

Access and highway safety issues

135. TDLP Policy T2 requires that parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site. This policy can only be considered to be partially compliant with the NPPF as advice within the NPPF does not seek to put an upper limit on parking provision. Additionally, the NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
136. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
137. The TA establishes that the impact of the development upon the highway network would, be acceptable, and that there is sufficient capacity to accommodate flows generated by this proposal.

138. Highways officers have considered the content of the submitted transport assessment and are satisfied that the methodology used, and the conclusions reached are sound, and that there would not be an impact upon the local highway network that could be considered to be severe.
139. With regards to pedestrian movement, routes are proposed linking the site directly to Bowes Road, along with an additional bus stop which is also proposed as part of this development. Existing pedestrian links from Bowes Rd to Barnard Castle town centre already exist, which are considered to be convenient and safe.
140. With regards to the specifics of the proposed layout, a number of issues have been raised by Highways Officers, some of which have been addressed through the design process. Subject to final details being secured by means of planning condition, relating to some minor outstanding issues, the proposed development is otherwise considered to be acceptable in this regards.
141. The proposed replacement car park for the Ministry of Justice is considered to be in accordance with the relevant highway design standards, and as a result is considered to be acceptable.
142. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary mitigation, and therefore in accordance with TDLP Policy T2 and Part 4 of the NPPF.

Ecology

143. The closest site of nature conservation interest is Deepdale Local Wildlife Site which is located immediately to north of the application site. TDLP Policies ENV7 and ENV8, as well as Part 11 of the NPPF seek to ensure that developments protect and mitigate harm to biodiversity interests. TDLP Policy ENV8 is considered to be NPPF compliant and can continue to be afforded significant weight. An ecology survey has been submitted with the application, highlighting that there is evidence that bats roost in five of the trees on the site, and that otters are present in Deepdale Beck. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended).
144. With regard to impacts upon bats, the trees that show evidence of roosting activity are to be retained within the development. Additional mitigation is proposed in the form of crevice roosting spaces in 11 properties at the south western extent of the development. Furthermore, a lighting strategy for the development will be prepared, adequately considering the need for dark commuting and foraging corridors for bats.
145. It is not expected that the development will have any direct impacts upon otter populations present in Deepdale Beck, so no direct mitigation is proposed, although all trenches created on site during construction will include a means of escape for mammal species.
146. Further mitigation measures are proposed for generally biodiversity enhancement purposes, and include 40 bird nesting boxes to be provide within existing woodland within the site, and the appropriate method of clearance for Rhododendron and Cotoneaster that currently exist on the site and are considered to be invasive species.

147. Ponds close to Deepdale Beck that may have the potential to contain Great Crested Newts (GCN) have been identified; as a result, a GCN risk assessment has been carried out. The assessment concludes that although is theoretically of a proximity to the ponds that GCNs may at times be present, that this unlikely due to intervening topography and the presence of closer, more suitable habitat. As a result it is considered to be unlikely that there would be an adverse impact upon GCN populations, subject to suitable method statement for construction.
148. Ecology officers have reviewed the submitted information and have raised no objections, although they have noted that a Natural England Licence may be required for any works that would affect the trees known to contain bat roosts. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the local planning authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
149. Of these tests, it is considered that there would not be a satisfactory alternative to retaining the trees within the development, and no direct works to the trees are proposed. In terms of maintaining the favourable conservation status of the species, it is considered that the proposed avoidance of works to the trees would secure this.
150. With regard to the public interest test, this can only be concluded upon once the planning balance test, as set in NPPF Paragraph 14 has been carried out. If the adverse impacts of the proposed development are considered to outweigh any benefits, then it follows that the development, and therefore the impact upon protected species would not be in the public interest. However, if the application is otherwise acceptable, then there is likely to be a public interest in allowing the development to proceed.
151. Therefore, subject to a condition relating to a lighting strategy, adherence to the Biodiversity Management Plan, and an informative in relation to the timings of vegetation clearance, the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 (as amended) and the proposal would comply with NPPF Paragraph 118.
152. Given that biodiversity impacts can be adequately mitigated, along with the planting proposed, the development is considered to conform to TDLP Policies ENV7 and ENV8, and Part 11 of the NPPF in this respect subject to the conditions outlined above. Natural England offers no comments on the scheme.

Flooding and drainage

153. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to Flood Zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. TDLP Policy ENV15 states that development which may be at an unacceptable risk of flooding, or may increase the risk of flooding elsewhere will not be permitted. This policy is considered to be NPPF compliant and can continue to be afforded significant weight.

154. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA does identify that there are areas of high risk surface water flooding on the site and mitigation would be required to deal with this. The FRA sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUDs). This includes the implementation of storage/attenuation tanks, swales within the site, and permeable paving in a number of areas. This, along with other techniques including infiltration, would restrict runoff to Green Field rate before being discharged into Northumbrian Water's drainage network, who offers no objections to the application advising that surface water flows can be accepted from the proposed development. Drainage and Coastal Protection officers offer no objections to the proposed drainage measures.
155. TDLP Policy ENV17 states that proposals which will increase the demands for off-site sewage infrastructure, will only be permitted only where adequate capacity exists, or improvements can be provided. This policy is considered to be NPPF compliant and can continue to be afforded significant weight. In accordance with this policy, a scheme of disposing of foul water into Northumbrian Water's existing equipment has been submitted, to which Northumbrian Water have raised no objection. The application is therefore considered to be acceptable in this regards.
156. Subject to a condition to resolve the final surface and foul water disposal proposals are recommended and no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF and TDLP Policies ENV15 and ENV17.

Other Issues

157. Environment, Health and Consumer Protection officers (Contaminated Land) have noted that the development would result in "a more sensitive end user" but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case. The site falls within the defined Coal Mining Development Low Risk Area and should planning permission be granted an informative note would be included with the decision notice in the interests of public safety. An informative can be added having regards to the requirements of Paragraph 121 of the NPPF.
158. Due to the site's previous military use, the application is accompanied by an Unexploded Ordnance Risk Assessment. The submitted assessment concludes that the site is at low risk of contained unexploded ordnance, and there is no record of the site having been bombed. The application is therefore considered to be acceptable in this regard.
159. The Council has an aspirational target of providing 10% of any labour requirement of new developments to be offered as new employment and skills opportunities. This can be achieved by inserting social clauses into planning agreements committing developers/bidders to provide an agreed target of new opportunities to County Durham residents to maximise the economic benefit from any new development or procurement opportunities. These opportunities can include apprenticeships, job opportunities and work placements. This is a matter which can be addressed through the proposed planning obligation.
160. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. It is recommended that any planning permission be conditional on an

embedded sustainability scheme being approved prior to development commencing. In this regard the proposal would accord with the objectives of Part 10 of the NPPF.

Planning Balance

161. The acceptability of the housing element of the scheme should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

162. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need.
163. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
164. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted, which is likely to be within the next 2 years. The level of contribution of supply that this development would make is only around 2 months' worth of supply. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
165. This boost would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision, amounting to 24 units, in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be ensured by way of a planning obligation secured through S106 of the Town and Country Planning Act 1990.
166. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Paragraph 204 of the NPPF, and Regulation 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contributions towards improvements to off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing. The provision of a targeted recruitment and training scheme, does not meet these tests, although the applicant has indicated that they

are willing to enter into an agreement in order to provide it. However, no weight should be afforded to this element as a result.

Adverse Impacts

167. There would be an adverse landscape impact, with the character of the site being transformed, and there being a localised adverse impact. It is likely however that these adverse impacts would reduce in time, as a result of the proposed landscaping scheme, although a residual adverse impact would remain. Additionally, there would be an adverse impact through the loss of a number of trees on the site of low or moderate value, and potentially longer term impacts upon two of the trees to be retained on site as a result of the proximity of proposed footways.
168. It should also be noted that there is the possibility of incidences of noise and odour disturbance occurring within the development site as a result of its proximity to existing land uses. However, such impacts are likely to be small scale and of limited frequency and duration.

CONCLUSION

169. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 14 of the NPPF.
170. The residential development would not be in accordance with TDLP Policy H2, and in this case, the NPPF, a significant material consideration, sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged. Therefore, residential development is required to be considered in the context Paragraph 14, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
171. The provision of affordable housing in an area where the supply of housing is lacking is a benefit of the scheme along with the provision of 15% affordable properties. This would contribute to the economic and social aspects of sustainability.
172. While there would be some visual impact, particularly in the early years of development, this is considered to be localised and minimised as a result of the mitigation proposed. Subject to mitigation, the development would have an acceptable impact on the wider highway network and provide a safe means of access, while the site is considered to be located in a sustainable location in this respect. The scheme would not significantly impact on the residential amenity of surrounding properties, and the development would not give rise to flood risk elsewhere, and it has also been demonstrated that ecological impacts can be adequately mitigated.
173. Having regard to the above, it is considered that the adverse impacts that would result from this development would not "significantly or demonstrably" outweigh the benefits, and as a result, the proposed development can be considered to constitute sustainable development for the purposes of Paragraph 14, for which there is a presumption in favour.

174. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.
175. With respect to the Natural England licence derogation tests, it can be concluded that as the development is considered to be sustainable, and that there are not adverse impacts that significantly and demonstrably outweigh the benefits, that it would be in the overriding public interest to grant a Natural England licence, and this element of the derogation tests is met. Consequently, it is considered likely that a Natural England licence would be granted.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 15% affordable housing units
- a voluntary scheme of targeted recruitment and training for the construction phase,
- a contribution of £40,845 towards improving outdoor play space provision with Barnard Castle and Startforth Parishes.

And the following conditions:

Time Full

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plans

2. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents:

Proposed Site Plan 14-008 02
Proposed Site MOJ Car Park 14-008 03
Proposed Site Plan Area 1 14-008 04
Proposed Site Plan Area 2 14-008 05
Proposed Site Plan Area 3 14-008 06
Proposed Site Plan City Block 1 14-008 07
Proposed Site Plan City Block 2 14-008 08
Proposed Site Plan City Block 3 14-008 09
Proposed Site Plan City Block 4 14-008 10
Proposed Site Plan City Block 5 14-008 11
Proposed Site Plan Block 6A 14-008 12
Proposed Site Plan Block 6 14-008 13
Proposed Site Plan Block 7 14-008 14
Proposed Site Plan Block 8 14-008 15
Proposed Site Plan Block 9 14-008 16
214 Modern Classic Elevations and Plans 14-008 20
214 Rural Edge Elevations and Plans 14-008 21

214 Startforth Extended Elevations and Plans 14-008 22
214 Detached Startforth Extended Elevations and Plans 14-008 23
214 Mid Terrace Modern Classic Elevation and Plans 14-008 24
214 Mid Terrace Rural Edge Elevations and Plans 14-008 25
224 Modern Classic Elevation and Plans 14-008 26
224 Rural Edge Elevations and Plans 14-008 27
224 Startforth Extended Elevations and Plans 14-008 28
304 Modern Classic Elevations and Plans 14-008 29
304 Rural Edge Elevations and Plans 14-008 30
304 Startforth Extended Elevations and Plans 14-008 31
406 Modern Classic Elevations and Plans 14-008 32
406 Rural Edge Elevations and Plans 14-008 33
406 Startforth Extended Elevations and Plans 14-008 34
406 Modern Classic Feature Elevations and Plans 14-008 35
407 Modern Classic Feature Elevations and Plans 14-008 36
407 Rural Edge Feature Elevations and Plans 14-008 37
407 Startforth Extended Feature Elevations and Plans 14-008 38
407 Alt Rural Edge Feature Elevations and Plans 14-008 39
407 Alt Startforth Extended Feature Elevations and Plans 14-0038 40
Ashton Rural Edge Elevations and Plans 14-008 41
Ashton Rural Edge Feature Elevations and Plans 14-008 42
Ashton Modern Classic Feature Elevations and Plans 14-008 43
Ashton Startforth Extended Feature Elevations and Plans 14-008 44
Ashton Alt Modern Classic Feature Elevations and Plans 14-008 45
Bluebell Modern Classic Elevations and Plans 14-008 46
Bluebell Rural Edge Elevations and Plans 14-008 47
Bluebell Startforth Extended Elevations and Plans 14-008 48
Bluebell Detached Rural Edge Elevations and Plans 14-0038 49
Bluebell Detached Modern Classic Elevations and Plans 14-0038 50
Bluebell Detached Startforth Extended Elevations and Plans 14-0038 51
Bluebell Alt Startforth Extended Feature Elevations and Plans 14-0038 52
Debden Modern Classic Elevations and Plans 14-0038 53
Debden Rural Edge Elevations and Plans 14-0038 54
Debden Rural Edge Feature Elevations and Plans 14-0038 55
Debden Alt Startforth Extended Elevation and Plans 14-0038 56
Hemingford Modern Classic Elevations and Plans 14-0038 57
Hemingford Rural Edge Elevations and Plans 14-0038 58
Hemingford Startforth Extended Elevations and Plans 14-0038 59
Hemingford Modern Classic Feature Elevations and Plans 14-0038 60
Hemingford Rural Edge Feature Elevations and Plans 14-0038 61
Hemingford Startforth Extended Feature Elevations and Plans 14-0038 62
Hemingford Alt Rural Edge Feature Elevations and Plans 14-0038 63
Hemingford Alt Modern Classic Feature Elevations and Plans 14-0038 64
Site Sections 14-0038 70
Boundary Treatments 14-0038 72
Section 104 Sewer Plan Sheet 1 15038/140 Rev C
Section 104 Sewer Plan Sheet 2 15038/141 Rev C
Section 104 Sewer Plan Sheet 2 15038/142 Rev C
Road General Arrangement Plan Sheet 1 15038/SK100 F
Road General Arrangement Plan Sheet 2 15038/SK101F#
General Road Arrangements 15038/SK102
Proposed Street Elevation – Startforth Extended 14-0038 PR10
Proposed Street Elevation – Startforth Extended 14-0038 PR11
Proposed Street Elevation – Rural Edge 14-0038 PR12
Proposed Street Elevation – Modern Classic 14-0038 PR13
Proposed Streetscene 14-0038 PR14

