

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/02849/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (revised description)
<b>NAME OF APPLICANT:</b>	Taylor Wimpey
<b>ADDRESS:</b>	Land to the west of Valley Road, Pelton Fell, DH2 2NN
<b>ELECTORAL DIVISION:</b>	Chester-le-Street West Central
<b>CASE OFFICER:</b>	Louisa Ollivere, Senior Planning Officer 03000 264878 <a href="mailto:louisa.ollivere@durham.gov.uk">louisa.ollivere@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### 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 5.64 hectares (ha) in area and comprises agricultural fields. The site is bound by a residential development site currently under construction to the north(DM/18/00879/FPA), a recently completed residential development to the east (DM/19/01108/FPA) and agricultural land to the south and west.
2. The site is not subject to any designations within the Local Plan. It is located approximately 651m to the north of Waldrige Fell Site of Special Scientific Interest (SSSI) and 120m from the 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. Public Right of Way Path Number 11 lies to the south east of the site.

#### The Proposal

3. Planning permission was originally sought for outline permission for up to 150 dwellings on this site with all matters reserved except for access, with the built form extending further to the south. Following consideration at Design Review where the development scored poorly in all areas, and in response to main concern over walking distances to services the applicants submitted revised plans earlier this year. The planning application now seeks outline permission for the erection of 80 dwellings on the site and has reduced the southern development limit. An Indicative Masterplan has been submitted which now indicates that SuDs features will be located to the west of the site within a large area of landscaped open space. An area of landscaped open space is also indicated to the southern boundary of the site.

4. The development will be accessed from Bluehouse Bank via the existing access associated with residential development currently under construction to the north (DM/18/00879/FPA). Links will also be created to the existing pedestrian access points north of the site. A footpath link is also proposed to connect with the Public Right of Way Number 11 to the south east.
5. The mix of dwellings will be determined by subsequent Reserved Matters applications, however 15% of the dwellings will be secured as Affordable Housing.
6. Off-site scrub and tree planting is proposed to the south of the site on land within the applicant's ownership.
7. 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.

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## **PLANNING HISTORY**

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8. There is no relevant planning history to the site.
9. The proposal forms a second phase following a previously approved residential development located to the north of the site which is currently under construction:
10. DM/18/00379/FPA – Residential development of 165 dwellings with associated infrastructure and landscaping at Land to the West of Valley Road, Pelton Fell, DH2 2NN.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). 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.
12. In accordance with Paragraph 219 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.
13. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

14. *NPPF Part 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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 - Conserving and Enhancing the Natural Environment -* 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.
22. *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.

23. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

24. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; 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 County Durham Plan

25. *Policy 6 – Development on unallocated sites* – States that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided it: a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land; b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development; c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for; d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement; e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity; f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement; g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding; i. where relevant, makes as much use as possible of previously developed (brownfield) land; and j. where appropriate, it reflects priorities for urban regeneration.
26. *Policy 10 – Development in the Countryside* – States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions: specific types of economic development, specific types of infrastructure development or some specific

development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.

27. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
28. *Policy 15 - Addressing Housing Need*. Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
29. *Policy 19 - Type and Mix of Housing*. Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
30. *Policy 21 - Delivering Sustainable Transport*. Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
31. *Policy 25 - Developer Contributions*. Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. *Policy 26 – Green Infrastructure*. States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
33. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure*. States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
34. *Policy 29 – Sustainable Design*. Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources;

providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

35. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration, and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
36. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
40. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
41. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or

compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

42. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
43. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
44. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

#### **NEIGHBOURHOOD PLAN:**

45. There is no Neighbourhood Plan for this area.

*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/Development-Plan-for-County-Durham>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

46. *Northumbrian Water* – Advises that development should be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
47. *National Highways* – No objections.
48. *Highway Authority* - Offers no objections subject to conditions securing town centre signalisation upgrades, traffic calming features and bus stop improvements associated with Phase 1 prior to occupation.
49. *Drainage and Coastal Protection* – Advise that the proposal meets the Council's standards for an Outline Application in relation to a commitment to provide a sustainable solution to surface water management. It is advised that the detailed design should follow the proposals as set out in the Flood Risk Assessment and Drainage Strategy – Issued 15th March 2022 and the detailed design should consider the overland flow routes from the west of the site to mitigate flooding to the new development as well as preventing flooding to adjacent land and property.

50. *The Environment Agency* – no comments received to date.

