

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00379/FPA
FULL APPLICATION DESCRIPTION:	Residential development of 165 dwellings with associated infrastructure and landscaping.
NAME OF APPLICANT:	Taylor Wimpey North East
ADDRESS:	Land to The West of Valley Road, Pelton Fell, DH2 2NN
ELECTORAL DIVISION:	Chester-le-Street West Central
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 a largely rectangular shaped parcel of land located to the western edge of Pelton Fell to the north of the County. The site extends to approximately 11.31 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 10m in a south easterly direction. The site is bound by the highway Bluehouse Bank (B6313) to the north, which beyond lies the residential dwellings of Grange Terrace. Agricultural fields are located to the west and south while the dwellings of Valley Road are located to the east. An existing field access to the north taken off Bluehouse Bank provides vehicular access.
2. The Site is located approximately 891m to the north of Waldrige Fell Site of Special Scientific Interest (SSSI) and approximately 300m from Congburn Local Nature and Local Wildlife Site. Chester-le-Street Conservation area lies 1.6km to the east of the site. There are no listed buildings within 1 km of the site.

The Proposal

3. This planning application seeks full permission for the erection of 165 dwellings and the provision of open space and associated infrastructure including a new access onto Bluehouse bank. A detailed site layout has been submitted which sets out that the dwellings would be arranged around a series of cul-de-sacs taken off a main distributor road. It is indicated that there would be active frontages on to Bluehouse Bank and overlooking areas of public open space/Sustainable Urban Drainage System (SUDS)

features. The site layout sets out that a large area of public open space would be provided to the north west of the site whilst buffers would be created to the western and southern site boundaries. There would be a mix a terraced, semi-detached and detached dwellings, 20% of the dwellings would be secured as affordable housing.

4. The main vehicular access to the site would be taken off Bluehouse Bank, centrally along the northern site boundary. A protected right turn including pedestrian crossing islands and a new bus stop is proposed. A gateway feature including road narrowing is proposed approximately 300m to the west of the site along with the designation of a 30mph limit for this stretch of road.
5. As ecology mitigation as part of the proposals two ponds measuring 200m² in size (1.5m in depth) would be created to the southern extremeness of the site. These ponds and other land would be set aside for habitat creation.
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.

PLANNING HISTORY

7. There is no relevant planning history to the site

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). 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 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will

improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

12. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 – Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

<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; determining a planning application; design; flood risk; land stability; 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:

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 NE8 – Sites of Nature Conservation Importance and Local Nature Reserves* – Sets out that Local Nature Reserves, Sites of Nature Conservation Importance and other similar sites of nature conservation interest will be protected according to their significance to nature conservation. Planning permission will be granted only for development proposals which, enhance the designated site or do not harm the nature conservation of the site or compensate fully for the damage by habitat creation or enhancement elsewhere.
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 HP8 – Infill within Settlement limits* – Sets out that no change in settlement boundaries are proposed, however small-scale residential development will be permitted within the defined settlement smaller settlements including Pelton Fell, providing the site is classed as previously developed land, the site is accessible, can be sustained by the capacity of existing or potential infrastructure and the proposal is appropriate in scale, character and location.
28. *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.
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 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.
32. *Policy RL6 – Maintenance of recreational facilities* – Sets out that where new recreational facilities are required the Council will seek to ensure that the land and facilities provided will be maintained for a period of 10 years.
33. *Policy T6 - Provision of Public Transport (General)* - Sets out that development proposals 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.
34. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
35. *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.

36. *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.
37. *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.
38. *Policy TM2 – Great North Forest* – Sets out support of the long-term strategy for the implementation of a Community Forest in the North East. Development that is permitted within the Great North Forest, as defined on the Proposals Map, would be required to support the long-term Forest Plan strategy and objectives of, where appropriate.

RELEVANT EMERGING POLICY:

The County Durham Plan

39. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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> (Chester-le-Street District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Highways Authority* – It is advised that the proposed access arrangements to the site are broadly acceptable, this includes the proposed access into the site from Bluehouse Bank including the formation a protected right turn and gateway feature. This is subject to securing final engineering details of the access road the traffic calming scheme/gateway feature as well as setting out of sight lines prior to the commencement of the development. In terms of the developments impact on the wider highway network, mitigation is proposed in Chester-le-Street Town Centre to include a signalised junction replacing a mini roundabout at Picktree Lane. It is advised that this would mitigate the developments impact on the wider highway network, although some queuing would remain. A condition would be required to deliver this mitigation.
41. *Northumbrian Water* – Advise that the development should be carried out in accordance with the flood risk assessment.
42. *Drainage and Costal Protection* – Advise that the proposed methods of attenuation and treatment of surface water from the site through SUDS is acceptable, subject to a condition to agree a maintenance regime and subsequent delivery of the scheme.

43. *Highways Agency* – Offer no objections advising that Durham County Council should take into consideration any consequential impacts at the A1(M) junction 63 in relation to the operation of the adjacent A167/Park Road N/B6313 roundabout junction and recommend a robust travel plan is implemented to minimise the impact of travel created by the development.

