

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/00584/FPA
FULL APPLICATION DESCRIPTION:	Erection of 148 dwellings with associated access, infrastructure and landscaping (amended description)
NAME OF APPLICANT:	Bellway Homes Limited (North East)
ADDRESS:	Land to the North of George Pit Lane, Great Lumley.
ELECTORAL DIVISION:	Lumley
CASE OFFICER:	Louisa Ollivere, Senior Planning Officer 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an inverted L-shaped parcel of land located to the southern and eastern edge of Great Lumley to the north of the County. The site extends to approximately 8.1 hectares (ha) in area and comprises arable fields. The site would wrap around the eastern and southern boundaries of a residential estate constructed in the 1990's. Arable land lies to the east. Front street roadway and the Lumley Water treatment works lie to the north of the site. To the west is Cocken Lane and a playing field. South of the site lies a bridleway (16), a tree belt and private allotments and further arable land
2. The site is not subject to any designations within the Local Plan. Footpath No14. dissects through the middle of the site running North-South connecting to the southern bridleway. The land falls within an area at high risk of coal mining legacy. The site itself is relatively flat and open with no buildings or structures however there are trees and hedgerows on the boundaries.

The Proposal

3. Planning permission was originally sought for permission for 157 dwellings on this site with associated access, infrastructure and landscaping. Following consideration at Design Review, and in response to concern over character, connections, public transport, parking and public spaces the applicants submitted revised plans earlier this year. The planning application now seeks permission for the erection of 148 dwellings on the site and now includes three character areas and an additional planting buffer on the east of the original site boundary. There has also been an increase in the number of 5 bed dwellings, the main road through and access have been relocated further to the south, and the layout of housing adjacent the Footpath (14) has been altered. Other changes include upgrading of the Footpath (14), the relocation of visitor parking, an increase in the visitor parking and the introduction of a swale along the southern side of the main avenue.

4. New Off-site highway works are also now proposed on both Cocken Lane and Front Street. Cocken Lane works would involve the creation of a widened 1.5m footway section on the east side of Cocken Lane which would connect with the current footway to the school. Behind this new footway would be a 0.5m grass seeded strip. A new 1.5m footway is proposed on the north side of the Cambridge Drive junction and a new crossing point is proposed north of this junction to Cocken Lane to better connect with the wider village. The footway connections would be achieved by minor kerb realignment and by removing a 43m stretch of hedgerow to the north of the proposed access and by regularly maintaining hedgerow further to the north. Whilst introducing a school safety zone or a car park for the school were proposed earlier in the application those proposals have now been dropped.
5. At Front Street it is proposed to provide a minimum 1.8m wide footway along the site frontage on the southern side and a further small section of 1.8m wide footway on the northern side up to a proposed new bus stop with a new uncontrolled pedestrian crossing in between. To the west of the site frontage onto Front Street the footway would transition to a new 1.5m footway to the west to connect with the existing 1.8m wide footway at the Stainmore Drive Junction. Behind the footways would be a further 0.5m grass strip which would widen to 2m close to the new junction. In order to achieve these works two stretches of hedgerow amounting to 54m would need to be removed and 260m of hedgerow would need to be maintained on a regular basis.
6. In conjunction with the new access on Front Street, the Developer proposes to fund the delivery of two new bus stops (one in either direction) adjacent to the access itself. The developer is also in consultation with Go North East to divert one of the two services that serve Great Lumley to these stops. This would possibly involve the re-routings of one of the services along Front Street and via Fencehouses. The developer has indicated that they would fund any further costs as a result of re-routings.
7. To reduce vehicle speeds near the site accesses the current gateway features would be upgraded.
8. The development would be accessed from both Cocken Lane and Front Street roadways via two new vehicular accesses with footways. There would be an additional pedestrian access to Front Street via the PROW through the site which is proposed to be upgraded and lit.
9. There would be a mix of 2,3,4 and 5 dwellings which includes 15 bungalows. All dwellings would be built to comply with NDSS, and 66% would be MS42 Compliant. 15% of the dwellings will be secured as Affordable Housing through a mix of rental and ownership.
10. An area of open space is proposed in the south eastern corner of the site which is also the location for the SuDS basin and pumping station. A play area (Trim Trail) originally proposed in this location has been relocated further west.
11. Landscaping is proposed throughout the site in the form of hedgerow and tree planting, structure planting and the creation of wildflower and wetland habitat. The application details that the proposal will necessitate the removal of five trees, three entire groups of trees and three sections of hedgerows to facilitate the new footways, access works, bus stops and for junction visibility.
12. This planning application is being reported to County Planning Committee as it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

13. 2/79/00236/OUT – Outline application for housing at Land to the North of George Pit Lane, Great Lumley (REFUSED).