#### **INTERNAL CONSULTEE RESPONSES:**

51. *Archaeology* – Advise that the applicant has submitted the results of a trial trench evaluation which concurs with most of what the archaeological report concludes - that mitigation is needed in some areas, and that in other areas no further work is needed. However, it suggests further mitigation in relation to remains in Trenches 2 and 9 which can be secured by conditions, with the exact details of the areas to be covered worked out as part of the Written Scheme of Investigation.
52. *Design and Conservation* – Conclude that the proposal has been amended to reflect the comments raised through the Council's internal Design Review process. No objection is raised with regard to conservation.
53. *Environmental Health (Air Quality)* - Given the revocation of the AQMA it is advised that the inclusion of additional developments as cumulative traffic flows (affecting both future baseline and future operational conditions) is less of an issue and no further action is considered necessary.
54. *Environmental Health (Contaminated Land)* – No objections are raised; it is however advised that a conditional approach is secured to ensure remediation is undertaken.
55. *Environmental Health (Pollution Control)* –No objections. However, in consideration of the potential for noise generation during both the construction and operational phases, appropriate conditions are recommended including requiring an updated construction management plan.
56. *Housing Delivery* – Are satisfied with the affordable housing statement but requests the developer enters into further discussions regarding mix and product for home ownership.
57. *Ecology* – Advise that the Biodiversity Net Gain Assessment is sound and ensures delivery as part of the development. It is advised that any future reserved matters application will need to be supported by an updated Metric and Biodiversity Management Plan that links to the landscaping, delivery over a minimum of 30 years secured via an appropriate legal agreement.
58. *Landscape* – Advise that the inclusion of the landscape buffer to the south with dwellings fronting onto it would help to provide accessible open space around the entire perimeter of the development and would strengthen the new settlement edge. It is advised that it would be preferable to include at an appropriate stage landscape details for large size native trees which could filter the facades of the proposed housing in views towards the settlement and retain and frame views out to the south from the site towards the Area of Higher Landscape Value. The Officer considers that this would be preferable to the creation of a solid buffer given the benefit of usable open space provision and the potential of views out over attractive countryside. The tree lined primary route into the site is welcomed however it is advised that there is scope for additional lines of trees along streets where trees are not currently shown such as within the northern area of the site.
59. *Trees Officer* – Offers no objection and advises that the arboricultural report complies with current standards and shows that trees will not be lost providing correct protective measures are in place.



60. *Public Rights of Way* – Offers no objection following confirmation that the link with public footpath no. 11 is to be permissive.
61. *School Places Manager* – Advises that 80 houses could produce 10 additional secondary pupils and requests a contribution of £165,540.
62. *Spatial Policy* – Note that the proposal site is located on the edge of the built-up area of Pelton Fell. It is advised that Policy 6 sets down several key criteria for considering whether a proposal can be supported in principle terms. While the Officer advises a number of concerns are highlighted in the SHLAA assessment, it is noted that the revised proposal reduces the development area and number of dwellings, which has the potential to mitigate those concerns, however the Officer notes that specialist comments will help determine how well the revised scheme performs in relation to Policy 6. In respect of open space contributions, it is advised that this would amount to £118,448 providing the amenity and children's play space are provided on site.
63. *Sustainable Travel Officer* – raised concerns over the original application distance to public transport and requested plans in respect of connectivity and recommended a Travel Plan condition.
64. *Travel Plans Officer* – Requested more tangible measures to encourage bus travel such as a Public Transport Teaser.
65. *Sustainable Development and Energy Officer* – No comments to date.

#### **EXTERNAL CONSULTEE RESPONSES:**

66. *NHS* – Requests a contribution of £38,640 to increase GP capacity.
67. *Police Architectural Liaison Officer* – Outlines a series of recommendations from a Secured by Design perspective.

#### **PUBLIC RESPONSES:**

68. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. One letter of objection has been received in relation to the proposed development which is summarised below:
  - Developer's consultation process limited opportunity to comment fully.
  - Concerns regarding the current poor state of the B6313 roadway which the access joins.
  - Concerns regarding additional traffic generation of approximately 300 more vehicles leading to traffic congestion in the town centre and impacting air quality.
  - Traffic survey work was undertaken during covid lockdown so not accurate representation of impacts.
  - Pedestrian walkways from Pelton Fell to Chester-le-Street are poor and should be improved.
  - Increased pressures on GP surgery capacity.