INTERNAL CONSULTEE RESPONSES:

44. *Landscape* – Advise that the site is principally and most significantly visible from the adjacent B6313 over maintained roadside hedging on approach from the north west and the north. A public footpath (no.11) lies adjacent to the east of the site where there are ready views over the development site. It is advised that the change from rural to suburban would have a significant effect on the character of the local landscape representing a substantial inclusion of built form into the open countryside west of the village as seen from local viewpoints around the village and on approach from the west on the B6313. The development would also result in the loss of roadside hedge to accommodate the access and required visibility splays. It is however advised that the revised scheme illustrates a positive response to the site constraints.
45. *Landscape (Arboriculture)* – Advise that the submitted Arboricultural report is satisfactory and complies with current standards.
46. *School Places and Admissions Manager* – Advise that a development of 165 houses could produce an additional 50 primary pupils and 20 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient primary and secondary school places to accommodate the development.
47. *Housing Delivery* – Advise that the proposed 20% (33 units) 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 subject to minor amendments the Landscape Masterplan would incorporate biodiversity features within the developments would be sufficient to meet the requirements of the NPPF of biodiversity gain. A biodiversity management plan will be required for the site to include monitoring of replacement habitats over the long term. The offsite contribution of £35,000 to implement access control measures on the Waldrige Fell SSSI would mitigate the increased residential pressures on this wildlife site. Conditions should be secured to ensure that the ecology mitigation strategy including habitat mitigation and long term monitoring.
49. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is in close proximity of the Chester-le-Street Air Quality Management Area, an air quality impact assessment has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality are well below the national air quality objectives and therefore no objections to the application are made.
50. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers 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)* – Raise no objection recommending a conditional approach to requiring the submission of a construction methodology and restricting working hours are fully implemented.

52. *Archaeology* – Advise that the results of a trial trench evaluation and a geophysical survey have been submitted. These have fully characterised the archaeological remains on site which have proven to be limited of low significance. I therefore have no objection to the proposed development on archaeological grounds and no mitigation will be necessary.
53. *Access and Rights of Way* – Advise that there are no registered public rights of way within the site boundary, however the proposal represents a considerable development which will inevitably place pressure on the existing rights of way network in this locality. As such an offsite contribution, to improve public rights of way in the Cong Burn area is sought.
54. *Design and Conservation* – Advise that the scheme should be referred to the internal design review to be assessed against the 12 principles of Building for Life 12.
55. *Sustainable Transport* – Advise that the site is completely with 400 metres walk distance to the nearest served bus stops on the B6313 (Bluehouse Bank). Those stops are served by a 2 per hour frequency on the service 28/28a which provides good direct links to local and regional centres. It is suggested that offsite contributions should be sought to improve footpath and cycle links from the site to services and amenities. Advise that a final travel plan should be submitted by condition.
56. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation

NON-STATUTORY RESPONSES:

57. *Police Architectural Liaison Officer* – Advises that there is an established problem with off road motorcycles utilising the adjacent Congburn Wood, any off-site contribution from the developers would be welcomed to try and address these issues.
58. *NHS* – No response received.

PUBLIC RESPONSES:

59. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.
60. 10 letters of objection from local residents have been received in relation to the development as summarised below.

Principle/Sustainability of development

- The development would be contrary to policy NE2 of the Local Plan.
- The land is Green Belt Land.
- Concerns in relation to the capacity of doctor's surgeries.
- Capacity of local schools.
- The development will double the size of Pelton Fell, there is insufficient infrastructure to cope with the development.
- Redundant properties and bownfield land should be utilised first.

Highways

- Concerns on the impact of increased traffic on the highway network.
- Concerns on the visibility achievable out of the proposed junction.

Residential Amenity

- Impact on residential amenity through construction, on top of previous developments in the village.
- Glare from vehicles leaving the site will a loss of amenity.
- Loss of privacy from overlooking.

Other Issues

- Green Spaces will be lost, destroying a beautiful open wild area.
 - Loss of view, devaluation of property.
 - Concerns raised over potential subsequent phases.
 - Impact on local wildlife, including the loss of hedgerows.
 - Potential flooding issues.
 - There are limited benefits associated with the development other than benefiting the existing two trader in the village.
 - Impacts on air quality.
 - Concerns of mine shafts on site and land stability.
61. CPRE – Highlight that the land is allocated under Policy TM2 for the Great North Forest. Consider that the development is contrary to Policy NE2 and HP4 of the CDLP. This application is contrary to both those policies in that it is outside the Pelton Fell settlement boundary and the site is not otherwise allocated for housing development. As a result, it should be refused permission unless material considerations indicate otherwise. References to planning case law are made and the CPRE conclude that as the Council can demonstrate a 5 year housing land supply the application should be determined in accordance with any relevant policies in the Chester le Street Development Plan and should be refused with no material considerations indicating otherwise.

APPLICANTS STATEMENT:

62. Taylor Wimpey are a five star builder and committed to delivering family homes in Durham. We own the site and with our directly employed workforce supported by local subcontractors we want to invest in the community. We are committed to delivering much needed family homes in Pelton Fell as is evident from the time taken in the development of the proposals that form part of the application. We have worked with the Authority to develop proposal for the site for many years and the application before members was submitted in January 2018.
63. Taylor Wimpey have worked with Planning officers to amend proposals that we now consider is an improved scheme and the layout, SuDS features and areas of open space will allow us to create a place the existing and growing community will be proud of.
64. Time has been taken to consider matters around highways and the proposals include physical highways works not just adjacent to the site but offsite that will not only mitigate the impacts of development but also deliver improvements for the community.
65. There are no objections from Statutory or non-statutory consultees and we hope members will support the robust officer recommendation and committee report. If members approve the application work could commence in 2019 with family homes delivered in 2020.