PLANNING POLICY

NATIONAL POLICY

14. 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.
15. 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.
16. *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.
17. *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.
18. *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.
19. *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.

20. *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.
21. *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.
22. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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>

28. 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

29. *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.
30. *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.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. *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.
38. *Policy 28 – Safeguarded Areas –* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
39. *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).

40. *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.
41. *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.
42. *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.
43. *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.
44. *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.
45. *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.
46. *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.

47. *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.
48. *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.
49. *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:

50. 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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

51. *Northumbrian Water* – Advises that development should be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
52. *National Highways* – Have no objection.
53. *Highway Authority* – Advise that the information included within the Transport Assessment and methodology for the trip rates, surveys conducted, the committed development traffic, the future year traffic scenarios and the distribution of traffic used overall have been considered acceptable with the addition of the development traffic likely to have a very small impact on the operation of the A167 roundabout.
54. In respect of Site Access and Offsite Highway Works the amended drawings detailing two highway access arrangements with hedge removal for visibility splays and footway links to the village along with access to new public bus stops, pedestrian crossings and improvements to the 30mph gateway to the village are accepted based on speed survey data.
55. The Officer advises that in highway terms there is nothing to suggest that the application would be detrimental to road safety or have a severe cumulative impact on

the local road network. Furthermore, the Officer advises that there is no evidence to suggest that there are any existing road safety issues on the roads serving the site or that safe access for pedestrians couldn't be achieved due to the new footway Links to be provided to the village with access to new public transport options.

56. The Officer suggests conditions in relation to details of adoptable streets and off site highway works and informatives in respect of Section 38 of the Highways Act 1980 (adoption of the proposed new highways) and Section 278 of the same Act (permission for works within the highway).
57. *Drainage and Coastal Protection* – Have no objection but request a condition that the surface water management for the proposed development is implemented in accordance with the Flood Risk Assessment and Drainage Strategy and associated Drainage Documents and to ensure an application for 'Ordinary Watercourse Land Drainage Consent' for connection is approved prior to commencement. Hydraulic calculations are confirmed as acceptable.
58. *The Coal Authority* – No objection but request conditions to ensure remediation works are undertaken and checked by a suitably competent person.
59. *HSE* – Advise against approval given the site is within the buffer zone of the water treatment works and which have a historic Hazardous Substances Consent and given the increase in population in close proximity the works.

INTERNAL CONSULTEE RESPONSES:

60. *Archaeology* – Advise that no further fieldwork is required, however they have requested a condition to secure archiving works.
61. *Design and Conservation* – Raised concerns via Design Review in relation to distribution of bungalows, lack of landscaping to certain areas, lack of street hierarchy, lack of social space for some areas, lack of visitor parking and positioning away from homes and dominance of parking in some areas of the site.
62. *Environmental Health (Air Quality)* – Advise that the maximum unmitigated risk is determined to be high risk. The Officer notes a selection of mitigation measures have been recommended. However, it is noted that not all of those recommended by the IAQM guidance have been included in the recommendation list for example dust monitoring is not proposed and there needs to be justification for this. It is advised that Dust mitigation measures should be agreed with the Council and set out in a Dust Management Plan, which is also recommended by the air quality assessment, which is a document typically required as a pre-construction planning condition.
63. The Officer notes that a construction management plan (CMP) was submitted in Feb 2022 but has not been updated following the air quality assessment recommendations and therefore the mitigation measures set out in the Plan do not align. It is advised that mitigation measures should be consistent across supporting planning application documents, and where they are not, reasons should be provided.
64. The Officer notes that the operational phase road traffic emissions assessment details vehicle numbers below the screening criteria that would require further assessment and impacts on the Durham City AQMA are considered likely to be insignificant.
65. *Environmental Health (Contaminated Land)* – No objections are raised; it is however advised that a conditional approach is secured to ensure remediation is undertaken.