*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/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=QXNWR7GDHOR00>

## **APPLICANTS STATEMENT:**

69. Taylor Wimpey is a 'five star' builder and committed to delivering family homes in Durham. Taylor Wimpey is the owner of the site and with their directly employed workforce supported by local subcontractors, want to invest in the community. Taylor Wimpey is committed to delivering additional much needed family homes in Pelton Fell.
70. This application proposes the development of up to 80no. new homes in Pelton Fell. Taylor Wimpey have been proactively working with Officers at Durham County Council; through extensive discussions over a number of years, the scheme has evolved responding comprehensively to comments raised on topics including landscape, design, ecology, and drainage. As a result, the scheme before the Committee has changed significantly since initial conception, with the proposed number of units falling from 150 to just 80, vastly reducing the proposed area of development.
71. Taylor Wimpey also recognises the importance of consultation with the local community and has engaged with them from the early stages of the development process. This included pre-application consultation with the community where leaflets were delivered to all properties within the vicinity of the site, extending to approximately 550 homes and businesses. Recipients of the leaflets were provided with information on the proposals and a link to an online consultation website which provided greater detail and a questionnaire for feedback to be provided on the proposals. Feedback from the community was reviewed and shaped the final design response and it is notable that only one letter of objection has been received.
72. The scheme brings with it the opportunity to deliver significant benefits including:
- Up to 80 new homes of a range of sizes and designs, including at least 12 (15%) affordable homes;
  - Significant amounts of open space, planting and landscaping around the site, including a landscaped area along the southern boundary which will bring a range of landscape, environmental and ecological benefits;
  - A new connection to the Public Right of Way network which will improve connectivity for both new and existing residents;
  - Significant economic benefits including capital investment into the area;
  - construction and supply chain jobs; additional expenditure in the local area; increased Council Tax receipts; and New Homes Bonus payments from the Government to the Council.
73. Overall, the proposals constitute a high-quality residential development within a sustainable location, providing a logical extension to Pelton Fell and the continuation of a successful first phase. In the context of national and local planning policy, we respectfully request that the Council grants outline planning permission for the proposed development.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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74. 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 of development, locational sustainability, highways matters, landscape and visual impact, layout and design, archaeology, residential amenity, ecology, flooding and drainage, infrastructure and open space provision, addressing housing needs, contamination and land stability, developer contributions, other considerations and public sector equality duty.

## The Principle of the Development

### *The Development Plan*

75. 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 County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
76. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- 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.
77. The application site is located on the western edge of the settlement of Pelton Fell. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.
78. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage

value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

79. As the adjacent site to the north is currently under construction for residential development, the site is now accepted to be connected to the built up-area. The reduced site area also means that distances to bus stops and services are better for residents, with all properties being within 600 metres of a bus stop. An off-site landscape buffer is also proposed to provide the necessary mitigation to the Area of Higher Landscape Value and the Local Wildlife Site. The smaller site area also minimises incursion into the countryside and the development now relates well with the scale and form of the existing settlement. It is considered that the amended development would not be in conflict with Policy 6 and is therefore suitable for residential development and the full reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of this and other relevant policy in subsequent sections of this report.

80. As the application site lies just outside of the built-up area of Pelton Fell it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 and is thereby not in conflict with Policy 10.

### *Housing Land Supply*

81. 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.

82. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October

2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

83. Overall, it is considered that the development is acceptable in principle in accordance with Policy 6 of the CDP and the aims of the NPPF. However, it is also the case that proposals must accord with the plan as a whole. The overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies as set out below.

#### Locational Sustainability of the Site

84. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable, and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
85. Specifically, the NPPF sets out at Paragraph 105 that 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. At paragraph 110, the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken, whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
86. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies in the Chester-Le-Street cluster comprising of Chester-Le-Street and Pelton Fell. The Chester-Le-Street Cluster is ranked 5th within the County based on the services and facilities within the area and is, therefore, considered capable of accommodating appropriate housing growth.
87. However, although the Chester-Le-Street Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these.
88. In relation to distances to services and amenities, the site (at its closest point) lies within approximately 300m of Pelton Fell Surgery, 400m of Pelton Fell Community Centre and 400m of a convenience store. Although these facilities will generally meet the needs of future residents the site is also around 1.4 miles from Chester-Le-Street town centre boundary which contains an array of amenities and services including shopping, leisure facilities and a transport hub. In terms of distances to services and amenities, these are generally considered acceptable as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, a walking distance of 1650-2000m or a 20-minute walk is at the upper end of what future residents could be expected to walk, taking into account topography and the desirability of routes. In terms of cycle access, the site performs well, with services in the town centre within a short cycle ride.