Proposed Visual Courtyard 14-0038 PR16
Proposed Visual Modern Classic 14-0038 PR17
Proposed Visual Modern Classic 14-0038 PR18
Proposed Visual Startforth Extended 14-0038 PR19
Proposed Visual Startforth Extended 14-0038 PR20
Proposed Visual Startforth Extended 14-0038 PR21
Proposed Visual Startforth Extended 14-0038 PR22
Proposed Visual Startforth Extended 14-0038 PR23
Proposed Visual Oak Tree Square 1 14-0038P PR24
Proposed Visual Oak Tree Square 1 14-0038P PR25
Proposed Visual Oak Tree Square 1 14-0038P PR26
Proposed Visual Oak Tree Square 1 14-0038P PR27
Proposed Visual Oak Tree Square 1 14-0038P PR28
House Type Plans 14-0038 PR30
Landscape Masterplan R-1756-1A
Arboricultural Impact Assessment
Arboricultural Impact Assessment Plan Exi.1
Arboricultural Impact Assessment Plan Exi.2
Arboricultural Impact Assessment Plan Exi.3
Arboricultural Impact Assessment Plan Exi.4
Arboricultural Impact Assessment Plan Exi.5
Arboricultural Impact Assessment Plan Exi.6
Arboricultural Impact Assessment Plan TPP 1.500
Arboricultural Impact Assessment Plan TTP1
Arboricultural Impact Assessment Plan TTP2
Arboricultural Impact Assessment Plan TTP3
Arboricultural Impact Assessment Plan TTP4
Arboricultural Impact Assessment Plan TTP5
Arboricultural Impact Assessment Plan TTP6
Arboricultural Method Plan
Arboricultural Method Statement
Schedule of Property Types
Sustainability Statement
Scheme Appraisal – Phasing Plan 6012-APP-10

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies GD1, ENV3, ENV5, ENV7, BENV11, H1A, H3, H6, H12, H14 and T2 of the Teesdale District Local Plan.

Engineering details of access and highway improvements

3. No development shall commence until plans showing full engineering details of the proposed estate roads and highway works have been submitted to, and approved by the local planning authority. Thereafter the development shall only be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy T2 of the Teesdale District Local Plan and part 4 of the National Planning Policy Framework.

Maintenance of highway

4. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be implemented and maintained in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies GD1 and T2 of the Teesdale District Local Plan and Part 4 of the National Planning Policy Framework.

Hard Surfacing and Boundary Treatments

5. Prior to the occupation of the first dwelling, details of all hard surfacing and boundary treatments shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, all works should be carried out in accordance with the agreed details.

Reason: To ensure the visual impact of the development and the amenity of existing and future occupiers are protected in accordance with Policy H12 of the Teesdale District Local Plan.

Tree Protection

6. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policy ENV10 of the Teesdale District Local Plan and Parts 7 and 11 of the National Planning Policy Framework. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Tree Works

7. No works shall be undertaken to Trees 11 and 444 (as identified within the Arboricultural Impact Assessment) as part of this development.

Reason: In the interests of the conservation of protected species having regards to Policies ENV7 and ENV8 of the Teesdale District Local Plan

Landscape implementation and management

8. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved, a detailed landscaping scheme be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping, including treatment of south eastern boundary of the site.
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths;
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

- The timeframe for implementation of the landscaping scheme.
- Full details of the management and maintenance of all areas of open space in perpetuity.
- Details of all means of enclosures.

The approved landscaping scheme shall thereafter be fully implemented in accordance with the approved details and timeframes.

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years of their initial planting.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, H12 and H1A of the Teesdale District Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Public Open Space

9. Notwithstanding the submitted information, prior to the occupation of the 5th dwelling, full details of on-site public open space, including semi-natural greenspace, play space, and amenity open space, totalling a provision of 2.4ha shall be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall include, details of equipment to be installed, surfacing of the areas, boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved areas shall be fully implemented and maintained in accordance with the approved details and timeframes thereafter.

Reason: To ensure that the development provides sufficient open space on site to meet the Open Space Needs Assessment and to comply with Policies GD1, H12 and H1A of the Teesdale District Local Plan and Paragraph 73 of the National Planning Policy Framework.

Site Levels

10. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policies G1 and H12 of the Teesdale District Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Travel Plan

11. Prior to the occupation of the first dwelling, a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy D3 Sedgefield Borough Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Foul and surface water

12. The development hereby approved shall be only carried out in strict accordance with the 'Flood Risk Assessment and Drainage Strategy for Kier Living, Deerbolt, Barnard Castle'.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

Ecology Mitigation

13. The development shall be carried out in accordance with the mitigation outlined within the "Extended Phase One Habitat Survey and Bat Assessment – Deerbolt YOI", "Great Crested Newt Addendum, Deerbolt YOI", and "Proposed Drainage Outfall, Deerbolt YOI", and no development shall commence until a working method statement having regards to Great Crested Newts has been submitted to, and approved by the Local Planning Authority. Thereafter, the development shall be carried only in accordance with the approved details.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies ENV7 and ENV8 of the Teesdale District Local Plan and Paragraph 109 of the NPPF. Required to pre-commencement in order to ensure construction activities do not adversely impact protected species.

Lighting Strategy

14. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development and maintained in perpetuity.

Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the National Planning Policy Framework and Policies ENV7 and ENV8 of the Teesdale District Local Plan.

Noise Attenuation

15. All sound attenuation measures detailed in the noise assessment; Wardell Armstrong noise assessment reference NT12259 Report Number 001 dated December 2015 are fully implemented prior to the beneficial occupation of the development, and permanently retained thereafter.

Reason: To protect the residential amenity of existing and future residents of the development, and in order to comply with Policy GD1 of the Teesdale District Local Plan, and Part 11 of the National Planning Policy Framework.

Working Hours

16. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents of the development, and in order to comply with Policy GD1 of the Teesdale District Local Plan, and Part 11 of the National Planning Policy Framework.

Construction Methodology

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

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: To protect the residential amenity of existing and future residents of the development, and in order to comply with Policy GD1 of the Teesdale District Local Plan, and Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Land contamination

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

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 3 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (b) During the implementation of the remedial works and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (c) Upon completion of the remedial works, a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

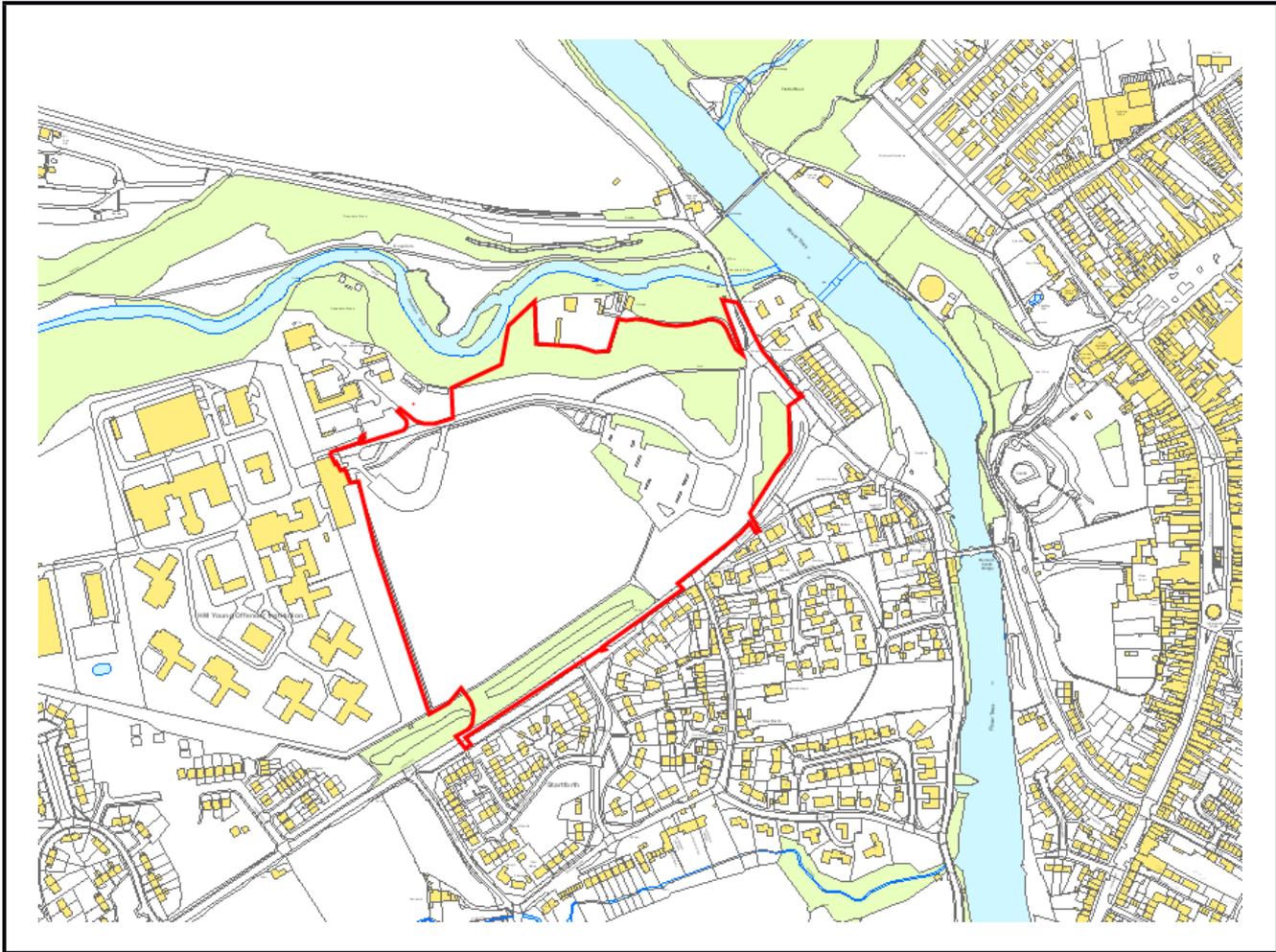
Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Teesdale District Local Plan
- Statutory, internal and public consultation responses.
- County Durham Settlement Study 2012
- County Durham Open Space Needs Assessment



Planning Services

(DM/16/03310/FPA)
 162 dwellings with associated highways, external works and new access roads. New car park and road link to HMYOI Deerbolt at Land to the East of HMYOI Deerbolt and North of Bowes Road, Startforth

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Comments

Date March 2017

Scale Not to scale

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/04048/OUT
FULL APPLICATION DESCRIPTION:	Outline application including means of access for the erection of up to 190 dwellings
NAME OF APPLICANT:	Banks Group
ADDRESS:	Land At The East Of Moss Close Farm Pelton DH2 1PG
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land sited to the north eastern edge of Pelton located to the north of the County. The site extends to approximately 7.42ha in area and comprises greenfield land in an agricultural use, consisting of an arable field. An approximate 11m level change is evident across the site falling in an easterly direction.
2. The site is served by an existing field vehicular access onto a roundabout with the A693 and the Pelton Lane, which also forms the western boundary along with a mature hedgerow. To the south the existing housing development of Elm Avenue is located. Pelton Cemetery is located to the east, separated by semi- mature trees and hedgeline. The A693, raised up on a landscaped embankment, forms the northern boundary.
3. The site is located 2.85km to the north of Waldrige Fell Site of Special Scientific Interest (SSSI) and 3.2km south east from Pockerly Farm and Ridley Gill SSSI. Congburn Local Nature reserve is located 1.89km south of the application while South Twizell Wood (a local wildlife site) is located 3.6km to the south west. The Grade II building of Holy Trinity Church is located 185m to the east. The Grade II listed building of Pelton House lies an additional 285m away to the east. The Grade II listed buildings of Newfield Farm lies 485m to the south of the site. Chester-le-Street Conservation area is some 2.6km to the south east of the site.

The Proposal

4. Outline planning permission is sought for the erection of up to 190 dwellings and the means of access, with all other matters remaining reserved. 15% of the dwellings are proposed to be offered on an affordable basis including 5 bungalows. The access would be located midway along the western boundary on Pelton Lane and would include highway working including widening and the formation of a protected right turn.
5. An illustrative master plan sets out that the dwellings would be laid out in a series of cul-de-sacs with a central area of open amenity space, including a SUDS detention basin. Other small areas of open space are proposed, along with pedestrian links to Elm Avenue and the Parade. A cycle link is proposed to be delivered as part of the development linking the site to the Coast to Coast cycle route which lies 110m to the north east of the site.
6. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares and over 100 dwellings.

PLANNING HISTORY

7. The site formed part of a wider housing allocation in the now withdrawn County Durham Plan for the delivery of approximately 200 dwellings in the medium term.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 1 – 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 of a low carbon future.

11. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
20. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

Chester-le-Street District Local Plan (2003) (CDLP)

22. *Policy NE2 - Development Beyond Settlement Boundaries* - Sets out that outside the settlement boundaries as defined on the Proposals Map, development will be strictly controlled. Permission for new dwellings will be granted only where there is a need to support existing agricultural or forestry activities, in the circumstances set out in Policy AG9. Where planning permission is required, development should:- i) Protect or enhance the character and quality of the countryside; ii) Be consistent with maintaining the economic sustainability of agriculture and other rural businesses; iii) Comply with the criteria of other relevant policies of the Local Plan.
23. *Policy NE6 -Development Affecting the Visual Amenity of the Green Belt* - Sets out that Development within, or conspicuous from, the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to the visual amenity of the Green Belt.
24. *Policy BE2 - Public Art* - Sets out that where development costs total £500,000 or more, Chester-le-Street District Council will encourage developers to devote at least 1% of those costs to the provision of works of art in new building and landscaping projects accessible to the general or client public. In determining planning applications, due regard will be given to the contribution made by any such works to the appearance of the scheme and the amenities of the area.
25. *Policy BE22 - Planning Obligations* - Sets out that wherever necessary, Chester-le-Street District Council will seek to enter into planning obligations from developers to either enhance the quality of a proposal that is acceptable in principle, or to enable a proposal to go ahead which might otherwise be refused.
26. *Policy HP6 – Residential within settlement boundaries* – Identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
27. *Policy HP9 – Residential Design Criteria (General)* – Requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
28. *Policy RL5 – Open Space provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at

least 125m2 children's play space and 250m2 informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.

29. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
30. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
31. *Policy T6 - Provision of Public Transport (General)* - Sees out that development proposal should be consistent with a safe and accessible public transport network and should help to encourage its use by all members of the public in order to reduce reliance on the private car. Access to new development should be located on, or as near as possible to, existing bus routes and footpath links should be available or, if not, provided to existing or proposed bus stops.
32. *Policy T12 – Cycling* - Chester-le-Street District Council, in partnership with Durham County Council will seek to identify a network of continuous routes for cyclists and ensure improved facilities for cycling and ensure cyclist's needs are considered as part of new development and that appropriate facilities are provided, including encouraging the use of cycles through the development onto established networks including the C2C cycle route.
33. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
34. *Policy T17 - General Transport Policy* - Sets out that all new development proposals should have regard to, and be consistent with, the provision of a safe and accessible transport network, and in particular with, reducing reliance on the private car, encouraging the use of public transport; and encouraging walking and cycling as an effective means of transport.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>

RELEVANT EMERGING POLICY:

The County Durham Plan

35. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High

Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Urpeth Parish Council* – Raises concerns regarding the sustainability of the site, given the limited services, school places and demand placed on existing infrastructure such as doctors. It is highlighted that there are limited bus services The Parish Council question whether the determination of the application should be paused until the CDP progresses. The availability of school places should take into account existing developments in the area. It is recommended that at least 10% houses on site should be bungalows. Concerns are raised regarding the surrounding highway infrastructure to accommodate the development. The site is located within the Urpeth Parish Council area and any S106 funds should not only be spent within Pelton.
37. *Pelton Parish Council* – Offer support for the scheme advising that The council welcome the development and much needed housing mix which is needed in the area and look forward to the properties becoming available to residents in the not too distant future.
38. *Highways Authority* – It is advised that proposed highways improvement works including the formation of a protected right hand turn, widening of the highway and formation visibility splays would represent an appropriate access into the site and would not adversely impact on highway safety. Analysis undertaken as part for the transport assessment has shown that the roundabout junction at Pelton/A689/Ouston would continue to have capacity issues on Front Street as a result of general traffic growth. Although the development would add only a small additional amount of traffic onto the A693 in the peak hours, it would inevitably lead to increased capacity issues. In order to mitigate the impact of the development a contribution of £75,000 is proposed which would be used by the Highways Authority to deliver a solution to either increase the capacity of the junction or the desirability of the route through Front Street, Pelton and the A693 from traffic from a wider area. In relation to the roundabout junction with Pelton Lane and the A689 it is concluded that this would continue to operate satisfactorily with the added traffic of the proposed development. Subject to the proposed mitigation to be secured by S106 agreement and access highway improvements secured through condition no objections are raised.
39. *Coal Authority* – Advise a condition to secure further site to detail mitigation measures that will be required in order the site in relation to historic coal mining legacy.
40. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition.
41. *Drainage and Costal Protection* – Offer no objections to the proposed methods of attenuation of surface water from the site through SUDS, subject to a condition to agree the final design and subsequent delivery of the scheme in any reserved matter application

INTERNAL CONSULTEE RESPONSES:

42. *Planning Policy* – It is advised that the starting point for considering this proposal is the development plan, which in this case is the Chester-le-Street Local Plan. It is considered that the proposal conflicts with the Local Plan insofar as it would be located outside of the settlement boundary for Pelton. However, the Plan was only intended to cover the period up to 2006 with the amount of housing land identified as allocations consistent with the assessment of housing need available at that time. That assessment is no longer considered to be up to date and compliant with the NPPF in terms of meeting the full, objectively assessed needs for market and affordable housing in the housing market area. The Plan is therefore out of date in respect of how to appraise housing applications on the edge of settlements.
43. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority is unable to demonstrate a five year supply of deliverable housing sites. This is also the case within County Durham, so even had the housing policies not been out of date on the basis of the evidence, they would nonetheless be rendered ‘not up-to-date’ on account that a 5-year housing land supply cannot be demonstrated. In the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular the tests set out within NPPF Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and there are no specific policies from the NPPF which indicate the development of this site should be restricted.
44. *Landscape* – Concerns are raised regarding the loss of hedgerow and roadside trees that would arise to accommodate the required visibility spays associated with the access. The group of trees that would require removal would have landscape qualities.
45. *Landscape (Arboriculture)* – Highlight the presence of a number of trees and mature hedgerows on the boundary of the site. It is recommended that these should be retained and accommodated within the development and a comprehensive tree protection plan developed for approval.
46. *School Places and Admissions Manager* – Advises that a development of 190 houses could generate an additional 57 primary pupils and 23 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department’s Guidelines) and other proposed developments in the area, it is identified that there is sufficient capacity in local schools to accommodate the additional pupils generated.
47. *Housing Delivery* – Advise that the proposed 15% affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 75% affordable rent and 25% home ownership would be desirable.
48. *Ecology* – Advise that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations (Amendment) 2012 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The risk of protected species being on the site, with the exception of foraging bats and breeding birds, is considered to be low or negligible. A biodiversity mitigation and

compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes the creation of habitat on the periphery of the site and along the proposed cycle link.

49. *Environmental Health and Consumer Protection (Air Quality)* – Advise that no mitigation measures are required in relation to air quality following completion of the development, however it is advised that dust management plan should be adopted during the construction phase.
50. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
51. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the proposed noise mitigation measures would be adequate to safeguard the amenity of future residents, these will need to be fully detailed at the reserved matters stage and provided a full noise assessment with noise mitigation measures is in place then this application will not have an adverse impact on residential amenity. It is also noted that the applicant has undertaken an odour assessment which concludes that there are no odour generating activities from the farm that would impact adversely on the occupants of the new dwellings. This assessment is considered to be sound and no objections would be raised in relation to statutory nuisance. It is also recommended to attach conditions requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents.
52. *Design and Conservation* – There are no heritage related issues associated with the development, due to the limited inter visibility between the nearest listed buildings. Design advice is offered on the indicative layout which would need to be picked up in any reserved matters application.
53. *Archaeology* – Advise that following the submission of a Geophysical Survey of the site which does not indicate extensive archaeological remains, a conditional approach to secure trial test trenching is however recommended.
54. *Access and Rights of Way* – Identify that there are no registered rights of way within the proposed development site but there are opportunities for improving the surrounding public rights of way network. It is recommended that the development should make a connection onto the C2C cycle route to the north east of the site.
55. *Bereavement Services* - Advises that an agreement would need to be reached between the developer and the service to compensate for the loss of land for any necessary drainage easement and to undo work already completed
56. *Sustainability Section* – It is advised that the site was previously assessed as being 'suitable for housing' in the 2016 SHLAA. Whilst the sustainability appraisal concluded that there were significant landscape and surface water impacts, some mitigation has been provided by the applicant. These are the key concerns, most notably around landscape and tree sensitivity, whilst there also remain some issues pertaining to surface water flooding and the use of SUDS which would need to be considered as part of the planning application. It is advised that connectivity is considered reasonably good with access to a number of local community services and facilities within walking distance.

NON-STATUTORY RESPONSES:

57. *Police Architectural Liaison Officer* – Advise that the crime risk assessment of the proposed development is low, while no issues are raised regarding the proposed layout. It is however identified that it is important to ensure that there are no direct links into the cemetery from the new housing.
58. *NHS* - Advise that there is sufficient capacity in existing facilities in Pelton.

PUBLIC RESPONSES:

59. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 5 letters of objection and 21 letters of support from local residents have been received in relation to the development as summarised below.

Objections

- Brownfield sites should be developed first, whilst there is an oversupply of housing in the area.
- Proximity of the development to existing residential dwellings.
- Concerns are raised regarding disturbance during construction, working hours and noise levels should be limited.
- The development would increase pressure on doctors surgeries and schools which are close to capacity.
- The development would devalue and reduce the desirability of existing properties.
- Concerns are raised regarding a potential secondary access onto Oak Terrace.
- There is exiting speeding and highway safety concerns on the highway network.
- Extra vehicular would create disturbance and safety issues, particularly for older residents.
- Pelton Lane Ends will no longer be considered a village due to the increase of housing and traffic.

Support

- The benefits of bringing new housing to the village is highlighted, including the increase tax revenues and creation of jobs.
 - The proposals include a mix of quality family homes which will attract economic investment into the area as well as delivering new areas of green space and ecological enhancements onsite.
 - The delivery of a C2C link would be of benefit to existing and future residents.
 - It is highlighted that there is a high demand for houses in the area from buyers.
60. *Kevan Jones MP* – Offers support for the application bringing high quality housing to the village and creating local jobs during the construction of the homes. The provision of green spaces and links to the C2C cycle route is welcomed.
61. *Newfield and Pelton Lane Ends Residents Association* - Offer support for the application, highlighting the high degree of community engagement undertaken by the applicant.
62. *Roseberry Primary and Nursesey School* - offer support for the application as the development would contribute to the sustainability of pupil numbers in the future and there is spare capacity

APPLICANTS STATEMENT:

63. This application is being submitted by Banks Property Ltd which is part of the Banks Group, a Durham based family business that has been operating for over 40 years. The proposal seeks outline permission for up to 190 homes and associated parking, landscaping and open space, with all matters except access to be reserved.
64. This proposal is being brought forward to meet a pressing need for new housing and has the potential to bring significant investment to the North Durham area. The Pelton Lane site has previously been identified as suitable for housing development with a proposed allocation in the withdrawn County Durham Plan. Technical and environmental assessment has confirmed the sites' suitability for new housing and the proposals have been informed by detailed pre-application discussion with Durham County Council.
65. The Pelton Lane site is well contained and lies in a sustainable location near to local facilities and schools. It represents a logical settlement extension, and an Indicative Masterplan illustrates how high quality family housing can be delivered to integrate well with the existing village. The Masterplan has been designed to promote walking and cycling opportunities and convenient access to public transport, and demonstrates a network of open space and habitat creation, providing for amenity, ecological connectivity and sustainable drainage. The development will deliver 15% on site affordable housing, a contribution of just over £250,000 towards open space and sports provision in the local area, and a new cycle link to connect to the Coast 2 Coast cycle route.
66. Banks Property has undertaken extensive community engagement in line with our development with care approach, with feedback considered where possible in the site design process. We have attended Urpeth Parish Council, Pelton Parish Council, and Newfield and Pelton Lane Ends Tenants and Residents Association meetings, held five public drop in sessions at two locations to cover both the Pelton and Newfield areas, and undertaken a door-to-door consultation exercise. Feedback has indicated that the proposals have been positively received, as reflected by letters of support from Pelton Parish Council, Newfield and Pelton Lane Ends Tenants and Residents Association, Roseberry Primary & Nursery School, Kevan Jones MP and several local businesses. Letters of support received from residents significantly outweigh letters of objection.
67. The proposed development accords strongly with Durham County Council's Policy Position Statement of March 2016. In the absence of a five year housing land supply, national policy with respect to housing prevails, which advises a presumption in favour of sustainable development. The scheme demonstrates strong economic, social and environmental sustainability. It will deliver a high quality mix of housing to meet local needs and contribute to sustainable economic growth in County Durham. The site is deliverable in the short term and it is believed there is a compelling case for granting outline permission for this application.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OIHLN6GD0GO00>

PLANNING CONSIDERATIONS AND ASSESSMENT

68. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to; the principle of the development, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, ecology, residential amenity, flooding and drainage, ground conditions, heritage impacts, other issues and planning obligations.

The Principle of Development

The Development Plan

69. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester-le-Street District Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plan policies material weight insofar as they accord with the NPPF.