66. *Environmental Health (Pollution Control)* –No objections. However, in consideration of the potential for noise levels from road traffic on the A1 to proposed dwellings it is noted that the noise report advises acoustic glazing and ventilation will be required in some of the properties and acoustic fencing is also required to some plots to achieve outside amenity values. The Officer considers it appropriate to ensure this is undertaken and maintained on site via condition.
67. *Housing Delivery* – Advise that there is a moderate demand for affordable homes in comparison to the wider area. It is advised that affordable units should be delivered as houses or bungalows and that housing provided should be a mix of 2 and 3 bedroomed units for both rented and affordable home ownership properties. It is advised that affordable units should be distributed across the site in small clusters and not concentrated in a single area to give a more balanced community. The Officer points out that all units should meet NDSS as a minimum but advises larger units would be welcomed. It is advised that these points should be reflected clearly in the layout.
68. *Ecology* – Are satisfied with the submitted ecological information and consider that the mitigation and net gain be addressed by way of a s106 legal agreement and conditions regarding the use of built-in swift boxes and low level lighting.
69. *Landscape and Trees Officer*– Advises that development of the land as proposed would involve the loss of countryside.
70. It is also advised that the establishment of entrances to the site and highways works would result in the removal of mature trees, hedgerows and areas of grass verge and require pruning of trees and would impact upon the Root Protection Areas of other trees. The Officer highlights that the removal of individual trees, groups of trees and sections of existing hedgerow would be contrary to Policy 40 of the CDP unless the benefits clearly outweigh the anticipated harm.
71. The Officer notes that the recent landscape proposals include measures to restore and enhance existing hedgerows, new replacement tree planting and new replacement native hedging which are considered to be suitable replacement planting.
72. The Officer considers that the proposed development would be an incursion into open countryside which would extend the settlement to the south and east. The Officer considers the site is an integral part of the rural landscape to the south. The Officer advises that without mitigation it would be a harmful incursion into the countryside in conflict with policy 10. The Officer recognises that there would be initial harm to the character and appearance of the locality but considers that the proposed landscape and visual mitigation shown on the submitted landscape strategy would be reduced in the longer term and that this needs to be weighed in the planning balance.
73. The Officer points out that whilst the site forms an attractive area of rural countryside it is not a designated landscape. Nonetheless the Officer advises that the site is identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of enhance. The Officer considers that the proposed landscape typologies and plant species are appropriate and should enable gain in biodiversity for the site and be in keeping with the character of the area and the guidelines for the Wear Lowlands County Character Area.
74. In respect of the internal design and appearance of the site it is considered that the proposals have evolved in response to previous landscape comments, with issues such as dominance of hard surfaces in the northern area of the site, the close proximity

of proposed gable ends to the existing right of way and the requirement for tree lined streets now all addressed.

75. In relation to local distinctiveness, the Officer notes references have been made to the inclusion of native planting and enhancement of existing native hedges on the submitted Landscape Plan.
76. The Officer considers that it is inevitable that there would be some impacts on the residential and visual amenity of existing residential receptors close to the site and on users of the existing right of way inside the site, which would need to be considered in the planning balance of considerations.
77. The Officer welcomes that the plan for the site allows some gaps in the peripheral tree belts on the proposed southern and eastern boundaries to retain views out across the surrounding countryside from the development site. Elsewhere on the same boundaries it is considered that retained tree belts and hedgerows and additional native tree planting would help to create a robust settlement edge. The Officer considers that this combined with the planting in the SuDS area would soften the appearance of the settlement edge in views looking back towards the village.
78. *Public Rights of Way Officer*– Advise that the new short path to the bridleway will need to be maintained by the developer. The Officer remains concerned that public footpath is immediately adjacent to plot 99 could lead to ongoing security / privacy concerns for the occupiers. It is noted that the proposed adoption plan includes the entire length of footpath 14 up to the junction with bridleway 16. Consequently, it is advised that the developers may wish to consider an application to extinguish this section of footpath 14, confirmation to coincide with the s38 agreement being signed off, as future maintenance of the path will reside with DCC Highways.
79. The Officer advises that it is inevitable that a temporary closure order will be required for footpath 14 during construction works, potentially over an extended period of time. It is therefore advised that a suitable alternative pedestrian route should therefore be provided for the duration of the closure.
80. As there is currently a circular metal kissing gate on the footpath at the junction with front street it is advised that prior notification of its removal would be required if it is to be removed.
81. The Officer advises that development of this scale will place significant pressures on the local public rights of way network, and therefore expects a proportionate s106 contribution of £70,000, specifically to fund surface improvements to bridleway no. 16 and bridleway no. 19 Great Lumley Parish.
82. *School Places Manager* – Advises that the proposed development of 148 dwellings would produce 45 pupils of primary school age and 18 pupils of secondary school age. It is advised that there would not be sufficient space to accommodate all of the primary aged pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development the Officer advises that a contribution of £470,496 (32 x £14703) would be required to facilitate the provision of additional teaching accommodation.
83. In respect of secondary schools, there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus therefore in order to mitigate the impact of the development a contribution of £297,792 (18 x £16,554) would be required to facilitate the provision of additional teaching accommodation.