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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

66. 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 advice within 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/Location of the development, housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, other issues and planning obligations.

Principle of Development

67. 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.
68. The CDLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
69. CDLP Policy NE2 seeks to strictly control development proposals beyond established settlement boundaries setting out that new dwellings will only be granted where there is a need to support existing agricultural or forestry activities. Where planning permission is required beyond these boundaries it should protect or enhance the quality of the countryside and be consistent with maintaining the economic sustainability of rural businesses. Policy HP6 of the CDLP sets out that proposals for residential development not allocated in the Local Plan will only be permitted within the defined settlement boundaries of the districts larger villages and Chester-le-Street. The proposal lying outside of the defined settlement boundary of the Pelton Fell therefore conflicts with policies NE2 and HP6 of the CDLP and also draws no support from Policy HP8, which allows infill housing only within the defined settlement boundaries of Pelton Fell.
70. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced and paragraph 11 of the NPPF is engaged.

71. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
72. As set out above the it is considered that the policies within the Local Plan are most important for determining the application are out of date (policies NE2 and HP6), by virtue of the out of date evidence which informed them, Therefore, the acceptability of the development must, therefore be considered in the context of Paragraph 11(d) of the NPPF as set out above.

Housing Land Supply

73. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
74. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 5.9 years supply (8,404 dwellings) of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.
75. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.

76. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and, as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply of 5.96 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
77. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and be achievable with a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect this submission of a detailed planning application is by a major house builder on land in their control who has recently delivered housing in the vicinity of the site. They have also stated that they intend to commence development later this year and start delivering units in 2020 at a rate of 30-35 dwellings per annum with 33 affordable housing units (20%).

Locational Sustainability of the Site

78. Policies T6, T12, T15 and T17 of the CDLP seek to ensure that development proposals are accessible by the public transport network in order to reduce reliance on the private motor car and encouraging walking and cycling as an effective means of transport. These policies are considered consistent with the NPPF in this respect with paragraph 103 of the NPPF sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this paragraph 110 of the NPPF sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Policies T6, T15 and T17 of the CDLP should therefore be afforded full weight in the decision-making process. Although Policy T12 is considered consistent with the NPPF, it refers to cycle parking standards that are now considered out of date. As such, Policy T12 should be afforded reduced weight in the decision-making process in this respect.
79. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which 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. In this respect the site is located on the edge of Pelton Fell representing a greenfield extension, however, a distance of approximately 250m is evident from the site to the village centre.
80. A limited range of facilities are provided within Pelton Fell, including a general store, post office and a community centre and doctors surgery. Whilst this would to a degree serve the needs of future residents, the majority of services, amenities and employment sites lie in surrounding villages and towns (the nearest primary school is located in Newfield approx. 1.3 miles away) wider employment opportunities, community facilities and transport hubs lie in Chester-le-Street (approximately 1.4miles) or in Stanley (4 miles away). At these distances the majority of services would be beyond the typical catchment of 20 minutes walking distance considered reasonable, as set out in relevant guidance. It is also recognised that the nature of walking and cycling routes to surrounding settlements would not encourage pedestrian

and cycle movements over less sustainable options. Therefore in order to promote pedestrian and cycle movements from the site, in accordance with policies T6, T12 and T17 of the CDLP and paragraphs 103 and 110 of the NPPF an off-site contribution totalling £142,219 is proposed. This would allow the formation of a dedicated cycle route from Pelton Fell to the C2C route, to the north of the site and, improve pedestrian links through Congburn Dene to Waldrige Lane. These improvements would provide enhanced links to health centres, secondary schools, retail units and employment sites.

81. The site, in its entirety, is within 400 metres walking distance to the nearest served bus stops on the B6313 (Bluehouse Bank). The bus stops are served by a 2 per hour frequency on the service 28/28a which provides good direct links to local and regional centres.
82. Overall, it is recognised that there are limited services and amenities within Pelton Fell to serve the needs of future residents without having to travel to surrounding settlements. Whilst there are good bus links to surrounding settlements and the offsite contribution would help promote walking and cycling links it is considered that a residual impact in this respect would remain, although not amounting to policy conflict, this should be taken into account in the planning balance. It is also recognised that whilst the offsite contributions would go some way to mitigating the developments impacts there would be a wider community benefit resulting from the improved links.

Landscape and Visual Appraisal

83. CDLP Policy NE2 seeks to protect or enhance the character and quality of the countryside while CDLP Policy HP9 requires new developments to relate well to the surrounding area and retain existing landscape features. This policy is considered consistent with Parts 12 and 15 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.
84. The Council's Landscape officers advise that the site is principally and most significantly visible from the adjacent B6313 over maintained roadside hedging on approach from the west. A public footpath (no.11) lies adjacent to the east of the site where there are ready views over the development site. It is advised that the change from rural to suburban would have a significant effect on the character of the local landscape representing a substantial incursion of built form into the open countryside west of the village as seen from local viewpoints around the village and on approach from the west on the B6313. The development would also result in the loss of roadside hedge to accommodate the access and required visibility splays.
85. It is advised that the development would effectively extend the built form of Pelton Fell to the west, although recognising that Plunkett Terrace to the north extends further west than the development site. The effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse, as with all developments of this nature. In deeper views from the south and west, the further encroachment of built form may be noticeable however the development would be set against the as the development would largely be seen against the backdrop of Plunkett Terrace and the western edge of Pelton Fell.
86. The visual impact of the development is reduced through the provision of a buffer to the western edge of the development which takes into account of the existing landform to provide for a subtle approach to Pelton Fell from the west. The development would also provide for a soft edge to the southern and western boundaries with active frontages overlooking buffer/landscaped areas. The existing mature hedge to the

western, southern and northern boundaries of the development site would be retained and with the exception of facilitating the vehicular and pedestrian entrances.