70. The CDLP was adopted in 2003 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

71. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

72. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

73. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the CDLP are out-of-date as outlined below.
74. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield site to meet housing need when considered in the planning balance. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

Five Year Housing Land Supply

75. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
76. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
77. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
78. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which will be identified as the OAN following consultation in the Preferred Option Stage, the Council has a relatively substantial supply of housing.
79. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the local plan may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution

to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

80. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date, for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However recent Court of Appeal judgments emphasises that policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
81. CDLP Policy HP6 sets out that new development should be located in the towns and villages best able to support it setting out limits of development. The scheme conflicts with this saved Policy, representing development outside of the established settlement limit of Pelton. The approach of directing housing to the most sustainable settlements that can support it while seeking to protect the open countryside is consistent with the NPPF. It is however recognised that the NPPF promotes a more flexible approach to site selection based on the sustainability of the development as a whole. Limited weight should be afforded to this policy in this instance.
82. CDLP Policy H6 is accompanied by CDLP Policy NE2 (Development Beyond Settlement Boundaries) which relates to development proposals in the countryside outside of settlements, seeking to restrict development proposals for agricultural or compatible uses as permitted by Local Plan Policies. The development would conflict with this Policy also. This Policy is considered only partially compliant with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside than the saved policy. Limited weight should be afforded to this Policy in this instance.
83. Remaining policies within the CDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
84. Overall CDLP policies for the supply of housing and development within the countryside are not fully NPPF compliant, however, this does not mean that they should be disregarded or be given no weight, albeit the weight that can be afforded to them is reduced. As a result the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

85. The County Durham Settlement Study 2012 is an evidence based document which categorises Pelton (including Newfield) as a smaller town/larger village acting as smaller, more localised centre containing a reasonable array of services due to its location, which are to a degree self-sustaining. In line with the now withdrawn County Durham Plan Pelton was considered an appropriate, sustainable place to allocate new housing to meet the identified need and in order to comply with sustainable development objectives in the NPPF. The erection of 190 dwellings is considered to

be proportionate role of the town within the settlement hierarchy and the level of services provided.

86. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of Pelton by reinforcing connections along the southern and eastern boundary to Pelton and the C2C Cycle route.
87. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Pelton representing a greenfield extension. However, a distance of 600m is evident to the village centre, a distance of 0.4 miles is evident to the nearest primary school. The nearest GP is located 1600m away. Drum industrial estate is located 3000m away whilst Chester-le-Street Town centre is located 3900m away containing a secondary school, larger shopping facilities and a train station.
88. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', distances set out in the Institution of Highways and Transportation (CIHT) "Providing for Journeys". They are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However it is considered that there is a wide range of facilities within Pelton that would serve future residents whilst there is are regular bus services within 300m from the extremes of the site to Stanley, Consett and Chester-le-Street. The scheme also proposes a direct link to the C2C cycle route which provides direct off road cycle access to Stanley, Chester-le-Street and beyond (to be secured by S106 agreement). A range of transport options would therefore be available for future residents.
89. Overall, it is considered the walking distances, improved pedestrian/cycle links and the established bus service would give future residents alternative options to the private motor car to access to services and amenities. In accordance with paragraph 61 of the NPPF and policies T6, T12 and T17 of the CLDP which are considered consistent the NPPF in this respect.

Landscape and Visual Impact

90. CDLP Policy NE2 seeks to control development outside of settlement boundaries to safeguard the character and appearance of the countryside. This Policy is considered dual purpose, although it is considered out of date for housing supply purposes it can be afforded weight in other considerations. In relation to visual/landscape impact this Policy is considered partially compliant with the NPPF which although recognises the intrinsic character and beauty of the countryside has a more permissible attitude towards a wider range of development types in the countryside than the saved policy. Only partial weight can therefore be given to this Policy in the decision making process in this respect.
91. The application site lies on rising ground to the west of Pelton. The site is made up of open arable farm land and is bounded to the west by an old hedgerow following an historic township boundary along Pelton Lane and to the north by the embankment of

the A693. It is bounded to the east Holy Trinity Church Cemetery and to the south by an existing housing development. The site does not lie in an area covered by any national or local landscape designations; however land further north of the A693 is designated Green Belt.

92. The site is generally visible 1km to the east from higher land in shallow views where its forms a small part of visually complex panoramic views, including the built form of Pelton and Beyond. To the north, south and west the site is screened from longer distance views due to the surrounding land form and existing development. In immediate views there is a direct relationship with Pelton Lane and from the A693 particularly in winter months where vegetation screening is thinner.
93. It is considered that the effect of the development on the character of the site itself would be transformative and adverse, but this is always the case for development of this nature on green field sites. In respect of the impact on the local landscape character, (views from Pelton Lane and the A693) the visual impact would be of a medium magnitude taken in the round. The frontage onto Pelton Lane would have a semi urban character with the road widening measures and site entrance being notable features. In combination with the required visibility splays a 200m length of existing hedgerow and a small group of trees would need to be removed to facilitate the access. These contribute to the local character as advised by the Councils Landscape Section
94. The loss of the section of hedgerow and the group of trees would be regrettable, however the location of the access is dictated by the required taper into the protected right hand turn into the site. A reduction in this taper would result in unsatisfactory highways conditions. To mitigate this, the applicant proposes to replant the hedgerow out of the required visibility splay, supplement and reinforce the existing hedgerow. Once matured this would result in the appearance of a transitional 'edge of settlement' character. The overall effect on the character of the landscape in this location would be higher but localised. Additional planting is proposed along the embankment to the A693, this would provide additional screening over the existing, although limited in places due to the height of the embankment in relation to the site. The built form would remain relatively prominent in these views, extending the urban character of the settlement in to the countryside particularly in winter months, this impact would remain localised.
95. In deeper views such as those from the higher land to the north, while the further encroachment of built form would be noticeable the general character of the view would remain similar. Views from the Green Belt would be restricted by the embankment of the A693 and the development impact in this respect would be minimal satisfying the requirements of policy NE6 of the CDLP.
96. CDLP Policy NE2 seeks to safeguard the character and appearance of the countryside. As a result of the development an extension beyond the established settlement edge would occur, contrary to Local Plan policy. A large amount of hedgerow would need to be removed to accommodate the required access, highway improvements and visibility splays. However, the combined visual impact is considered localised while views of the site would largely be set against the backdrop of existing housing development, higher land and the embankment of the A693 with associated screening. The indicated Landscaping Strategy subject to a detailed design and minor modifications would help mitigate this impact. There would however be residual adverse landscape harm when assessed against Local Plan (Policy NE2)

and NPPF (Part 11) policies and therefore this impact needs to be considered within the wider planning balance.

Layout and Design

97. CDLP Policy H9 requires development to be designed and built to a high standard and should contribute to the quality and built of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and layout, to its location. This Policy is considered consistent with the NPPF which at part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character. Full weight can therefore be afforded to this policies in this respect in the decision making process.
98. Furthermore Paragraph 58 of the NPPF sets out that decision should aim to ensure that developments would function well and add to the overall quality of the area, establish a strong sense of place, use streetscapes and buildings to create attractive places, respond to local character and history, and reflect the identity of local surroundings and materials, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 of the NPPF also sets out that planning permission should be resisted for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
99. It is recognising that the application is in outline form, with details regarding the layout and design remaining reserved. However, an in indicative site layout has been provided which details how the development could be laid out.
100. In considering the amended scheme against the above policy criteria, recognising the opportunities and constraints of the site, it is considered that overall the development would relate well to the surrounding built environment providing a low density attractive active frontage onto the eastern boundary of the site and the highway Pelton Lane. Moving through the development active frontages and corner turner units are indicated to maintain an attractive street scene with adequate areas of open space. The highway layout promotes a hierarchy moving thought the site, allowing both pedestrians and vehicles to navigate around the development.
101. CDLP Policy BE2 sets out that the Council will encourage the provision of works of art as part of development setting out a target of 1% of development costs. This Policy is considered partially consistent with the NPPF, although the NPPF is silent on public art it is supportive of ensuring that development is well designed and responds to local character, mirroring the aims of the CDLP Policy. The applicant has committed to the provision of art on the site to be secured by condition rather than a financial contribution to either be delivered at the site entrance or within the public open space.
102. Overall, it is considered that the scheme has the potential to deliver a high quality visually attractive development and would contribute to the quality of the surrounding area. It is also considered that the indicated scheme would create a strong sense of place, responding to local character and, would create a safe and accessible environment integrating itself to the existing settlement, in accordance to CDLP Policy H9 and paragraphs 58, 61, 62 and 64 of the NPPF.

Highway Safety and Access

103. CDLP Policies H9, T15 and T17 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These Policies are considered consistent with the NPPF in this respect which also sets out at paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by transport assessments or statements. Full weight should therefore be afforded to these Local Plan policies in the decision making process.
104. The development would be served by a single vehicular access taken off the adopted highway Pelton Lane. In order to facilitate the new access the existing highway would be re aligned slightly to provide a protected right turn. The Highways Authority advise that these highways improvement works, would result in the development being served by an appropriate means of access that would protect the highway safety of other road users. Conditions are recommended to secure the implementation of these works before the occupation of the first dwelling to ensure that satisfactory highway conditions are maintained. Also subject to further scrutiny in any reserved matter application, it is advised that the highway layout is generally acceptable and could accommodate relevant service vehicles and that sufficient in-curtilage parking to meet parking standards is provided.
105. Objections have been raised by local residents and Urpeth Parish Council regarding the capacity of the local highway network to accommodate the development. As required by Paragraph 32 of the NPPF the application is supported by a Transport Assessment. The Transport Assessment has taken into account existing and proposed developments in the area.
106. Analysis undertaken as part for the transport assessment has shown that the roundabout junction at Pelton/A689/Ouston will continue to have capacity issues on Front Street as a result of general traffic growth. Although the development would add only a small additional amount of traffic onto the A693 in the peak hours, it will inevitably lead to increased capacity issues. In order to mitigate the impact of the development a contribution of £75,000 is proposed by the applicant which would be used by the Highways Authority to deliver a solution to either increase the capacity of the junction or the desirability of the route through Front Street, Pelton and the A693 from traffic from a wider area. In relation to the roundabout junction with Pelton Lane and the A689 it is concluded that this will continue to operate satisfactorily with the added traffic of the proposed development. The council's Highways Authority agree with the methodology and conclusions of the transport assessment and offer no objections on the scheme, subject to the proposed mitigation to be secured by S106 agreement.
107. A condition to secure the implementation of an approximate Travel plan for the site, to encourage alternative forms of transport is recommended to be secured by condition along with the delivery of a cycle link to the C2C route.
108. Overall subject to conditions and the proposed mitigation on the advice of the Highway Authority a satisfactory means of access would be created while the development would not have an adverse cumulative impact on the wider highway network, in accordance policies T9, T15 and T17 of the CDLP in this respect and paragraph 32 of the NPPF.

Ecology

109. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. The site is located 2.85km to the north of Walldridge Fell SSSI and 3.2km south east from Pockerly Farm and Ridley Gill SSSI. Congburn Local Nature reserve is located 1.89km south of the application while Twizell Wood (a local wildlife site) is located to 3.6km to the south west. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception of foraging bats and breeding birds, is low or negligible. A biodiversity mitigation and compensation scheme is however proposed to achieve a net biodiversity gain, as encouraged by the NPPF. This includes creating enhanced corridors for bats along the northern and western boundaries and through the site in the landscaping scheme which runs through the site to be secured by condition. Further mitigation is also proposed in the form of habitat creation along the proposed cycle link in the form of hedge, tree and wildflower planting.
110. Given the lack of impact on biodiversity interests on the site, along with the mitigation proposed, the development is considered to conform to Part 11 of the NPPF in this respect.

Residential Amenity

111. CDLP Policy HP9 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
112. The indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing neighbouring residential and proposed dwellings can be achieved as advocated in the Local Plan. Overall given these separation distances it is considered that there would not be a significant reduction in existing resident's amenity, in terms of overlooking and privacy and outlook. Further scrutiny of this matter would be given at reserved matters stage.
113. The development would increase the comings and goings of vehicles, and to lesser degree pedestrians which would have a limited impact on residential amenity of existing residents. However this is not considered to be at a significant reduction that would warrant refusal of the application.
114. In order to limit the potential disturbance for existing and future residents during construction, the Council's Environmental Health and Consumer Protection officer recommends that a construction management plan be secured to deal with construction related impacts. A condition to this effect is recommended.

115. The development would be located in proximity of a number of noise sources, including the surrounding highway network and a farm to the east of the site. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties would need to be incorporated. This would need to be detailed at a reserved matters stage once the site layout is firmly developed. The applicant has also submitted an odour assessment which concludes that there are no odour generating activities on the farm that would adversely impact upon the occupants of the new dwellings. The Council's Environmental Health and Consumer Protection officer advise that the methodology and conclusions of the reports are sound and that subject to appropriate mitigation where necessary adequate levels of residential amenity would be achieved in accordance with relevant thresholds set out in the Technical Advice Notes in relation to Odour and Noise.
116. Environmental Health and Consumer Protection officers raise no objections subject to conditions. Overall the scheme would comply with CDLP Policy HP9 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents that would justify refusal of the planning application.

Flooding and Drainage

117. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
118. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a retention basin to capture surface water in 1 and 100 year flood events to discharge to mains drainage at greenfield run off rates. The scheme also proposes the implementation of drainage channels and porous paving, would help restrict runoff to greenfield rate before being discharged to a water course. Subject to securing the finer detail of this approach, the Councils Drainage and Coastal Protection Section offer no objections to the development or the overall drainage strategy. Northumbrian Water also advise a conditional approach to managing surface water discharge.
119. It is indicated that the connection to the main sewer from the development would need to cross council owned land to the west of the site. This land is currently being developed as a cemetery extension. The Council's Bereavement Services Manager advises that an agreement would need to be reached between the developer and the service to compensate for the loss of land for the necessary easement and to undo work already completed. This however, is considered a private matter between two land owners to resolve, partially as there are other solutions available to the applicant negating the need to cross this land. The above conditional approach would allow further consideration by the developer of their options before a detailed scheme is presented.

120. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout.
121. Subject to conditions to resolve the final surface and foul water disposal proposals are recommended no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 10 of the NPPF.

Ground conditions

122. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advises that underground coal mining has taken place underneath the site at shallow depth, with potential unrecorded mine workings. The applicant has detailed in principle that large areas of the site would be grouted to stabilise the land. The Coal Authority raise no objections to this strategy further to controlling the finer detail of the work by condition
123. In relation to land contamination the applicant has submitted a phase 1 desk top study undertaken interactive site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations including site sampling.

Heritage Impacts

124. The Grade II building of Holy Trinity Church is located Church is located 185m, the Grade II listed building of Pelton House lies an additional 285m away. The Grade II listed buildings of Newfield Farm lies 485m to the south of the site. Chester-le-Street Conservation area lies 2.6km to the south east of the site. As advised by the Design and Conservation Officer there are no heritage related issues associated with the development, due to the limited inter visibility between to nearest listed building of and the development site.
125. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a Geophysical Survey, in reviewing the submitted details the Council's Archaeology Officer advises that there are no significant archaeological interests that would preclude the development and subject to agreeing a scheme of trial trenching no objection is raised. This mitigation would satisfy the requirements of Paragraph 128 of the NPPF.

Other Issues

126. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 7.6ha of agricultural land. A

site specific investigation into the land classification does not accompany the application, however Natural England classification maps for the North-East region show that roughly half of the site is classified as grade 3a (best and most versatile which the NPPF seeks to protect) and the remainder 3b (falling below the definition of best and most versatile).

127. However, this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. The loss of roughly 4.4 ha of best and most versatile land is not considered to represent a severe adverse impact
128. The applicant has submitted Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. The Councils Environmental Health and Consumer Protection Team (Air Quality) advise that no mitigation measures are required in relation to air quality following completion of the development, however it is advised that dust management plan should be adopted during the construction phase.

Planning Obligations

129. CDLP Policy HP13, in accordance with Part 6 of the NPPF, sets out where a need has been established an appropriate level of affordable housing should be provided. The identified need in the area is set out in the Strategic Housing Market Assessment and equates to a minimum of a 15% provision on site. The applicant has agreed to this requirement, with the delivery and tenure to be secured through a S106 agreement, although it has been agreed that at least 5 bungalows will be delivered.
130. CDLP policy HP15 sets out that where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed. Furthermore CDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development or as an alternative developers are expected to make a contribution to the provision of such facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
131. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
132. In this instance the site layout indicates that around 1.1ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However an offsite contribution of £251,940 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 agreement. In the event that the improvement of existing facilities is not ultimately possible, it is suggested that the planning obligation include a

“cascade mechanism” to allow contributions to be directed towards initiatives related to improvements of other open space typologies within the electoral division.

133. The Council’s Employability officer requests that targeted recruitment and training clauses are included within a S106 planning obligation in the event of approval in accordance with Part 1 of the NPPF. The applicant has expressed a willingness to enter into such an agreement. This must be viewed as a voluntary arrangement and is discussed later in this report.
134. The Councils Schools Admissions Officer advises that a development of 190 houses could generate an additional 57 primary pupils and 23 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department’s Guidelines) and other proposed developments in the area, it is identified that there is sufficient capacity in local schools to accommodate the additional pupils generated. There is therefore no impact to mitigate in this respect.
135. The NHS advise that there is sufficient GP capacity within existing facilities in the area.

Planning Balance

136. Subject to overcoming any departure from the development plan, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

137. The development would assist in maintaining housing land supply at a time when the settlement boundary policy is out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need, although in the light of the supply position, this benefit is a limited one.
138. Recent Case law, states that the weight given to a proposal’s benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply, it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and that less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a more significant shortfall in supply existed.
139. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.
140. The development would provide a range of house types including up to 29 affordable housing units and 5 bungalows which would meet an identified short fall within the County.

141. The scheme would provide for an attractive public realm including child play space that would be accessible for local residents.

Impacts

142. The development would result in the loss of approximately 4.4 ha of best and most versatile land is not considered to represent a severe impact. However it is considered that the loss of this quantum of land would not result in a severe adverse impact.

143. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. Mitigation planting proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.

CONCLUSION

144. The development would conflict with CDLP Policies NE2 and HP6. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policy, that the presumption in favour of sustainable development is engaged residential development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

145. It is identified that the development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. However, due to the limited visibility in the wider landscape and mitigation proposed, for the purposes of Paragraph 14, this harm would not outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply available. The NPPF policy presumption in favour is a material consideration of sufficient weight to outweigh the conflict with the CDLP.

146. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards provision of open space and sporting opportunities, provision of affordable housing, highway mitigation works and creating cycle links to the C2C cycle route are considered necessary for the development to be considered acceptable and therefore meet the relevant tests satisfying policy BE22 of the CDLP. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.

147. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of:-

- 15% affordable housing units on site including 5 bungalows
- £251,940 towards open space and sporting provision within the Electoral Division.
- £75,000 towards highway mitigation works.
- The formation of a new cycle link between the development site and C2C route.

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") for the development shall be obtained from the Local Planning Authority in writing before any development is commenced other than demolition and remediation works.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters of the development 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 approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved. In case of approval of reserved matters on different dates, development must be begun not later than the expiration of two years from the approval of the final reserved matters.

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

3. The development hereby approved shall comprise a maximum of 190 dwellings.

Reason: To define the consent and precise number of dwellings approved

4. The amount of open amenity/recreation and green space provided in the development shall be equivalent to the level of provision set out on the Open Space and Landscaping Plan ref HJB/PA3191/20.

Reason: In order future residents are served by an appropriate amount of open space in accordance with policy RL5 of the Chester-le-Street Local Plan and part 8 of the NPPF.

5. The development hereby approved in shall be carried out in strict accordance with the following approved plan:

Detailed Highway Access Plan, DRWG no. HJB/PA3191/17

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies HP9, T15 and T17 of the Chester le Street District Local Plan.

6. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works as detailed on plan HJB/PA3191/17 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented prior to the occupation of the first dwelling.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and part 4 of the NPPF.

7. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including private shared drives, pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and Part 4 of the NPPF.

8. The development shall be carried out in accordance with the mitigation outlined within the Section 4 of the Extended Phase 1 Habitat Survey and Nat Survey Report compiled by QUANTS Environmental Ltd dated September and October 2016.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF.

9. Within a period of six months of the first occupation of any part of the development a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy T6 of the Chester le Street District Local Plan and Parts 4 and 10 of the NPPF.

10. No development approved by this permission (excluding, archaeological investigation, services diversions, any land remediation/ground improvement or highway improvement works) shall commence until a detailed scheme for the disposal of foul and surface water for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

The submitted scheme should be based upon the "Surface Water Principles" contained within the County Durham Surface Water Management Plan and must adhere to the hierarchy of preference for surface water disposal. This hierarchy requires surface water to be disposed of in the following order of preference i) via infiltration or a soak away system ii) to a watercourse iii) to the sewer.

The agreed scheme should include but not necessarily be restricted to the following;

- i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping

- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

11. Prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE2 of the Chester le Street District Local Plan and Part 7 of the NPPF.

12. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF.

13. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

14. Prior to the erection of the first dwelling an acoustic report shall be submitted to and been approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise and detail appropriate mitigation measures, based on achieving the following noise levels:-

35dB LAeq 16hr in bedrooms and living room during the day-time (0700 - 2300)

30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)

45 dB LAmax in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

Any mitigation detailed within the approved acoustic report shall be implemented prior to the occupation of any affected dwellings hereby approved and permanently retained thereafter.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

15. Notwithstanding the submitted information, prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

16. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

17. Prior to the commencement of development of “a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail:-
- The submission of a scheme of further intrusive site investigations to investigate the condition of the recorded mine entry condition for approval;
 - The undertaking of that scheme of further intrusive site investigations;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works for both the shallow coal mine workings and the mine entry for approval, including a plan of any updated ‘no-build zone’ for the recorded mine entry which may be required and a time frame Implementation of those remedial works.

The scheme thereafter shall be implemented in accordance with the approved details and timeframes.

Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

18. No development shall take place on any phase until a scheme of archaeological work in accordance with a written scheme of investigation for that phase has been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii; Post-fieldwork methodologies for assessment and analyses.
 - iv; Report content and arrangements for dissemination, and publication proposals.
 - v; Archive preparation and deposition with recognised repositories.
 - vi; A timetable of works in relation to the proposed development, including sufficient

notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

ix; Timings for the submission of a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy

The archaeological mitigation strategy for that phase shall be carried out in accordance with the approved details and timings.

Reason : To safeguard any Archaeological Interest in the site, and to comply with paragraphs 135 and 141 of the NPPF.

19. The development of any phase shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite

receptors in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street Local Plan 2003

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/16/04052/FPA

FULL APPLICATION DESCRIPTION: Hybrid application for full planning permission for the erection of 123 dwellings and associated access, landscaping and engineering works and outline planning permission (with landscaping matters reserved) for the erection of up to 80 dwellings.

NAME OF APPLICANT: Avant Homes Ltd

ADDRESS: British Oxygen Co
Vigo Lane
Chester-le-Street
DH3 2RD

ELECTORAL DIVISION: North Lodge

CASE OFFICER: Graham Blakey, Senior Planning Officer
03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the south east of the A167, Durham Road and C8, Vigo Lane in Chester-le-Street, and extends to 8.04 hectares of previously developed land. The administrative boundary of Gateshead Council lies along the A167. The site had been occupied by the British Oxygen Company (BOC) since circa late 1920s. It was subsequently closed and demolished by 2013. Sandwiched between road and cycle routes, the site is broadly orientated on an east-west axis and features Durham Road to the western boundary, Vigo Lane to the northern boundary, the C2C cycle route (once a former railway until 1960s) atop a tree-lined embankment to the southern boundary. A further factory site, Arizona Chemicals, lies to the eastern boundary which has also now been demolished. The Durham Road/Vigo Lane roundabout forms a busy road junction to the north west corner of the site. Located part way along the northern boundary of the site is a small number of residential properties (1-6 Vigo Lane) located immediately adjacent to the application site.

2. Within the site the ground is generally level, indicative of the previous built use, but with a gradual somewhat imperceptible slope from east to west. The pre-existing boundary treatments and landscaping features remain, such as the factory access points, gates and posts and high perimeter fencing which encloses the site to all four boundaries. Trees are features of all boundaries to some degree, with dense, mature tree belts to the C2C embankment and Durham Road forming significant screens, with the latter being subject to a Tree Preservation Order. More sporadic, individual trees to the northern boundary exist some of which once formed part of the landscaping scheme to the previous BOC use. Built development surrounds the site, with residential properties of Barley Mow to the north of site across Vigo Lane, and across the C2C line at Picktree Lodge and Sinclair Drive to the south. Park View School's North Lodge campus lies directly to the south of the western portion of the application site, again separated by the C2C line, with mixed residential, industrial and commercial development to the west of Durham Road to the entrance to Drum Industrial Estate.
3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site, although Pelaw Hill Railway Local Wildlife Site lies approximately 380m to the south west, beyond the A167 via the C2C route; with Waldrige Fell SSSI a popular and well used public amenity space located to the west of Chester le Street. No recorded public rights of way are contained within the application site. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is Vigo House; the grade II listed structure which lies 350 metres to the east.

The Proposal

4. The application comprises a hybrid application, which seeks full planning permission for 123 dwellings (Phase 1), and outline permission for an additional 80 dwellings (Phase 2), resulting in a total of 203 dwellings across the site. With regard to the outline element of the proposal, only the matter of landscaping is reserved for future consideration following the provision of further details on layout, appearance and scale during the course of the application. Details of vehicular access forms part of the detailed application.
5. Access to the site is proposed from Vigo Lane at two separate points, one existing access to the western portion of the site and one new access point to the eastern portion, with the main access road running west to east through the site linking the two proposed accesses. Pockets of open space would be focused primarily around this main internal road, with a central area of open space located to the central/east of the site, and to the western boundary of the site with Durham Road. A SUDs drainage feature would be located to the north west corner of the site adjacent to the western access and Durham Road/Vigo Lane junction. An informal pathway through the wooded amenity space in the western part of the application area is also proposed. The central part of the site (Phase 1) would be developed first, with a mix of house types and character areas, with two areas of affordable housing located within this phase. Development of the outer eastern and western parts of the site (Phase 2) mirrors the proposed housing layout, house type mix and character areas as defined in the full application. An associated substation forms part of the proposal.
6. The proposed development would feature predominately 3 and 4 bedroomed properties accounting for 185 of the 203 homes proposed (91% of the total housing). 30 affordable homes are proposed and are broken down in to 14 two-bedroomed properties and 16 three-bedroom properties (30 in total) and split across two groupings within the development. Most of the properties are two storeys, with only

the 'Sutton' house type being three storeys (12 units in semi-detached pairs). Properties would all feature off-street parking and rear enclosed gardens.