84. *Spatial Policy* – Note that the site has been assessed with the Strategic Housing Land Availability Assessment (SHLAA) and rated as unsuitable for residential use due to its position at the edge of the settlement which would result in a largely uncontained sprawl out into relatively attractive countryside and due to the poor width of footway connections and walking distance to facilities including bus stops.
85. Policy 6 of the County Durham Plan is identified as the main policy for assessment. Given the concerns identified in the SHLAA the Officer advises that the site conflicts with the objectives set down under Policy 6. Furthermore, given the uneasy relationship of this site with the built up area, the Officer considers that it could be deemed to lie within more of a countryside location. It is advised that Policy 10 covers development proposals in the open countryside, being complementary to Policy 6. It is pointed out that the proposal would not draw any support from Policy 10.
86. While the Officer notes that measures are proposed to address connectivity, it is considered that these are unlikely to override the fundamental concerns around the relationship of the site to the settlement.
87. In terms of open space provision, the Officer advises that in purely quantitative terms, provision for a scheme of this size would normally require 4,890 sqm of amenity/natural green space and 163sqm of children's play space, with off-site financial contributions to fund improvements and provision for the other types of open space on a scheme of this size amounting to £219,398 (£673 x 326).
88. In relation to housing composition, in accordance with Policy 15 requirements the Officer advises this would amount to:
 15 bungalows or similar product to address needs of older people
 15 affordable units (medium value 15% area) – rounded to:
 4 no. - First Homes (in accordance with the Government's First Homes policy
 7 no. - NPPF para 65 requirement of homes for affordable home ownership (at 10% of homes on the site)
 4 no. - Policy 15 requirement for any contribution above 10% to be provided as affordable housing for rent.
 66% M4(2) = 99 units.
89. *Sustainable Travel Officer*– Advise that the proposal would require a condition for a residential Travel Plan to be submitted and approved.
90. *Climate Change and Sustainability Officer* – No comments to date.
91. *Monitoring and Compliance Officer* – Accept the submitted CMP and are willing to accept securing the details of site lighting by condition.

EXTERNAL CONSULTEE RESPONSES:

92. *NHS* – Requests a contribution of £71,484 to increase GP capacity.
93. *Police Architectural Liaison Officer* – Outlines a series of recommendations from a Secured by Design perspective.
94. *Rt Hon Kevan Jones MP* – objects on the grounds that the SHLAA deemed the site unsuitable for development, that the site is not well related to Great Lumley and would not provide good access to public transport, poor vehicular access and as many plots do not meet the requirements set out in the Residential Amenity Standards SPD.

95. *Great Lumley Parish Council* – Object on the grounds that footpaths are not well suited to heavy pedestrian use into the settlement, units are outside of accepted walking distances, SHLLA found the site unsuitable for development, that HSE advice is to advise against development and that protected species and important habitats for local wildlife will be adversely affected by the development.
96. *CPRE* – Consider that the development does not meet all the criteria of Policy 6 of the CDP and so should be refused permission as it is an intrusion into the countryside contrary to Policy 10, they also advise that the proposals for Biodiversity Net Gain and Sustainable Development are inadequate and better proposals should be sought.

PUBLIC RESPONSES:

97. The application has been advertised by way of a press and site notices and individual notification letters to neighbouring residents. 253 letters of objection have been received in relation to the proposed development which are summarised below:

Principle

- The site has not been allocated for housing in the CDP.
- This is not a brownfield site.
- The SHLAA advised this was a potentially unsuitable amber site.
- The requirements for housing stock are already met with current and granted /allocated developments.
- The proposal is not well related to the village.