89. A public right of way lies to the east of the site; the development includes a link to this Right of Way providing access to the local footpath network.
90. Existing bus stop provision lies on Bluehouse Bank which provides a regular service throughout the week and into the evenings. The submitted plans show that pedestrian connections will be established to facilitate access to these bus-stops.
91. Although a significant proportion of the site falls outside the recommended 400m walking distance criteria to bus stops the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range whereas a walk of 800m falls within the 'acceptable' range. The walking distance from the furthest dwelling to a bus- stop is 600m which is therefore acceptable.
92. An updated Travel Plan was submitted with which outlines sustainable transport measures to be incorporated such as a short-term bus pass for all residents. A condition is proposed to secure the measures outlined within the Travel Plan to reduce reliance on the private car and to promote sustainable transport methods in accordance with Policy 21 of the CDP.
93. Overall, it is considered that the site has access to a range of services, facilities, and local bus services to serve the development proposed and that these are within relatively easy reach of the site. Overall, walking, cycle routes and bus services would give future residents alternative options to the private motor car to access services when taken in the round, and subsequently no objections are raised having regards to the locational sustainability of the site.
94. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

## Highways

95. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
96. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. These are concerns raised by an objector.
97. A Transport Statement (TS) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The survey data was based on survey flows from 2017 and 2019 which were used to establish future traffic scenarios bearing in mind the impacts of increased working from home culture and flexible hours on peak time traffic flows. In consultation with the Highways Authority a Transport Assessment Addendum was later submitted to assess the revised quantum of development (reduction from 150 to 80 dwellings) in relation to quantifying the number of vehicle trips assigned to the strategic road network. The

Addendum also included an update on the highway improvements at Chester-Le-Street town centre secured through planning permission DM/18/00879/FPA and clarification of whether the traffic associated with this scheme would have any residual impacts on the performance of the town centre junctions.

98. The proposed development will utilise the existing access off Bluehouse Bank serving the Phase 1 development site where a protected right turn ghost traffic island has been created. The Transport Statement and Addendum submitted consider the impact of the development on the surrounding road network and conclude that the development would have an acceptable impact on this junction.
99. In reviewing the proposals, the Highway Authority advise that this proposed access into the site would be acceptable, subject to securing the delivery of agreed offsite highway works, including improvements to town centre junctions. It is also advised that the principle of the internal site layout is acceptable.
100. Overall, based on the advice of the Highway Authority and Highways England, it is considered that the proposal would be served by an appropriate means of access and subject to condition would not have an unacceptable impact on the wider highway network. The indicative layout of the site is considered acceptable.

#### Landscape and Visual Impact

101. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, it should provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
102. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
103. Parts 12 and 15 of the NPPF promote good design and set out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
104. The Council's Landscape Officer is satisfied that the most recent layout which includes a landscape buffer to the south with dwellings fronting onto it would help to provide accessible open space around the entire perimeter of the development and would strengthen the new settlement edge. More detailed landscape plans are requested to ensure large size native trees are included to filter the facades of the proposed housing in views towards the settlement and retain and frame views out to the south from the site towards the Area of Higher Landscape Value and to require additional lines of trees along streets within the northern area of the site. However, these details can be addressed under a reserved matters application.
105. The submitted landscape masterplan is acceptable to ensure that the housing will assimilate into its surroundings and provide a new attractive settlement boundary and

therefore not result in harm to the landscape or views. Reserved matters can address the more detailed landscape requirements such as ensuring tree lined streets and conditions can ensure tree protection. The proposal is therefore considered to comply with policies 26,29,39 and 40 of the County Durham Plan and parts 12 and 15 of the NPPF.