87. CDLP Policy TM2 sets out broad support for the implementation of a Community Forest in the north east, known as the Great North Forest, which includes the West Pelton Hills encompassing the application site. The policy sets out that development within the Great North Forest Area should, where appropriate, make provision for the retention and restoration for existing trees, hedges and woodland, provide for the integration of woodland planting, protect high quality landscapes and, improve the landscape of the area. Although the future of the policy is uncertain, in this respect the development would retain (with the exception of the access) existing hedgerows on site. Additional hedgerow and tree planting in the ecology mitigation area to the south of the site and through the development is proposed. Although this would not represent woodland planting, it is considered appropriate in this location and would not prejudice the aspiration of the formation of a community forest on wider land. There would, therefore, be no conflict with Policy TM2 in this respect.
88. Overall, the development would conflict Policy NE2 of the CDLP representing an encroachment for the urban environment into the open countryside. The built form of the development would remain relatively prominent in localised views resulting in a transformative adverse impact. The impact of the development in wider views is considered less significant being viewed against the existing developments of Pelton Fell. This adverse impact needs to be weighed in the planning balance.

Layout and Design

89. CDLP Policy HP9 sets out residential design criteria including requiring that new developments 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. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 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 its compliance with the NPPF significant weight can be afforded to CDLP Policy HP9 in this respect.
90. Paragraph 129 of the NPPF encourages the use of assessment frameworks based on Building for Life 12 (BfL12). In this respect the application has been considered by the Councils Design Review Workshop which, utilising BfL12 as an assessment framework, scored the site highly recognising that the site layout responds to the context, provides active street frontages whilst suggesting opportunities for improvements. Amendments to the site layout have been submitted during the application and to respond to design review comments.
91. 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 to the surrounding built environment by providing a low density attractive and active frontage onto Bluehouse Bank. Moving through the development active frontages frontage and corner turner units have been utilised to maintain an attractive street scene and overlook areas of public open space. The proposed house types are considered appropriate to the area, which does not exhibit a strong local vernacular, and are considered high quality in terms of design. The highway layout promotes a hierarchy of movement though the site, allowing both pedestrians and vehicles to navigate around the development, particularly using the public open space as links

across the site. Active frontages around these elements promotes natural surveillance and would promote their use.

92. Overall, it is considered that the development would relate well to the surrounding area in character, in terms of density and layout and density and would provide an attractive, efficient and safe residential environment in accordance with Policy HP9 of the CDLP and Parts 12 and 15 of the NPPF

Highway Safety and Access

93. CDLP Policies HP9 and T15 requires that development proposals should have a safe means of vehicular access and should not create high levels of traffic exceeding the capacity of the local road network. These policies are considered consistent 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 in this respect. Policy T8 of the CDLP requires that developments provide sufficient car parking in accordance with set guidelines, although this approach is considered consistent with the NPPF, the parking standards are out of date and have been replaced with more up to date standards. As such, Policy T8 should be afforded reduced weight in the decision-making process in this respect. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.
94. The proposed vehicle access to the site would be taken off Bluehouse Bank/B6313 where a protected right turn ghost traffic island would be created. An emergency vehicular access is proposed to the located further to the east, also providing a separate pedestrian access to the site. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network and concluded that the development would have an acceptable impact on relevant junctions.
95. In reviewing the proposals, the Highway Authority advise that this proposed access into the site would be acceptable, subject to the delivery of offsite highway works, including the formation of a gateway feature to the west of the site, to encourage lower vehicle speeds. It is also advised that the internal site layout is acceptable along with levels of parking proposed.
96. In terms of the impact on the wider highway network, it is identified that there are currently capacity issues within Chester-le-Street Town Centre, particularly on the west bound Picktree Lane to the Newcastle Road traffic lights causing traffic to back up onto the A167 in peak times. The Highway Authority have advised that the development would exacerbate this situation, potentially resulting in a severe highways impact. In order to address the developments impact in this respect, a scheme of mitigation works is proposed. This includes the removal and subsequent signalisation of the existing mini roundabout on Picktree Lane within Chester-le-Street town centre, to allow a controlled right turn onto Bridge End. Following a review and analysis of modelling around this junction and wider Chester-le-Street Town Centre traffic movements the Highway Authority advise that the proposed improvements would mitigate the impacts of the development and improve the existing situation with relation to queuing back on to the A167. This is considered to be a residual benefit of the development that can be afforded weight in the planning balance.
97. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision

is considered acceptable. The scheme is considered acceptable with regards to CDLP Policies HP9, T8 and T15 and Part 9 of the NPPF in this respect.