7. The application also includes offsite highways works to Vigo Lane and also to the junction with A167 Durham Road, including the provision of a bus laybys and protected right hand turns for the new access points and improved pedestrian access to/from the north.
8. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

9. Prior notification of the Local Planning Authority was not required in 2013 for the demolition and removal of the BOC plant and its associated buildings, ground slabs, tanks and associated plant.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
11. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 1 – 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 of a low carbon future.
13. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
14. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
17. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Chester-le-Street District Local Plan (2003) (CDLP)

21. *Policy HP6 – Residential development within settlement boundaries* – identifies Chester le Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
22. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
23. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester le Street falling within the Northern Delivery Area where a 15% provision is required.
24. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
25. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
26. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
27. *Policy T17 – General Transport Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.
28. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m² children's play space and 250m² informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.
29. *Policy BE2 – Public Art* – Developers of larger schemes will be required to contribute 1% of development costs to the provision of works of art in new projects accessible by the public.
30. *Policy BE22 - Planning Obligations* - Chester le Street Council will enter into legal agreements to either enhance the quality of the proposed development or enable a proposal to go ahead that might otherwise be refused.

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Chester le Street Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *North Lodge Parish Council* – advise that its Councillors view the planning proposals as being very positive. Concerns are expressed that existing trees should be retained on the periphery of the site; that there should be sufficient safe play area for children as nearest two play areas are across a busy road, and the amount of unadopted road (shared drive) should be minimised as much as possible.
33. *Gateshead Council* – has issued a holding objection citing concerns over the impact of the development on its highway network.
34. *Highways England* – Raise no objections.
35. *Highway Authority* – Have advised that on the basis of the submitted Transport Assessment, that nearby junctions within the Council's administrative area would operate within their capacity when taking account of the proposed development. Off-site highway works at the A167/Vigo Lane roundabout adjacent the site would seek to mitigate the effects of the development on the operation of the junction.
36. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the finer detail of the drainage scheme.
37. *Drainage and Coastal Protection* – Raise no objection noting that whilst the proposal fulfils the Source Control element of the management train outlined in the Council's SUDs Adoption Guide 2016, there is a lack of Site Control which would be expect for a new development such as this. Greenfield run-off rate of 35.3 l/s should be achieved by the development at all times.
38. *The Coal Authority* – Raise no objections.

INTERNAL CONSULTEE RESPONSES:

39. *Design and Conservation* – Raise no objections. The site contains no designated or known non-designated heritage assets. The layout of the development offers a mix of house types and materials, with attention paid to the Vigo Lane frontage through regular dwelling heights and linear palette of materials. Tree retention to most boundaries is welcomed and dense tree planting to the C2C embankment is an important feature retained. Further work required in the landscaping to emphasise gateway features. Consideration should be given to not having a through road in the estate to allow separate access to each half of the estate, reducing the longer-distance views of the highway.
40. *Landscape* – Raise no objections subject to the agreement of full landscape details, including how this relates to the proposed SUDs and the 'Sensitive informal footpath'.
41. *Landscape (Arboriculture)* – Raise no objections. Officers consider that the arboricultural report supplied is satisfactory and complies with current standards. Tree Preservation Order CLS 42 covers 70 trees to the western boundary and retention is crucial and welcomed. T71, a mature oak located outside the site but contains some of its root area adjacent to the proposed SUDs basin and needs to be considered.
42. *School Places and Admissions Manager* – Raise no objections. The development is likely to produce 61 primary pupils and 25 secondary pupils. There are sufficient primary places available, but insufficient places at the nearest secondary school. Consequently of £352,550 will be required for the provision of additional teaching accommodation.
43. *Ecology* – Raise no objections. It is noted that some habitat from within the site would be lost as a result of these proposals, with no mitigation proposed on site. This lack of compensation results in the development having a net biodiversity loss and so this should be addressed on site or through off-site delivery, with the nearby Waldrige Fell SSSI requiring works. Concerns over bat flight lines to the western boundary of the site should be reviewed in the detailed landscape proposals. A planning condition to agree proposed lighting scheme is also suggested.
44. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. A planning condition is suggested requiring the submission of a remediation strategy and subsequent verification report.
45. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections. A planning condition is suggested to ensure that the proposed dwellings are constructed in accordance with the mitigation strategy outlined within the submitted noise assessment. It is considered that impacts upon air quality in regard to the operational phase of the development would be negligible and that controls in relation to the construction phase of the development would be required.
46. *Sustainable Travel* – No objections are raised, although some revisions to the Travel Plan are suggested.
47. *Housing Delivery* – Raise no objections. The 15% affordable housing requirement is proposed by the applicant at a tenure mix of 75% affordable rent and 25% affordable home ownership, which is acceptable.

48. *Access and Public Rights of Way* – Raise no objections, noting that no public rights of way are within or abutting the site.
49. *Durham Constabulary* – No objections are raised noting that the crime risk assessment for this development is low.

PUBLIC RESPONSES:

50. The application was advertised within the press, on site and letters were sent to neighbouring properties. A total of 6 representations have been received, 5 from local residents and 1 from the Divisional Councillor. 1 related to an objection with the remaining 5 offering general support to the redevelopment of the site. The matters raised in regard to the detail of the scheme are summarised below.
51. Comments were received in regard to the inclusion of three storey homes, in particular to the Vigo Lane frontage, where house type designs should be more in keeping with current houses on the south side of Vigo Lane. Highways issues surrounding Vigo Lane itself were raised and centred around current 40mph speed limit and the stopping of traffic due to bus stops and future traffic waiting to turn right into the estate. Improvements to the Vigo Lane/Durham Road junction and Barley Mow Estate junction were suggested by residents. Visually, several mature trees line the Vigo Lane and Durham Road boundaries and residents believe these should be retained. Finally, concerns over construction times were raised in terms of their impact upon neighbouring residential properties. Access to local GP services was a further issue raised by residents.
52. One objection queried the ‘inappropriate’ number of dwellings as being too large for the area and again referring to the issues surrounding access to GP services in the area.

APPLICANTS STATEMENT:

53. The application site is in a highly sustainable location and comprises a brownfield site that is readily available for development. Development of this sustainable, brownfield site will reduce pressure for development on greenfield sites within the County.
54. The development proposes a range of family housing which has been informed through discussions with both the Council and local residents. The development will also provide 30 affordable homes, offering a mix of two and three bedroom properties.
55. Avant Homes has engaged with the Council and local residents throughout the design and conception of this scheme. The discussions have led to various amendments to the house types, design and layout in order to arrive at the proposals presented today. The proposed scheme is well-designed and the proposed landscaping secures the retention of protected and important trees, and the creation of areas of public open space and facilities for play.
56. The development will deliver economic, environmental and social benefits, not least the creation of jobs through the construction period, and will provide well-designed homes to improve choice for the community and help Durham County Council in delivering its housing targets. The proposed development also incorporates public open space and play facilities, as well as contributing £577,550 towards ecology, education provision and improvements to local open space which will be secured through a Section 106 Agreement.

57. Avant Homes are firmly committed to delivering homes on this site. Indeed, they have sought to agree as much detail as possible up front in order to avoid as many pre-commencement conditions as possible which could delay a start on site. It is, therefore, our firm view that planning permission should be granted for this application in order that the Council can deliver this important site and in doing so, support the wider regeneration of the County, and deliver the homes that are needed.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

58. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, landscape impact and layout and design, affordable housing, residential amenity, public open space, highway safety and access, flood risk and drainage, ecology, heritage impacts and other matters.

The Principle of the Development

The Development Plan

59. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester le Street District Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
60. The CDLP was adopted in 2003 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.

The NPPF

61. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

62. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
63. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the CDLP are out-of-date as outlined below.

Five Year Housing Land Supply

64. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
65. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
- 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
66. Set against the lowest figure the Council has been able to demonstrate a supply of 4.65 years of deliverable housing land, against the middle figure around about 4.31 years' worth supply and against the highest figure, 4.04 years of supply.
67. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.

68. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

69. Given the age of the CDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
70. CDLP Policy HP6 supports the principle of residential development on non-allocated sites within Chester-Le-Street’s settlement boundaries provided the site comprises previously-developed land. As such, the proposals do, in principle, accord with the development plan. However, given the Policy is out-of-date as described above and on the basis of the housing land supply position, the weight to be afforded to the Policy is reduced. That weight is further reduced by the requirement in CDLP Policy HP6 that housing is only permitted on previously-developed sites, something which is not consistent with the NPPF. Consequently, the acceptability of the development largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.
71. Remaining policies within the CDLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.

Locational Sustainability of the Site

72. The County Durham Settlement Study (2012) is an evidence based document which categorises Chester le Street as one of the “Main Towns” in the County. These larger towns will have access to all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.
73. The site also lies within the settlement boundary identified within the CDLP, to the northern part of the town. Consequently, the site has access to all of the facilities in the town and those nearest to the site (schools and public transport links) with a range of existing services available within Chester le Street and Birtley, with the development providing the potential to strengthen and support for these services.
74. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. CDLP Policy T6 encourages the use of public transport and reduce the reliance upon the motor car, and is consistent with the NPPF. From the application site, Park View (North Lodge) Secondary School is located at a walking distance of approximately 600m, a selection of services

including Barley Mow Public House and Village Hall (150m), garden centre and DIY stores (300m) and local convenience store (550m) are nearby and the nearest doctors surgery is located 1.2km away (Rickleton) with others in Birtley (1.5km) and Chester le Street (2km). The Drum and Durham Road Industrial Estates lie 800m and 270m away respectively; while shops and services within the town centre of Chester le Street are to the south.

75. The proposed development encourages walking through the provision of access links in all directions, including the C2C (via Durham Road) and nearby public transport. For services not available in the vicinity, bus stops are located adjacent to the site providing links to Birtley, Gateshead, Newcastle to the north, Chester le Street and Durham to the south (with buses running every 5-10 minutes in both directions throughout the day), and Washington to the east (buses running every 30 minutes in both directions). A range of transport options would therefore be available for future residents. Access to GP surgeries has been raised by an objector who states that they already have difficulty making appointments at the present time. However several surgeries are available in the area, with Rickleton, Birtley and Chester le Street all providing access to GPs.
76. As a result, it is considered that in the vicinity the site has access to an array of services and facilities, more than adequate to serve the development proposed, and that these are within relatively easy reach of the site. The development would be comfortably assimilated within the built form of the area around Vigo Lane, in keeping with the role of Chester le Street in the settlement hierarchy. No objections are therefore raised having regards to the locational sustainability of the site. The re-use of previously-developed land is encouraged through the NPPF, which this site would achieve and so adds weight in favour of the development in the decision making process.
77. Overall, it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with core principles of Paragraph 17 and also Paragraph 61 of the NPPF, which encourages the integration of new development into the existing environment; and CDLP Policies HP9, T15 and T17, which are considered consistent the NPPF in this respect.

Landscape Impact, Layout and Design

78. CDLP Policy HP9 requires that developments should be designed and built to a high standard which provides an attractive and efficient residential environment that relates well to the built environment around the site, and which retains existing landscape features of the area. The Policy also gives direction upon housing densities and parking provision. CDLP Policy BE2 seeks a contribution to provide public art in publically accessible spaces, but does not discourage the incorporation of public art within developments where proposed. Parts 7 and 11 of the NPPF also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. However, the somewhat prescriptive nature of the Policy is at odds with the flexible nature of the NPPF.
79. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. CDLP Policy HP9 again offers prescriptive guidance limits to specifics of the design and layout which is not consistent with the aims of the NPPF. Similarly, CDLP Policy BE2 has limited support from the NPPF

but public art is supported by the NPPG. Overall, both Policies do broadly build upon the NPPF and NPPG requirements and so can be considered partially consistent as a result. Therefore the key policy consideration in this matter is whether the site is read together well with the built environment and the surrounding landscape features, and represents good design.

80. The application is in hybrid form, with full layout and design details given for the central portion of the development site, with the eastern and western flanks remaining in outline form. However, these outline elements of the application do seek to agree all matters except for landscaping and so the proposed layout can be viewed in its entirety. The applicant has worked with officers to develop and improve the proposed layout and design, including the position of the main spine road through the development, the frontage of the development on to Vigo Lane and overall permeability. The layout is considered to display a clear hierarchy of roads, including shared surfaces and private driveways, and is considered to be legible, and easy to navigate around. Overlooking of pedestrian links east and west are welcomed to improve security but also to provide a more aesthetic appearance to the layout of the housing.
81. In broad landscape terms, the position of the site within the built environment would result in little or no impacts upon the wider landscape as would be expected from development beyond the edge of a settlement. However the application site occupies a visually prominent site at the confluence of two busy roads between Chester le Street and Birtley town centres. This urban location results in no designated landscape restrictions other than a Tree Preservation Order (TPO) to the western boundary. Strong wooded landscape features characterise the western and southern boundaries of the site which would help separate the housing from the busy A167 to the west and also screen users of the rail line C2C path from overlooking into the proposed new properties. Amenity open space forms a large proportion of the western and north-western corner area of the site, which also includes a SUDs drainage feature. CDLP Policy BE2 requires contribution towards publically accessible art provision; however the application proposes a 'Sensitive informal pathway' through the wooded amenity space located in the western part of the application site in lieu of the contribution that is based upon 1% of the development cost. This is considered to be an acceptable and a final design and position can be secured by means of a planning condition.
82. Vigo Lane, to the north of the site, forms the main frontage for the proposed development as the southern and western boundaries offer substantial tree-lined areas and embankments that afford a significant level of screening to the development that links back to the previous uses of both the site and the former railway line. Sitting centrally when viewing the entirety of the northern frontage are 1-6 Vigo Lane, a selection of post-war properties that were located on land that was surrounding by the former oxygen factory. These two storey, red brick with tile roof, semi-detached or detached dwellings offer a lead on the proposed appearance and scale of the development that would sit either side of the existing housing. A mix of housetypes is proposed, enabling character clusters to be established. At key points, following discussion with Design and Conservation Officers, standard housetypes have been improved to prevent the presentation of blank gables at key visual points. Furthermore, an appropriate mix of external material finishes has been proposed, commensurate with the locality and in particular to the Vigo Lane street frontage. Concerns were raised by residents in regard to the inclusion of three storey properties within the development. These are included but a limited in number and to plots within the estate and so would not be considered to have a detrimental impact upon the streetscene of Vigo Lane or Durham Road.