#### Residential Amenity and pollution

106. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
107. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The indicative layout demonstrates that minimum separation distances between proposed properties and existing dwellings can be achieved.
108. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
109. There is the potential for disturbance during the construction period. An initial construction management plan (CMP) was submitted alongside the application however an updated version can be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the suggested conditions would help to mitigate any significant adverse impacts.
110. 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. Additional detail has also been submitted following queries from the Council's Air Quality Consultant. Following the receipt of additional information Environmental Health raise no objection to the scheme.
111. With respect to the construction phase of the development, an updated Construction Management Plan will be secured by condition.
112. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Ecology

113. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species



under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

114. A Preliminary Ecological Appraisal has been submitted in support of the proposal. The appraisal notes that there is an area of woodland to the south of the site which is designated as a Local Wildlife Site and Local Nature Reserve. In addition, the Waldrige Fell SSSI is within 2km of the development area and the site is within the Impact Risk Zone of this site. No evidence of badger has been recorded on site. The site may provide some habitat for foraging and commuting however the woodland area off-site to the south is more likely to support the species. The value of the site for badger is considered to be no more than local. No other protected species were recorded on site; however, hedgehog, brown hare, common toad and reptiles may use the site at times. The site is considered to be of no more than local value for these species, however.
115. Separate ecological reports have been submitted in relation to Bats, Birds, and Newts. The site is considered to be of low suitability to foraging and commuting bats. The woodland edge to the south east provided good quality foraging and commuting habitat which is well connected to additional foraging habitat. Overall, the site is concluded to be of local value to bats due to the woodland edge on the site boundary at the south east corner. The site is noted to support skylark, grey partridge and yellowhammer within and around the farmland. Of the 10 bird species considered to be breeding on site, 3 are listed as birds of conservation concern (BoCC) and are classified as either red (2 species) or amber (1 species) listed species. No evidence of great crested newts was recorded during the conventional surveys. An eDNA survey of pond 3 – completed after 4 conventional surveys, recorded the presence of great crested newts. It is considered therefore that the species is likely to be present within the ponds where they have previously been recorded as part of monitoring for the phase 1 development, however the cold spring may have depleted the numbers in 2021. Based on previous survey work and the translocation operation within phase one of the current development to the north of the site, it is concluded that the species is present.
116. The ecological appraisals make a series of recommendations for the proposals in relation to lighting, timing of works, tree retention, construction practice, habitat creation, landscape planting, SuDS creation and maintenance, and species-specific habitat provisions. These can be ensured via condition.
117. An appropriate NE licence would need to be in place prior to any works impacting Great Crested Newts. The presence of protected species is a material consideration. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 2010. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the Regulations, it is

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.

118. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three 'derogation tests' which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that the activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; favourable conservation status of the species must be obtained.
119. Notwithstanding the licensing regime, the Local Planning Authority (LPA) must discharge its duty under the Regulations and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. An LPA 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 functions.
120. Guidance provided by Natural England states that the proposed development must meet the purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment'. In addition, the Council must be satisfied that 'there is no satisfactory alternative' and that 'the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'. The guidance goes on to state that Natural England applies the tests on a proportionate basis, thus the justification required increases with the severity of the impact on the species or population concerned. Each of the three derogation tests are addressed below-

*Imperative reasons of overriding public interest or for public health and safety.*

121. The guidance provided by Natural England states that when considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/developments are required to meet or provide a contribution to meeting a specific need such as:
  - The requirement to maintain the nation's health, safety, education, environment (Sustainable development, green energy, green transport);
  - Complying with planning policies and guidance at national, regional and local level;
  - Requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, etc).
122. The guidance goes on to state that in other words the development proposal must contribute to meeting an imperative public interest, and that interest must be sufficient to override the protection of any potential impact on the European Protected Species concerned.
123. It is considered that the proposed development is necessary and in the public interest as it involves the development of housing that complies with National and Local Plan policy.

*No satisfactory alternative*

124. As pointed out in Natural England's guidance there are always going to be alternatives to a proposal, and it must be determined whether a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on European Protected Species. It is expected that the applicant will demonstrate that alternatives have been considered, explain what these alternatives were and provide a justification for their chosen site together with details of why others have been discounted.
125. Whilst other options have not been detailed, given that this is second phase of an existing housing scheme with a shared access rather than a new site it is not considered appropriate to insist on alternative site consideration in this instance, therefore, it is considered that the proposal has satisfied this test.