Residential Amenity

98. Policy HP9 of the CDLP sets out that new residential development should protect the amenities of adjoin properties and have regard to the indicative separation standards for residential estate design. This policy is considered consistent with Parts 12 and 15 of the NPPF which requires that developments are sympathetic to the local character, ensure a high standard of amenity for existing and future users, whilst seeking to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. Policy HP9 should be afforded full weight in the decision making process in this respect.
99. The indicative site layout sets out that separation distances between habitable room windows to existing neighbouring residential dwellings measure approximately 40m well in excess of the minimum 21m advocated in Appendix I of the CDLP. Given these separation distances, whilst recognising their outlook would change, it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook.
100. Internally to the site, the development would also achieve 21m direct separation distances between windows of habitable rooms and in general a minimum distance of 12.5m between gable and rear elevations would be achievable which is also promoted in Appendix I of the CDLP. In terms of noise, the application is accompanied by a noise survey high highlights that road noise is the dominant noise source, however this is at a level that would not require specific mitigation. The Council's Environmental Health and Consumer Protection Team advise that the findings of this report are sound and no further mitigation will be required in this respect.
101. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated. It is also recommended to control any plant erected on the proposed health centre to prevent any loss of amenity for future residents.
102. Public objection received includes some concern in regard to glare from vehicles leaving the site. Any increase in vehicular movements with headlights on would not be such that it is considered it would result in an acceptable impact in amenity.
103. Overall, the scheme would comply with Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents subject to appropriate conditions.

Ecology

104. Saved Policy NE8 of the CDLP sets out that development proposals should not harm the nature conservation interest of protected sites or compensate for the damage by habitat creation or enhancement elsewhere. This policy is considered consistent with Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains. The Site is located approximately 891m to the north of Waldrige Fell SSSI and approximately 300m from Congburn Local Nature and Local Wildlife Site. The site, particularly its margins along mature hedgerow provide potential for foraging opportunities for bats. The site and its immediate surroundings offer nesting opportunities for a range of bird species.

Objections have been raised from local residents regarding the loss of habitat, wildlife and green space.

105. An Ecological Impact Assessment informed by relevant surveys has been submitted in support of the application. The report identifies that the site as a whole is considered to be of local ecological value, supporting habitats that are common in the wider area. A pond to the south of the site is considered to be of parish value as it is known to support a population of great crested newts. The site, particularly its margins along mature hedgerow provide potential for foraging opportunities for bats. Badgers are known to be present in the wider area and there is potential that they will forage on site on occasion.
106. The Ecological Impact Assessment concludes that development would result in the loss of an area of open green space and habitats of local ecological value. However proposed site layout and landscape masterplan makes provision of wild grass and wild flower grass areas, which would offset any impact in this respect and result in a net bio-diversity gain. The submitted ecology report also highlights that increased recreational pressures on nearby wildlife sites may cause an adverse impact. In order to address this a contribution of £35,000 to implement access control measures on the Waldrige Fell SSSI would mitigate the increased residential pressures on this wildlife site.
107. In terms of Great Crested Newts the development may result in the loss of terrestrial habitats, however the majority of the habitats to be lost are arable land of low value to amphibians. The pond adjacent to the southern boundary of the site is proposed to be retained, there is potential for adverse impacts on this feature as a result of pollution and a change in water levels. A compensatory strategy is proposed including the formation of two additional ponds to the south of the site linked by a corridor of wildflower grass land and hedgerow planting. A programme of trapping and translocation to remove any newts from the development site before different elements of the development are completed.
108. The Ecology Section advise that the methodologies and conclusions of the submitted ecology surveys and reports are sound and the incorporation of biodiversity features within the developments would be sufficient to meet the requirements of the NPPF of biodiversity gain. It is advised that a Natural England Licence in relation to the proposed Newt mitigation strategy would be required.
109. Under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England which is normally obtained after planning permission has been granted. When deciding whether to grant a licence to a person carrying out activity which would harm a European Protected Species (EPS) the regulation contain three "derogation tests" which must be applied by Natural England The three tests are that: the activity to which the licence is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and favourable conservation status of the species must be obtained.
110. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under Regulation 9(3) and also be satisfied that these three tests are likely to be met and that Natural England is likely to grant a protected species license when deciding whether to grant planning permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their function.

111. In applying the three tests, the development is considered necessary in the public interest delivering housing, including affordable housing and contributing to the supply of housing in the area. In terms of satisfactory alternatives, housing at this location aligns with strategic policy at a national level. The “do nothing” approach should be considered and it would be alternative for the development to not occur at the site, albeit the above mentioned contribution to the delivery of housing would not occur. This is not considered to be a satisfactory alternative. In respects to the third test, the conservation status of the species will not be negatively impacted upon as new ponds are to be created and habitat linkages maintained and enhanced which will support the population in the long term in the wider countryside. Overall it is considered to remain likely that Natural England would grant an EPS licence.
112. Due to the close proximity to a SSSI, Local Nature Reserves and Local Wildlife there is a potential for adverse impact on these features as a result of increased footfall and disturbance from increase number of residents. In order to address this, a contribution of £35,000 for mitigation measures to be implemented within the Waldrige Fell SSSI to deliver access controls to relive pressures on the most sensitive parts of the site.
113. Overall it is considered that subject to the proposed mitigation measures, including habitat creation, adoption of working methodologies and off-site contributions, the development the development would not have a negative impact on designated ecology sites or species especially protected by law while achieving the NPPF aims of a net biodiversity gain. The development is considered to comply with Policy NE8 of the CDLP and Part 15 of the NPPF in this respect.