83. The setback of properties to Vigo Lane is also part of the character of the streetscene and would continue as with the new development as a result of the wide highway verge along Vigo Lane. All of the proposed dwellings along this northern boundary would face out onto Vigo Lane, consistent with the existing development on both sides of Vigo Lane. Offering two storey development with a brick, render and dark tiled roofing also reflects the immediate character of the adjacent housing and helps to integrate the development in to the surrounding urban landscape.
84. Housing would be positioned to front on to the A167 (western elevation) in a similar fashion to the northern elevation and so would lift the appearance of the housing when viewed from this location. To the south, the elevated former railway line, part of the C2C cycle route, offers views across the site but these are restricted by the dense vegetation and trees which line the embankments to either side. This forms a green boundary to the southern side of the development which the proposed development has taken advantage of where the levels best allow (to the eastern part of the site). Housing to the western part of the site have their gardens facing south on to the embankment at its steepest point adjacent to the bridge over the A167, with housing to the eastern part of the site having their frontages facing south opening up the development to the former railway. The reduced level differences at the eastern part of the site would allow for a greater visual permeability from the housing to the C2C above. It is likely that further development would be forthcoming on the adjacent former Arizona Chemicals site, which would integrate well with the housing proposed on the current application site.
85. Appropriately designed and thought out street scene elevations to the proposed housing development would ensure that the close distance views of the development would be visually interesting and offer a high quality form of development that has taken into account the different aspects of the surrounding development to each boundary. Retention of existing, mature and substantial tree screening to the west and southern boundaries would assimilate the development in the urban environment with ease and provide a green backdrop to views from within the development. As such, the development would be considered to comply with CDLP Policies HP9 and BE2 and be an appropriately designed and visually interesting development. Compliance with Parts 7 and 11 of the NPPF therefore follows and adds weight in favour of the development in the planning balance.

Affordable Housing

86. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, whilst CDLP Policy HP13 encourages developers to provide an appropriate amount of affordable housing, but is only considered to be partially consistent with the NPPF as issues of viability and housing market area requirements are outdated with the more up-to-date evidence in the Strategic Housing Market Assessment establishing a requirement for 15% provision, amounting to 30 dwellings.
87. The Housing Delivery Team has requested that this be delivered in the form of 75% affordable rent and 25% affordable home ownership (i.e. discounted sale). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990.

Residential Amenity

88. CDLP Policy HP9 requires that the design and layout of development to have no adverse effect on the amenity of those living or working in the vicinity of the

development site. This aspect of the Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.

89. The indicative site layout for the housing element of the proposal demonstrates that separation distances in excess of 21m between habitable room windows to neighbouring residential dwellings and between proposed properties can be achieved across the proposed development.
90. In terms of noise, the application is accompanied by a noise survey which identifies that the roadside boundaries of the site has relatively high background noise environment during the day, primarily as a result of the local road network, but reduced during the night when traffic movements would be limited nearby. The Council's Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.
91. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. The report concludes that the noise environment of the proposed development would adhere to relevant recommended threshold levels outlined under World Health Organisation (WHO) Guideline Values, and contained within the TANs, of no greater than L_{max} 45 dB(A) at night to the first floor of the proposed properties, subject to suitable mitigation in the form of type of window glazing used. Environmental Health and Consumer Protection officers advise that this arrangement is likely to reduce the likelihood of statutory nuisance. Additionally it is considered that the level of amenity of available to future occupiers would be acceptable in accordance with the Council's TANs, subject to implementation of the mitigation strategy which can be secured by condition.
92. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. Residents have raised concerns over the times that construction would take place. It is considered that through the imposition of a condition requiring a Construction Management Plan, such impacts can be minimised, and reduced to such a level that statutory nuisance would be unlikely to occur, and the impact upon residential amenity would be reduced to an acceptable amount. Having regard to these measures, the application is considered to be in accordance with CDLP Policy HP9, and Part 11 of the NPPF in this regard.
93. With regard to air quality, the application is accompanied by an air quality survey which finds that the impact of the development upon air quality once occupied to be negligible, with the predicted amount of air quality pollutants remaining well below the annual mean air quality objective. It is however accepted that the construction phase may give rise to nuisance dust, which can be classed as a medium level of risk. In order to address this, a Dust Management Control Plan (including active monitoring and mitigation), is proposed, and can be secured by means of a planning condition. Environmental Health and Consumer Protection have considered the content of the report and find its methodology and conclusions to be appropriate. The application is therefore considered to be in accordance with CDLP Policy HP9 and T15, and Part 11 of the NPPF in this regard.

Public Open Space

94. CDLP Policy RL5 seeks to ensure adequate provision is provided in new housing development. This Policy is considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2010 is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
95. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, Play Space, and Semi-Natural Greenspace within the development. Therefore, improvements to existing areas of open space, sport and recreation spaces in the vicinity would be required by way of an in-lieu financial contribution of £1000 per dwelling, and would be sought through a planning obligation secured through Section 106 agreement of the Town and Country Planning Act 1990.
96. The public open space proposed within the site would take the form of peripheral open space to the A167 and Vigo Lane, with pockets of smaller landscaped areas within the central areas of the development forming focal points within development. The landscaped areas on the periphery of the site would have a lesser functional role in this regard, forming mainly semi-natural greenspace but still accessible by the public.
97. Overall therefore, the application is considered to be in accordance with CDLP Policy RL5 and Paragraph 73 of the NPPF with regards to the provision of public open space.

Highway Safety and Access

98. CDLP Policy T15 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. CDLP Policies T17 and T6 seek to ensure that safe, attractive and convenient footpath links are provided, and where appropriate, to serve new development and provide access to public transport. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application, except for Policy T15 which uses out of date guidance and so is only partially compliant.
99. The NPPF sets out at Paragraph 32 that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
100. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic

assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.

101. The TA establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered “severe”. The TA takes into account impacts which would occur to the highway network in both Durham and Gateshead Local Authority areas.
102. In Durham, the Highway Authority considers the impact from allowing the proposed development to take access from Vigo Lane to be acceptable and not lead to issues in capacity in the future. However, the initial modelling indicated problems at the A167 (Durham Road) / Vigo Lane roundabout adjacent to the site with traffic generated from the proposed development, which would have caused a significant impact upon the highway network through queuing up to the roundabout.
103. In order to address this impact, a scheme of mitigation is proposed, which remodels the area around the roundabout for traffic approaching from the east along Vigo Lane, the off-set of bus stops into new laybys to Vigo Lane and the provision of protected right-hand turns. The Highway Authority considers that these changes would be sufficient to reduce the impact upon the junction in the future to an acceptable level and accordingly, these matters will be secured by condition.
104. Finally, further to the south, the impacts from the development upon the A167 / A693 signalled junction are again considered to not lead to issues in capacity in the future.
105. In terms of the concerns about the impacts upon the public highway network to the north, and within the Gateshead Local Authority Area, the TA indicates that the development would lead to increased traffic utilising the network in the area. However, many of these junctions already feature high levels of traffic flow and whilst the modelling within the TA indicates there would be an increase as a result of development, this increase is considered to be insignificant in relation to the overall traffic levels in a busy urban area.
106. The proposed development provides pedestrian links to the north and west of the development site, with an option to link eastward to potential future development should this come forward. These links serve to provide access to the predominant sustainable transport option in the area, the bus. CDLP Policy T17 promotes the increased access of new development to sustainable transport links, and with the surrounding bus stops and the C2C route to the south of the site, this proposal is considered to adhere to the requirements of the Policy.
107. As a result, the impacts from the proposed development are, subject to mitigation at the A167/Vigo Lane, considered insignificant and would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF. The proposals therefore comply with CDLP Policies T17 and T6 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Flood Risk and Drainage

108. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only

consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

109. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding.
110. The FRA identifies that site is at low risk of flooding from fluvial, groundwater and sewer sources, very low risk from surface water flooding, and with negligible risk from tidal flooding. Overland flows would form the highest potential threat to flood risk for the site and mitigation is proposed to address this within the updated FRA.
111. With regards to how the development would address drainage, the application demonstrates that the previously developed nature of the site and its risk of contaminants precludes the disposal of surface water by infiltration.
112. As a result, it is proposed to dispose of surface water via connection to Northumbrian Water's surface water drain at Vigo Lane as the nearest surface water channel is 0.55km to the south across an urban environment. Discharge of surface water would be at a maximum rate of 35.3l/s, which is reflective of greenfield rates. Surface water attenuation will required to ensure this rate can be achieved and is proposed in the form of a SUDs scheme, which will prevent external flooding for both 1 in 30 year floods and up to 1 in 100 flood events.
113. The Council's Drainage and Coastal Protection officers have indicated that the development would adhere to the surface water management train to some degree by proposing source control (permeable surfacing and hard surface soakaways) and the inclusion of a SUDs basin within the scheme. However, the development does not propose the use of overland water channels to transport surface water across the scheme to the attenuation basin. The applicant has explained that the site requires significant grounds works as a result of its previous industrial use and so the implication of including overland swales and ditches would prove difficult. Officers advise that the SUDs structure would be adopted and maintained by the Council, in accordance with the SUDs Adoption Guide 2016, with costs being met through an estate rent charge.
114. With regards to the disposal of foul waters Northumbrian Water raise no objections. A condition can be added in the event of an approval to ensure a suitable means of connection and rate of discharge.
115. The development, while not securing all aspects of the Council's surface water management train does secure a suitable scheme of surface water drainage overall that would ensure that the development would meet the required greenfield run-off rate. The omission of overland transport of the surface water is a negative against the proposed development and the habitats that could create, however this is balanced against the underlining requirement to ensure suitable and safe surface water run-off and is on balanced considered acceptable and compliant with Part 10 of the NPPF.

Ecology

116. The closest sites of nature conservation interest are Pelaw Hill Railway Local Wildlife Site (LWS) which is located 380m and to the west of the East Coast Mainline, accessed via the C2C route; and the Waldrige Fell SSSI that is located to the north and west of Chester le Street. Part 11 of the NPPF seeks to ensure that

developments protect and mitigate harm to biodiversity interests, and where possible, improve them. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low. The County Ecologist has considered the content of the submitted information and has advised that the methodology and findings are sound.

117. The development of a previously-developed site would usually have little or no impacts, however this site has displayed some signs of regeneration having been cleared, and therefore providing some biodiversity value that would be lost through development. The Council's Ecologist has assessed these biodiversity losses as requiring compensation as they are significant at the local and parish level. In the absence of compensation on site, the applicant has agreed to provide a financial contribution of £22,000 (secured by means of planning obligation) towards improvements to the Waldrige Fell SSSI, through the creation of species rich grassland.
118. Mitigation within the submitted ecology survey proposes a 'green buffer' to be created alongside the woodland edge to western part of the site to protect foraging and flightlines for bats. An updated landscape plan has included revisions to include this buffer and Ecology officers are satisfied within the conclusions. Lighting within the scheme would have a potential wildlife impact and no details have been provided of proposed lighting in the development. It would therefore be appropriate to secure details of the proposed lighting scheme by way of condition.
119. Having regard to these proposed mitigation measures, the development would, it is considered, lead to an overall enhancement in biodiversity in accordance with the aims of Paragraph 118 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

Heritage Impacts

120. The application site does not lie within any designated heritage assets. The closest being Vigo House, grade II listed and situated some 375m away, and with no direct visual relationship with the site as a result of topography and direction of Vigo Lane. Consequently, it is considered that there would be no harm upon the designated heritage asset, Vigo House. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site.
121. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site.
122. Paragraph 134 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 12 of the NPPF.

Other Issues

123. CDLP Policy HP15 expects developments to make contributions with regard to social, community and infrastructure facilities, and is fully consistent with the requirements of Paragraph 17 of the NPPF and its core principles and the thrust of the Policy is considered to be consistent with Paragraph 72 of the NPPF which attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.
124. The School Places Manager has advised that for September 2017 there was an oversubscription to the nearby Park View Secondary School whereby 286 pupils applied for a place with an intake capacity of 240 pupils, and that the development is likely to generate an additional 25 secondary school pupils. Therefore, as a result of the proposed development, additional school places would be required in order to accommodate the pressure upon school places likely to result from this development.
125. A contribution of £352,550 is required in order to provide the additional capacity and this would be secured by means of a planning obligation. The School Places Manager advises that there is sufficient existing capacity at local primary schools in order to accommodate demand from this development.
126. Being previously-developed in nature, the site has been subject to Phase 1 study to assess the risk of contamination. These reports identify that contamination is clearly present, and a suitable means of remediation identified. Environment, Health and Consumer Protection officers raised no objection to the proposal subject to a planning condition requiring the submission of further survey work to ensure that this contamination is correctly mitigated. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe and appropriately remediated.
127. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Sustainability officers consider that information pertaining to sustainability and energy is lacking and requested that any planning permission be conditional on an embedded sustainability scheme being approved prior to development commencing. This is agreed and subject to an appropriate condition, the proposal would accord with the objectives of Part 10 of the NPPF.