*Favourable Conservation Status*

126. Natural England's guidance on this matter refers to the definition of 'favourable conservation status' as defined in the Habitats and Species Directive (Article 1 (i)). Conservation status is defined as 'the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its population within the territory' and it is assessed as favourable when 'population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and, there is, or will probably continue to be, a sufficiently large habitat to maintain its populations on a long term basis.'
127. The Council's Ecologist is satisfied that the mitigation strategy proposed is sufficient to maintain the conservation status of the species and ensure that the legislation protecting Great Crested Newts is not breached. Therefore, it is considered that the proposal would not have significant impacts on the favourable status of the Great Crested Newt. It is considered therefore that the proposed development would meet this test. Bearing the above in mind it is considered that the proposal would meet the derogation tests.
128. The Council's Ecologist has also considered the Biodiversity Net Gain Assessment which was undertaken during the course of the application and is satisfied that BNG above 10% can be delivered as part of the development in accordance with CDP Policies 26 and 41 and Paragraph 174 of the NPPF. A Biodiversity and Management and Monitoring Plan, including a monitoring strategy for a minimum of 30 years, would need to be secured by condition and under Section 39 of the Wildlife and Countryside Act 1981.
129. Overall and subject to the imposition of conditions to secure the mitigation strategy and a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

*Layout, Design and Sustainability credentials*

130. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

131. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 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.
132. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan.
133. This outline scheme was considered against the BfL standard through a series of 6 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. After amendments, the scheme has scored more positively achieving 6 “ambers” with the locational constraints beyond the control of design preventing achieving a green on a number of criteria. Furthermore, some aspects would be unable to score green until more detail is available than is required at this outline stage.
134. The development is, therefore, now considered to represent an acceptable design and there are significant areas where both the overall design and layout has been improved. In response to earlier feedback the developer has reduced the number of dwellings to 80, reduced the extent of the built development, positioned all homes within 600m of a bus stop and provided more detail as to footpath links and a southern landscape buffer.
135. The Council’s Urban Design Officer considers that the amended layout is a positive amendment to the original submission and has no objections.
136. Policy 29 of the CDP sets out that major new build residential development should achieve CO2 reductions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future.
137. In respect of climate change, the applicants propose a condition to ensure that the development would achieve reductions in Carbon Dioxide (CO2) emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations, 6 as required by Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations and there have been change to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as is this covered under separate legislation there is no need for a condition to reflect this.
138. Bearing the above in mind the proposal would generally accord with Policy 29 of the CDP and Part 12 of the NPPF in this respect.

## Heritage and Archaeology

139. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
140. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
141. There are no designated or non-designated heritage assets within close proximity of the development site. The line of the Waldrige Wagonway, which is now a Public Right of Way, lies approximately 220m south of the southern boundary of the site and visible on the second edition OS map circa 1898. It may be considered a non-designated heritage asset, having communal value as a well-used pedestrian route. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site and would not impact upon the setting of the nearby conservation area, in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.
142. In respect of archaeology, further mitigation in relation to remains in Trenches 2 and 9 can be secured by condition, with the exact details of the areas to be covered through a Written Scheme of Investigation which can also be subject of condition. With such a condition the proposal would be considered to comply with Policy 44 of the CDP and Part 16 of the NPPF in this respect.

## Flooding and Drainage

143. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
144. 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 a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
145. 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 (SuDs) including detention basins to attenuate 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 Coastal 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. Northumbrian Water offer no objections to the approach to surface water management.

146. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station associated with the Phase 1 development, to which Northumbrian Water raise no objections.
147. Subject to conditions requiring the implementation of the drainage strategy no objections to the development on the grounds of flood risk or drainage are raised having regards to policies 35 and 36 of the CDP and Part 14 of the NPPF

#### Infrastructure and Open Space Provision

148. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
149. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
150. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
151. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
152. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
153. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
154. Given the scale of the development, it would generally be expected that all amenity space and play space would be provided on-site. A total of 0.288ha of open space has been accounted for within the Indicative Layout (requirement is for 0.272ha) and this would include amenity and fixed child's play space.

155. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development. A condition is proposed to secure the details of the future management and maintenance arrangements.
156. The developer is willing to enter into 106 agreement to contribute money in lieu of on site provision of other typologies. A financial contribution of £118,448 towards the delivery of off-site allotments and parks, recreation ground and improvements to youth play equipment is proposed. Having regard to the availability and proximity of existing facilities to the site this proposal is considered to be acceptable and in accordance with OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.
157. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 10 secondary age school pupils. Whilst there is sufficient capacity at the local primary schools to accommodate this need there is insufficient capacity at the local secondary school. A total contribution of £165,540 towards secondary education provision is therefore required. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.
158. It is noted that impacts to GP services is a concern of local residents. The County Durham Clinical Commissioning Group (CD CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £38,640 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.