Flooding and Drainage

114. 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.
115. 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 detention basins to attention and treat surface water in 1 and 100 year flood events to allow infiltration ensuring that there would be minimal runoff from the site. Drainage and Costal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk and would adequately treat and dispose of surface water. Foul Northumbrian Water offer no objections to the approach of surface Water management.
116. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station, to which Northumbrian Water raise no objections to.
117. Subject to conditions requiring the implementation of the drainage strategy, including the submitted management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Ground conditions

118. In relation to land contamination the applicant has submitted a phase 1 desk top study and a 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 Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.
119. The site lies outside of the Coal Authority High Risk Area and therefore a risk assessment in relation to previous coal mining activity is not required.

Other Issues

120. NPPF Paragraph 172 states that LPAs should recognise the economic and other 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. A site specific investigation into the land classification has been submitted identifying that the development would result in the loss of 9.8ha of Best and Most Versatile Agricultural Land (consisting of 1.8ha of subgrade 3a and 8ha of Grade 2)
121. The loss of land classified as best and most versatile does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that the loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
122. The site is in close proximity of the Chester-le-Street Air Quality Management Area, an air quality impact assessment has been submitted assessing the impact of the development. it is advised that the modelled levels of air quality are well below the national air quality objectives and therefore no objections to the application are made.
123. The Archaeological Officer advises that the results of a trial trench evaluation and a geophysical survey have been submitted. These have fully characterised the archaeological remains on site which have proven to be limited of low significance. No objection is therefore made to the proposed development on archaeological grounds and no mitigation will be necessary in accordance with Part 16 of the NPPF.
124. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.

Planning Obligations

125. Policy BE22 of the CDLP sets out that wherever necessary the 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. This requirement is replicated in paragraphs 54 and 56 of the NPPF which sets out that Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition subject to meeting relevant tests.
126. CDLP Policy HP13, in accordance with paragraph 62 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 20% provision on site. The applicant has

agreed to this requirement, with the delivery and tenure as set out in paragraph 47 to be secured through a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended).

127. CDLP Policy HP9 sets out that residential developments should provide adequate open space for children's play areas and landscaping. Furthermore CDLP Policies HP13 and R15 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 and subsequent maintenance of such community facilities. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018 which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF.
128. 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.
129. In this instance the indicative site layout indicates that around 3.5ha of amenity open space and semi natural green space would. This provision, along with other indicated incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £168,250 (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 planning obligation. A condition is recommended to secure the continued management and maintenance of onsite open space in accordance with Policy RL6 of the CDLP.
130. The School Places and Admissions Manager advises that a development of 156 houses could generate an additional 50 primary pupils and 20 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 advised that there is sufficient capacity in local primary and secondary schools to accommodate the additional pupils generated.
131. The 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.
132. No response has been received from the NHS in relation to GP capacity within existing facilities in the area, but it is recognised that there are a number of GP surgeries which could serve the development.
133. Police Architectural Liaison Officer Advises that there is an established problem with off road motorcycles utilising the adjacent Congburn Wood and any off-site contribution from the development would be welcomed to try and address these issues. In considering this matter, whilst the existing anti-social problems are appreciated and are known to be a local source of disturbance, this is considered to be an existing problem and not directly linked to the development and therefore would not satisfy relevant S106 tests.
134. Policy BE2 (Public Art) sets out that the Council will encourage an offsite contribution the provision of works of art within the area. However, it is considered that this

contribution is not required to make the development acceptable when having regard to relevant tests, as set out below.

CONCLUSION

135. The development would result in development beyond the established settlement boundaries of Pelton Fell, impacting on the character and appearance of the countryside, in conflict with policies NE2 and HP6 of the CDLP. The NPPF is a material planning consideration capable of outweighing conflict with the development plan.
136. CDLP Policies NE2 and HP6, the most important policies for determining the application, are considered out of date and there are no policies within the framework that protect assets of particular importance. Consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF in that that 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 Framework taken as a whole

Benefits

137. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate 5.96 years of deliverable housing land supply (8,404 dwellings) against an objectively assessed need and a further 15,946 committed dwellings beyond the five-year period. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced while recognising the detailed nature of this application and likely timings of housing deliveries.
138. Typical of any residential housing development, 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.
139. The development would provide an increased range of house types including 20% affordable housing units which would meet an identified short fall within the County.
140. The development would improve pedestrian and cycle connections from Pelton Fell for existing residents through a financial contribution.
141. The town centre highway mitigation works would improve traffic flows and reduce the risk of queuing on the A167.
142. Based upon the ecological works proposed and off-site contribution, it is considered that the development would lead to net gain in terms of biodiversity.
143. The provision of SUDs would reduce runoff rates on the developed portion of the site to below current greenfield run off rates.

Adverse Impacts

144. The proposed development would amount to a substantial incursion into the countryside which would result in adverse harm to the character of the local landscape.

145. Even taking into account proposed off site contributions to improve pedestrian and cycle links, due to the distances of walking routes to Chester-le-Street a residual impact would remain in this respect of accessibility of services.
146. The development would result in the loss of 9.8ha of Best and Most Versatile Agricultural Land, however, this loss is considered to not be significant.
147. Overall on balance, in this instance the above adverse impacts identified are not considered to significantly and demonstrably outweigh the benefits associated with the development. This conclusion after applying the planning balance test is considered to outweigh the development conflict with local plan policies.
148. Paragraphs 54 and 56 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 contributions towards provision of open space and sporting opportunities, connection improvements, ecology mitigation and the provision of affordable housing are considered necessary for the development to be considered acceptable and therefore meet the relevant tests. 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.
149. 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:

- 20% affordable housing on site;
- £168,251 towards open space and sporting provision within the Electoral Division;
- £35,000 to implement access control measures on the Waldrige Fell SSSI; and,
- £142,219 towards the formation of a dedicated cycle route from Pelton Fell to the C2C route and improved pedestrian links through Congburn Dene to Waldrige Lane.
- The provision of a Targeted Recruitment and Training Scheme

and subject to the following conditions:

Implementation Time

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.