Impacts to landscape/ character of area /ecology

- Encroachment into countryside.
- Development will change the nature of the village.
- Loss of visual amenity to landscape character of the area and village entrance.
- Loss of wildlife and habitat which will be more than that indicated.
- Questionable timing of ecological survey work and lack of detail.
- Loss of enjoyment of PROW with rural feel and views.
- The last housing scheme was supposed to 'round off' the village.
- The addition of the pumping station adds an eyesore on the edge of the countryside.
- Loss of greenfield land used for farming/food production and impacts to food security.
- Queries over commitment to Biodiversity Net gain management.
- Loss of hedgerow and trees, harm to trees outside site boundary and in neighbouring gardens.
- The tree report is inaccurate in respect of tree heights.
- The site is within impact risk zone of Joe's pond at Rainton Meadows.
- This will lead to an unbalanced village footprint.
- Increased recreational pressures on countryside from additional population.
- Money for ecological mitigation at the other housing estate was allocated to projects outside of the village.
- It will take up to 27 years for some of the ecological mitigation measures to have effect.
- DEFRA have declared it an A1 protection or surveillance zone for Avian Influenza which demonstrates its importance for birds.

- The bird breeding survey shows the area is thriving with amber and red listed birds.
- This is a priority habitat network expansion zone and a habitat corridor.

Highways Safety/sustainability

- The amended traffic assessment fails to address congestion.
- The developer should subsidise the bus service and routes for 5 years.
- Speed bumps and chicanes are more suited to towns, not entrances to villages.
- The problem of parking for school staff is not resolved in the amendment.
- A transport Assessment scoping exercise should have been undertaken.
- No design has been provided showing the design of the bus stops or the connections to the existing and proposed highways footway network.
- The proposal involves taking residents and children on a convoluted route crossing a number of roads and adding 160m onto the walk distance and will not be used as an alternative to the unsafe narrow paths.
- The proposal would not meet the current Durham design standards, any new footways and cycle link must be to a suitable and safe standard.
- The current proposal does not comply with LTN 1/20 - cycle infrastructure design and does not take this into consideration in its design approach.
- If Cocken Lane has further traffic regulation introduced the relocation of vehicles would place further pressure on the already restricted footway networks to the only add to the detriment of highway safety.
- Additional parents walking to and from school would put pressure on the already substandard footways.
- The access from Front Street also does not link to the existing footway network.
- The PROW is not suitable for cycle access without a major overhaul.
- The link from the site into the village, still has to travel around the S bend, beside the water works.
- Access onto Cocken Lane has inadequate visibility splays,
- Access onto Front Street – Has issues in terms of vehicle speeds, inadequate visibility, limited and substandard footway width off site linking to the existing village and inadequate junction design. This still applies as there is no evidence provided to show results of surveys.
- Parking associated with the school and church effecting vehicle flows, intervisibility, visibility splays and pedestrian/ cycle safety.
- Non-existence of cycle connections.
- Narrowing the highway through the S bend on Front Street would lead to increased conflict on the bends, especially given the further restricted forward visibility
- The junction designs are too tight. Tight radii result in servicing vehicles having to using the opposite side of the highway to manoeuvre. 10m radii should be provided at both accesses.
- The junction and layout has not been auto- tracked by an 11.6m refuse vehicle, as per the national document, "Manual for Streets".
- There is a large section of the estate without visitor spaces and in unsuitable locations.
- The proposed construction traffic route via Woodstone Village and High Row is very problematic and potentially dangerous due to on street parking and schoolchildren crossing .
- No supporting information has been provided to establish the safe stopping distances.