#### Addressing Housing Need

159. Policy 15 of the CDP requires affordable housing to be sought on sites of 10 or more units, for up to 25% of units in the highest value areas. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP. As this site is within a medium value area, this development would require 15% affordable housing, in the form of affordable home ownership and rent.
160. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
161. The developers have submitted an affordable housing statement committing to meeting the 15% policy requirements and this can be secured by s106 legal agreement. Further details in relation to the type, size, number and location of the affordable housing would be addressed at reserved matters stage.
162. Overall, the scheme does generally meet the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

## Developer Contributions

163. Policy 25 of the CDP, Paragraph 57 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. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):
- £165,540 towards secondary education provision;
  - £34,640 to increase GP surgery capacity;
  - £118,448 off-site public open space contribution;
  - The delivery of 15% affordable housing units on site, equating to 8 units for affordable home ownership and 4 units for affordable rent; and,
  - The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance, including a monitoring strategy of the biodiversity land.
164. The applicant has indicated their acceptance to enter into such agreements and therefore it is considered that this scheme of 80 units would sufficiently mitigate its own impacts.

## Contamination and Land Stability

165. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
166. Given the sensitive end use of the site, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted alongside a Ground Gas Addendum Report in support of the application considering the issue of land contamination. Environmental Health Officers have considered this report, concluding that conditions to secure Phase 3 works (remediation works) and 4 (verification) reports in addition to an informative relating to unforeseen contamination would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.
167. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. 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 Considerations

168. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 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. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.

169. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 5.64ha of Grade 3 (good to moderate) agricultural land. The report identifies that the land falls into various grades of Grade 3a (best and most versatile), 3b and non-farmable land. In a circumstance whereby the land is classified as best and most versatile it 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 is not significant and therefore does not hold weight in the planning balance.
170. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites.
171. Policy 14 of the CDP requires all development proposals relation to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A preliminary soil resource management strategy has been provided with the application; further detail can be secured by condition.
172. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area and a sand and gravel safeguarding area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. Officers have reviewed the Minerals Assessment and considers that in overall terms the resource underlying the site would not be economic to extract. Furthermore, there does not appear to be any current market interest in doing so and commercial scale extraction is unlikely to be supported due to the proximity of the site to local residents and businesses. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
173. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.
174. The current state of walkways close to the site has been raised as a concern by a resident and councillors. The developers have been requested to extend the access improvement works to include a new footpath provision for a 33m stretch between the eastern extent of the current improvement works and the entrance to neighbouring Valley Road. This can be made subject of a condition in relation to the S278 highway works.
175. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and

persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

## CONCLUSION

176. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay paragraph 11 c).
177. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies. The development site is an unallocated housing site; however, the amended proposal meets the requirements of Policy 6 of the CDP. The site has access to a range of services, facilities and local bus services to serve the development proposed and that these are within relatively easy reach of the site. Overall, walking, cycle routes and bus services would give future residents alternative options to the private motor car to access services accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.
178. The proposed access into the site would be acceptable, subject to securing the delivery of agreed offsite highway works, including improvements to town centre junctions. The principle of the internal site layout is acceptable.
179. There is unlikely to be adverse transport impacts to the network and the site has been designed to be permeable, minimise car traffic and vehicle speeds and create a safe family friendly environment. The development is therefore acceptable on transport and highway impact grounds.
180. The proposal would mitigate its landscape and visual effects and provide, manage and maintain new green infrastructure in accordance with CDP Policies 6, 26 and 39 and parts 12 and 15 of the NPPF and the proposal would not result in the loss of existing trees and hedgerows, therefore, fully complying with Policy 40 of the CDP.
181. A Section 106 can require a commuted sum in respect of open space provision, education, and healthcare requirements needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
182. The proposal would not result in adverse impacts to designated or non-designated heritage assets or residential amenity, wildlife sites or protected species.
183. A section 39 agreement can ensure that the accepted Biodiversity net gain is achieved, managed and monitored appropriately and conditions can secure the mitigation strategy and a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years.
184. Conditions can ensure that any drainage and contamination and soil storage are addressed. There are no concerns over the loss of agricultural land or mineral's resources.

185. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

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## RECOMMENDATION

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186. That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement upon submission of landscaping details as a reserved matter to secure the long-term management and maintenance, including monitoring strategy of the biodiversity land.
- The delivery of 15% affordable housing comprising
- £165,540 towards securing additional secondary education provision.
- £34,640 to increase GP surgery capacity in the area.
- £118,448 towards improving off site play space for youths and other space typologies in the Electoral division.

And subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*

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

*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 be carried out in strict accordance with the following approved plans and documents:

Site Location Plan PL-01B 20/06/2022  
Biodiversity Net Gain Assessment v6 26/07/2022  
Landscape Appraisal 11/03/2022  
Affordable Housing Statement 23/05/2022  
Transport Assessment Addendum 23/05/2022  
Land Use Plan PA-01B 20/06/2022  
Indicative Masterplan PL-01B 20/06/2022

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 4 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

4. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be

prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, 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 taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. Details of methods and means of noise reduction
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration. Details of use of vibration rollers on site and any mitigation measures in this regard.
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
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.
14. Details of phasing of development and location/relocation of the site compound.

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 31 of the County Durham 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.*

5. 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 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

6. No development, other than demolition, site investigations and site remediation works and ecological mitigation works shall commence before detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.*

7. 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 3 remediation strategy, which will include details of the 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 is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

8. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

9. No dwelling hereby approved shall be occupied until a scheme for highway improvement works at the Chester Le Street Town Centre /Picktree Lane Junction have been submitted to and approved in writing by the Local Planning Authority and the approved works have implemented in accordance with the approved plans and the junction is open to traffic.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

10. No individual dwelling on phase 2 shall be occupied until the scheme to introduce new access with traffic calming features and bus stop improvements on DGR Proposed Site Access Arrangement DRG JN1231-DWG-008F as secured through phase 1 has been implemented and is open to traffic and agreed with a S278 Agreement.

*Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

11. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the details contained within the Arboricultural Impact Assessment dated 15/11/2021. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.*

12. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

*Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

13. Prior to the occupation of the development details confirming the installation of a full broadband connection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.*

14. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

*Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

15. No development shall commence before a foul and surface water drainage scheme has been submitted to and approved in writing by the LPA which will follow sustainable solutions as set out in the Flood Risk Assessment and Drainage Strategy – Issued 15<sup>th</sup> March 2022 - Report No. 2109-Ro0 – FRA & DS – Revision F. The development shall take place in accordance with the approved scheme.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF. Required as a pre-commencement condition to ensure that the suitable drainage is achieved for the site and any off site impacts are appropriately managed.*

16. The development shall be carried out in accordance with the mitigation recommendations outlined within the Ecological Appraisal Report, Great Crested Newt Survey, Bat Survey and Breeding Birds Survey dated 11/08/2021 and skylark mitigation plan dated 15/07/2022.

*Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

17. No development, other than demolition and site remediation works, shall commence until the submission to and approval of the LPA of an updated Biodiversity Metric and Biodiversity Management and Monitoring management plan. The development shall take place in accordance with the approved details.

*Reason: This information is required in order to ensure that the stated level of net gains can be achieved in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.*

18. All of the dwellings hereby approved shall be provided with appropriate cabling and infrastructure to allow future installation of electric vehicle charging points.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework*

19. No development shall commence until a written scheme of investigation in accordance with the Archaeological Evaluation dated January 2020 setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

20. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation prepared in accordance with Condition 19. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority prior to occupation of any dwelling hereby approved.

*Reason: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

21. The proposed pedestrian link between the development and footpath no.11 Chester le Street shall allow for long term unrestricted public access to the footpath.

*Reason: To ensure the link path does not become subject to temporary or permanent closure without notice in accordance with CDP Policy 26 and part 8 of the NPPF.*

22. The development shall take place in accordance with the key actions outlined within the Interim Travel Plan (Revision A) dated May 2022.

*Reason: To ensure the development delivers sustainable transport options on site in accordance with County Durham Plan Policy 21.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation response
- County Durham Strategic Housing Land Assessment Report (2019)
- County Durham Strategic Housing Market Assessment (2019)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019
- County Durham Strategic Cycling and Walking Delivery Plan 2019
- Climate Change Strategy and Emergency Response Plan 2022-24 2022






**Durham**  
County Council

**Planning Services**

Outline application for the erection of up to 80 dwellings and associated infrastructure with all matters reserved except access (revised description).  
 Land To The West Of Valley Road  
 Pelton Fell, DH2 2NN  
 Ref: DM/21/02849/OUT

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**Comments**

**Scale 1:10000**

**Date 6th September 2022**

**Scale 1:10000**