Approved Plans

2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

Planning Layout 1 of 2 – PEL/SK-01a Rev C
Planning Layout 2 of 2 – PEL/SK-02 Rev –
Landscape Masterplan – 1016.03 Rev D
Detailed Landscape Proposals 1 of 7 - 1016.04 Rev C
Detailed Landscape Proposals 2 of 7 - 1016.05 Rev C
Detailed Landscape Proposals 3 of 7 - 1016.06 Rev B
Detailed Landscape Proposals 4 of 7 - 1016.07 Rev A
Detailed Landscape Proposals 5 of 7 - 1016.08 Rev B
Detailed Landscape Proposals 6 of 7 - 1016.09 Rev A
Detailed Landscape Proposals 7 of 7 - 1016.10 Rev A
Materials Schedule – PEL/SK-19 Rev –
Enclosure details – PEL/SK-30 Rev –
Garage Plans – GARAGES/PL1 Rev –
Garage elevations – GARAGES/PL2 Rev –
PA25 Belford Floor plans – PA25/7/PL1 Rev –
PA25 Belford Elevations – PA25/7/PL2 Rev –
PA30 Dadford Floor Plans – PA30/7/PL1 Rev –
PA30 Dadford Elevations – PA30/7/PL2 Rev –
PA34 Gosford Floor Plans – PA34/7/PL1 Rev –
PA34 Gosford Elevations – PA34/7/PL2 Rev –
PA48 Shelford Floor Plans – PA48/7/PL1 Rev –
PA48 Shelford Elevations – PA48/7/PL2 Rev –
PD32 Aldenham Floor Plans – PD32/7/PL1 Rev –
PD32 Aldenham Elevations – PD32/7/PL2 Rev –
PD48 Bradenham Floor Plans – PD48/7/PL1 Rev A
PD48 Bradenham Elevations – PD48/7/PL2 Rev –
PD49 Downham Floor Plans – PD49/7/PL1 Rev A
PD49 Downham Elevations – PD49/7/PL2 Rev –
PD410 Eynsham Floor Plans – PD410/7/PL1 Rev A
PD410 Eynsham Elevations – PD410/7/PL2 Rev –
PD411 Haddenham Floor Plans – PD411/7/PL1 Rev A
PD411 Haddenham Elevations – PD411/7/PL2 – Rev –
PT45 Teasdale Floor Plans – PT45/7/PL1 Rev –
PT45 Teasdale Elevations - PT45/7/PL2 Rev -
Drainage strategy – SK02 – P6
Sketch Levels and Retaining – SK03 – P4
Sketch Levels and Retaining – SK04 – P4
Sketch Levels and Retaining – SK05 – P4

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

Construction Management Plan

3. No development shall commence until a Construction Management Plan has been 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:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for

- piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
 5. Designation, layout and design of construction access and egress points;
 6. Details for the provision of directional signage (on and off site);
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. 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 in accordance with policy HP9 of the Chester-le-Street Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

Tree Protection

4. No development shall commence until a scheme for the protection of all trees and hedges (to be retained) during construction is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken and protection measures retained for the duration of the construction works.

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 Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that adequate protection measures are in place.

Highways Mitigation Town Centre

5. Prior to the occupation of the 1st dwelling hereby approved the highway improvement works detailed on Coast Consulting Proposed Works drawing 1743/CLS02/P2 shall be constructed and brought into operation.

Reason: In order to mitigate the impact of the development and maintain highway safety in accordance with Policies T6, T15, T17 and HP6 of the Chester-le-Street District Local Plan and Part 9 of the National Planning Policy Framework

Highways Mitigation and Access

6. No development shall commence (excluding ground works, ecological mitigation works and any land remediation works) until full engineering details of the access and highway improvement works in general accordance with the works detailed on plan no. JN1231-Dwg-008F has been submitted to and approved in writing by the Local Planning Authority. The submitted details include a timetable of implementation and completion of the access and highway improvement works. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies T6, T15, T17 and HP6 of the Chester-le-Street District Local Plan and Part 9 of the National Planning Policy Framework

Emergency Vehicular Access

7. Prior to the occupation of the first dwelling hereby approved full engineering details of the proposed emergency vehicular access plan no. PEL/SK-01a Rev B shall be submitted to and approved in writing by the Local Planning Authority. The submitted details include a timetable of implementation and completion of the works. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies T6, T15, T17 and HP6 of the Chester-le-Street District Local Plan and Part 9 of the National Planning Policy Framework

Site Visibility

8. No development shall commence (excluding ground works, ecological mitigation works and any land remediation works) construction until the site visibility splays set out on plan no. JN1231-Dwg-0019 have been laid out in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies T6, T15, T17 and HP6 of the Chester-le-Street District Local Plan and Part 9 of the National Planning Policy Framework

Travel Plan

9. Within a period of six months of the first occupation of any part of the development a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken 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 T17 of the Chester-le-Street District Local Plan and Part 9 of the National Planning Policy Framework.