Planning Obligations

128. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. CDLP Policy BE22 encourages the Local Planning Authority to enter into legal agreements to enhance the quality of developments, which is partially consistent with the above requirements of the NPPF. The proposed contributions towards education provision, improvements to biodiversity and offsite open space provision are all considered to be in accordance with these tests, as is the securing of affordable housing.

Planning Balance

129. This proposal is considered to accord with the development plan in principle, through the proposed redevelopment of a brownfield site within the established built environment. However, as a result of the relevant Planning Policies for the supply of housing being out of date (and not up to date in the absence of a 5 year housing land supply), the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

130. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
131. Given that even in the most exacting scenario, the Council can demonstrate 4.04 years of supply; it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. The level of contribution of supply that this development would make is between 1.12 and 1.34 months' worth of supply. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
132. This boost would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
133. The development is proposed to a previously-developed site that is currently vacant awaiting re-development and within the built envelope of development. Locationally, the development has excellent access to most services and facilities including Chester le Street and Birtley town centres, employment opportunities in these centres and beyond, as well as excellent access to sustainable modes of transport (bus and cycle links). These site characteristics offer substantial benefits in favour of the proposal.
134. Redevelopment of the application site for housing would result in a reduced impact upon the residential amenity of neighbouring properties than that of the previous BOC industrial operation.
135. The site has sufficient amenity open space and play space on site but has an under provision in 3 out of the 6 open space typologies on site and has resulted in the developer contributing £203,000 in lieu of providing these on site giving a neutral gain in open space. Similarly, the contribution of £22,000 in lieu of habitat loss on site would be considered a net biodiversity gain as a result of the development.

136. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

Adverse Impacts

137. A shift from the previous industrial type development that once occupied the site would result in some adverse economic impact upon the local area through the loss of an employment site; however this site is not a designated employment site in the CDLP.

CONCLUSION

138. The residential development would draw support from CDLP Policy HP6 in terms of its location and previously-developed nature; however, the NPPF sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policies, that the presumption in favour of sustainable development is engaged. In the context of Paragraph 14, the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
139. As set out above, the proposed development would result in limited adverse impacts, and they do not "significantly or demonstrably" outweigh the substantial benefits identified above, and as a result, the proposed development can be considered to constitute sustainable development for the purposes of Paragraph 14, for which there is a presumption in favour.
140. The proposal has generated limited public interest, with letters of generally in support of the proposals with concerns outlined. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 15% affordable housing units on site
- £352,550 towards the provision of additional capacity at Park View Secondary School
- £203,000 towards the provision or improvements to open space and recreation within North Lodge Electoral Division,
- £22,000 towards biodiversity improvement at Waldridge Fell SSSI,

and subject to the following conditions:

Time Full

1. The development hereby permitted in "Phase 1" as identified on drawing 'Phasing Plan BY_CP_02' shall be begun before the expiration of three years from the date of this permission

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Time Outline

2. No development other than site clearance and remedial works shall take place in Phase 2 as identified on drawing 'Phasing Plan BY_CP_02' until approval of the details of the landscaping of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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

No. of Dwellings

3. The development hereby approved on "Phase 2" as identified on shall comprise a maximum of 80 dwellings.

Reason: To define the consent and precise number of dwellings approved.

Plans

4. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents :-

VL-SL-01 Rev C – Overall Masterplan

VL-SL-02 Rev C – Site Layout

Material Schedule

VIG/ASY/001 – Ashbury

VIG/ASN/001 – Ashton

VIG/CRD/001 – Cranford +

VIG/DAN/001– Dalton Option 1

VIG/DAN2/001– Dalton Option 2

VIG/KIN/001 Rev A – Kilmington

VIG/KIM/001 - Kirkham

VIG/MAN/001 – Malton

VIG/NEN/001 – Newton

VIG/NOY/001 Rev A – Norbury

VIG/NOY/001 Rev A – Norbury (Corner)

VIG/ROY/001– Rosebury

VIG/SUN/001 – Sutton

102513/8007 Rev B – Landscape Proposals Plan

BY_CP_02 – Phasing Plan

VL-EHL-01 rev E – External Hard Landscaping and Boundary Treatments

QD1267-03-01 – Drainage Engineering Layout

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, HP15, T6, T8, T15, T17, RL5, BE2, BE22 of the Chester le Street District Local Plan.

Engineering details of access and highway improvements

5. Prior to the occupation of the first dwelling hereby approved, full engineering details of the access and highway improvement works as detailed on plans 102513/2004 Rev B and 102513/2003 Rev A, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be fully implemented in accordance with agreed details and timings.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and part 4 of the NPPF.

Maintenance of highway

6. Prior to the occupation of the first dwelling hereby approved, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including shared surfaces, private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details and timings.

Reason: In the interests of highway safety in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and Part 4 of the NPPF.

Tree Protection

7. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policy HP9 of the Chester le Street District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Landscape implementation and management and right of public accessibility

8. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved, a detailed landscaping scheme in relation to Phase 1, based on the principles set out in the Landscape Proposals Plan, Drwg 102513/8007 Rev B shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;

- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management and maintenance of all areas of open space in perpetuity.
- Details of all means of enclosures.

The approved landscaping scheme shall thereafter be fully implemented in accordance with the approved details and timeframes.

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester le Street Local Plan and Parts 7 and 11 of the NPPF.

9. Notwithstanding the submitted information, prior to the occupation of the 124th dwelling hereby approved, a detailed landscaping scheme in relation to Phase 2 shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management and maintenance of all areas of open space in perpetuity.
- Details of all means of enclosures.

The approved landscaping scheme shall thereafter be fully implemented in accordance with the approved details and timeframes.

Trees, hedges and shrubs within the area defined as public/structural landscape space planted in accordance with the scheme shall not be removed within five years.

Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester le Street Local Plan and Parts 7 and 11 of the NPPF.

Walking Trail

10. Notwithstanding the submitted information, prior to the occupation of the 5th dwelling, full details of the “Sensitive informal pathway” proposed to the west of the site as set out on drawing 102513/8007 Rev B should be submitted to, and approved in writing by the Local Planning Authority. The submitted details shall include, details of equipment to be installed, surfacing of the areas, any boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved pathway shall be fully implemented in accordance with the approved details and timeframes thereafter.

Reason: To ensure that the development provides on-site public art to comply with Policies BE2 and HP9 of the Chester le Street District Local Plan and Parts 7 and 11 of the NPPF.

Site Levels

11. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in Phase 1 as set out on plan drawing ‘Phasing Plan BY_CP_02’ shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policy HP9 of the Chester le Street District Local Plan and parts 7 and 11 of the NPPF.

12. Prior to the commencement of the construction of the 93rd dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in Phase 2 as set out on plan drawing ‘Phasing Plan BY_CP_02’ shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual amenity in accordance with Policy HP9 of the Chester le Street District Local Plan and parts 7 and 11 of the NPPF.

Travel Plan

13. Within a period of six months of the first occupation of any part of the development of the relevant phase, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy T6 of the Chester le Street District Local Plan and Parts 4 and 10 of the NPPF.

Foul and surface water

14. The development hereby approved shall be carried out in strict accordance with the 'Flood Risk Assessment and Drainage Strategy, March 2017' by Fairhurst.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

Public Art

15. Notwithstanding the submitted 'Public Art Strategy 102513-801-Rev C', prior to the occupation of the first dwelling, a scheme for the provision of public art on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy BE2 of the Chester le Street District Local Plan and Part 7 of the NPPF.

Embed Sustainability phase 1

16. Prior to the commencement of works on the erection of any dwelling in "Phase 1 as set out on plan drawing ED:SL:01 Rev H" a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Part 10 of the National Planning Policy Framework.

Embed Sustainability phase 2

17. Prior to the commencement of works on the erection of any dwelling in "Phase 2 as set out on plan drawing ED:SL:01 Rev H a scheme to minimise energy consumption (adopting a Fabric First Approach) for the dwellings must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Part 10 of the National Planning Policy Framework.

Lighting Strategy

18. Notwithstanding the submitted information, prior to the occupation of the first dwelling hereby approved a lighting strategy for the relevant phase shall be submitted to and approved in writing. The approved lighting strategy shall thereafter be incorporated into the development.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF.

Ecology Mitigation

19. The development shall be carried out in accordance with the mitigation outlined within the "Ecological Impact Assessment, Vigo Lane, December 2016".

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Paragraph 109 of the NPPF.

Working Hours

20. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

Noise Mitigation

21. All dwellings hereby approved shall be constructed in accordance with noise mitigation measures as contained within "Assessment of Noise Levels and Noise Amelioration Measures, Proposed Residential Development at Vigo Lane, Birtley, Avant Homes (North East), December 2016; Ref AH/VL/001" and fully implemented prior to the first occupation of each dwelling and retained in perpetuity thereafter.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.

Construction Methodology

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

- A Dust Action Plan including measures to control the emission of dust and dirt during construction
- Details of methods and means of noise reduction
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);

- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic.
- Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

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

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Land contamination

23. The development of any phase shall not commence until a scheme to deal with contamination for that phase has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of

all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

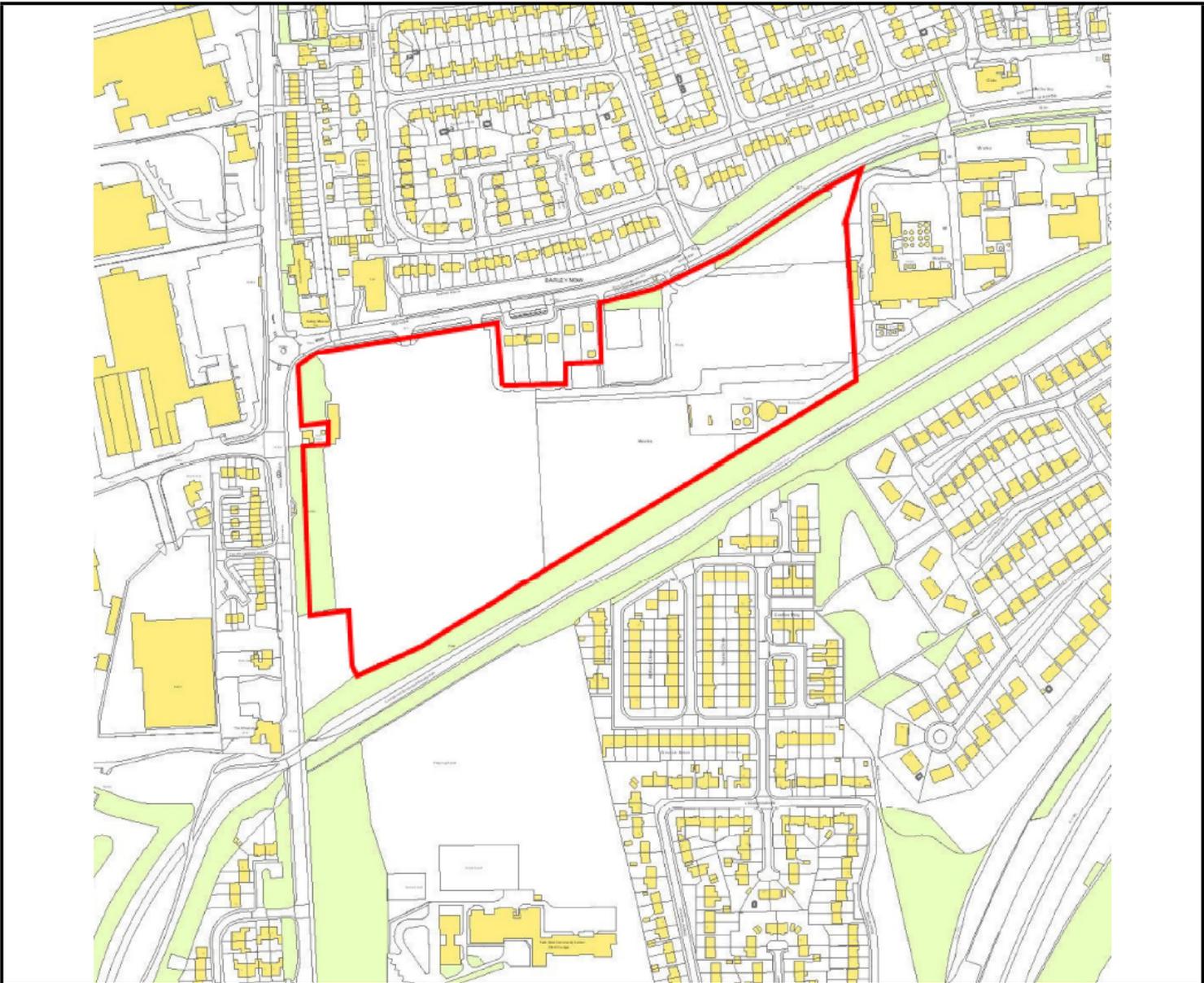
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Part 11 of the NPPF. This is required as a pre commencement condition in order to consider potential impact of land contamination which may be disturbed by site works.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- County Durham Settlement Study (2012)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance
- Chester le Street District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/16/04052/FPA

Hybrid application for full planning permission for the erection of 123 dwellings and associated access, landscaping and engineering works and outline planning permission (with landscaping matters reserved) for the erection of up to 80 dwellings.

British Oxygen Co., Vigo Lane, Chester-le-Street, DH3 2RD

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Comments

Date March 2017

Scale Not to scale

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