Ecology Mitigation Implementation

10. The development shall be carried out in accordance with the mitigation outlined within the:-
- Preliminary Ecological Appraisal, Version R02, dated 21.07.17
 - Ecological Impact Assessment, Version R05, dated 26.01.18
 - Bat Survey, Version R03, dated 26.01.18
 - Great Crested Newt Mitigation Strategy, Version R08, dated 26.01.18
 - Ornithological Survey, Version R04, dated January 18
 - Ecological Survey and Assessment ref 2015-109 compiled by ERAP Consultant Ecologists.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with policy NE8 of the Chester-le-Street District Local Plan and part 15 of the National Planning Policy Framework.

Working Hours

11. In undertaking the development that is hereby approved:
- No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.
 - No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 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 in accordance with policy HP9 of the Chester-le-Street Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

Land Contamination

12. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

Contaminated Land (Phase 4)

13. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Landscaping

14. Notwithstanding the submitted information, prior to the occupation of the 1st dwelling hereby approved a detailed landscaping scheme 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, maintenance and accessibility of all areas of open space and landscaping in perpetuity.
 - Details of all boundary treatments and enclosures.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes. Trees, hedges and shrubs 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 Part 15 of the National Planning Policy Framework.

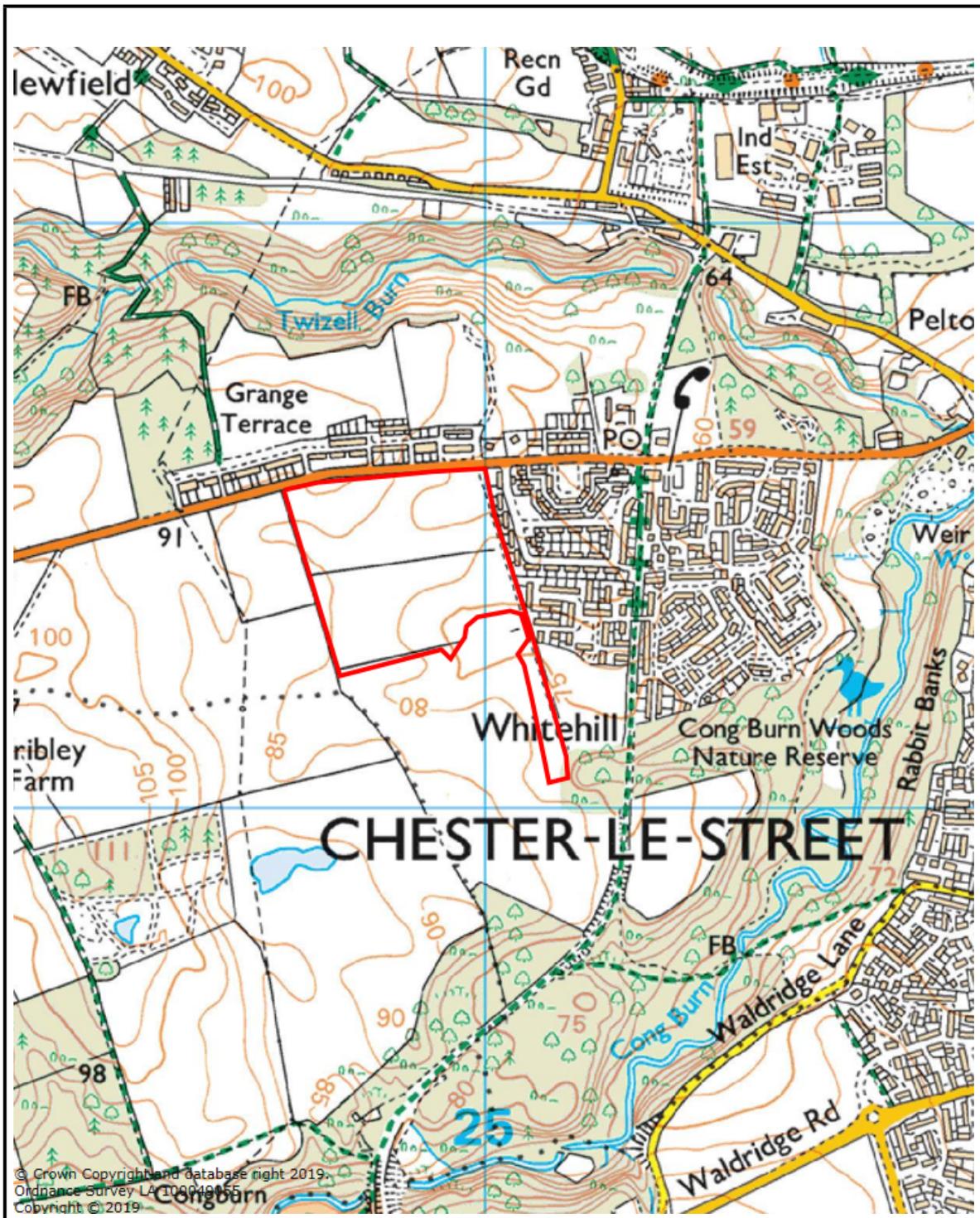
STATEMENT OF PROACTIVE ENGAGEMENT

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 (2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan
The County Durham Plan (Pre Submission Draft)
The County Durham Strategic Housing Land Assessment
The County Durham Strategic Housing Market Assessment
Statutory, internal and public consultation responses



Planning Services

DM/18/00379/FPA
 Residential development of 165 dwellings
 with associated infrastructure and
 landscaping.

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Comments

Date May 2019

Scale Not to scale