- The School Safety Zone and traffic regulation orders would decant vehicles further away resulting in even more pedestrians with children using the substandard footway in the area.
- Footpaths are not inclusive to adults with children and wheelchair users.
- Residents would need to cross the existing 60mph road to access the proposed bus stop.
- The proposed changes to the speeds and introduction of bus stops will have no effect of the current speeds.
- The current speeds have been measured but no details have been submitted.
- Current roadways are too narrow and down to single width when parking associated with the school occurs before, during and after school hours.
- Poor public transport links outwith reasonable walking distance of 400m.
- Increase in traffic on minor roads close to a school.
- Impacts to junctions with Cocken Lane which are already poor.
- Traffic calming measures would be required to deal with the increase in traffic.
- There is no transport report just an assessment.
- There is limited parking on the site.
- There is no free public transport to the closest secondary school for children in the village leading to heavy car use.
- The traffic impact assessment is not acceptable as there are no up to date traffic flows.
- The TRICS data is not correct in its approach as it relates to more urban areas, nor are the levels of car ownership detailed.
- The transport assessment is inaccurate in relation to the road width of Cocken lane and does not recognise that this is a route used to travel to Durham and the Arniston Retail centre.
- Lack of street lighting proposed.
- Distances detailed to schools, amenities and bus stops within the application are misleading.
- Distance to school will encourage car use.
- Roads leading out of Great Lumley are poor for cyclists.
- The TA plans are hard to understand as are the proposed access routes.
- Concerns over safe operation of junction with the A690 pressure on Leamside.
- Affordable housing is placed centrally and well away from bus stops
- Were the speed limit to be altered this would impact negatively on traffic flow.
- Conflict of construction traffic with pedestrians and cyclists on rural roads
- Damage to roads for utilities and construction traffic.
- Local roads have blind bends, single road sections and poor visibility.
- A new footpath through Brignall Drive would not be acceptable for privacy purposes
- Will lead to Increase in parking along Cocken Lane.
- Road cleaning vehicles will obstruct traffic and increase hazards to pedestrian and other road users.
- There are fast vehicles speeds and there have been recent RTA's in the vicinity.
- Cocken Lane is heavily used as a rat run to the Arniston Centre.
- Routes to other schools outside the village are not safe and too far for small children to walk or cycle on their own.
- The position of the new crossing at the T junction is unsafe.
- The fact that construction traffic is not to go through the village indicates that the local roads are not suitable for more traffic.
- Traffic assessment taken during covid lockdown
- The travel assessment fails to take into account any issues caused by the parked cars on Cocken Lane.
- Lack of secure bike storage in Great Lumley would deter cycling to amenities.

- lack of detail as to whether Travel Plans at other sites have been successful.
- This creates a rat run through the estate to avoid the congested Cocken Lane
- Construction vehicles will park on unsuitable roads before the site opens.
- northern access joins the road in the national 60mph speed limit area.
- Roads are already used by farm traffic, non-village traffic and for cycle racing and horse riding and by rambling groups.
- Cocken Lane has no white lines , is subject to subsidence and floods regularly and is bad in the winter.
- This will lead to people using shortcuts through other estates.
- There are already disused bus stops along Front Street, if a route was viable then then it would already be being run. If they were used they would end up being disused as unviable to run a service.
- Narrowing the roads to improve the footpaths will worsen road safety, particularly for larger vehicles like buses on a route used by children.
- Narrowing the road and removing the ability for teachers and parents to park merely shifts the problem to another area of the village.
- The benefits of reduction by 10 homes is lost as more 5 bed homes are proposed which will mean higher number of cars.
- Re-routing of bus services from Scorers Lane would leave other residents not within easy access to bus services.
- Routing of bus to High Row increases traffic on a very narrow road in a residential area.
- The buses would have difficulty negotiating the bends.
- Re-routing of services cannot be guaranteed to occur in the future.

Impacts to Infrastructure

- Local amenities and village parking will struggle to cope with additional demand.
- Lack of amenities, particularly for children and youth.
- Lack of employment opportunities in village will mean residents will need to travel for work.
- Local infrastructure such as schools, GP surgery, Water Treatment Works, cemeteries will struggle to cope with additional demand.
- There is no room for the GP surgery to expand.
- How and which schools will have capacity increased and how will this be planned?
- The education contribution model predates the County Durham plan and is out of date.
- There is little capacity for secondary schools to expand further as they have already had to for other developments and following closure of Pelton Roseberry School.
- Monetary compensation is no guarantee to additional teachers and new schools etc.
- This would require mixed age teaching for pupils in the local school due to projections requiring a two form entrance in the future.
- 106 funding would not cover the costs of increasing surgery footprint.
- Health Impact Assessment is misleading in respect of no of GP'S at surgery
- It is not acceptable to replace the school playing field with parking/an extension.
- Additional classrooms would come at a cost of storage space in the school.
- Who will pay for road improvements?

Residential amenity and pollution

- Loss of light, outlook, overshadowing and overlooking into neighbouring property.
- Plans are not accurate to assess privacy distances and neighbouring extensions have not been detailed.
- Anti-social problems in the area would be exacerbated.
- Close proximity of gardens will lead to disturbance.
- Potential for noise disturbance from the A1 to future residents
- Noise assessment was only taken over one day and did not consider impacts of construction traffic on residential areas.
- Lack of detail in relation to air monitoring of vehicles emissions from A1.
- There is a problem with Japanese Knotweed on George Pit Lane.
- Increased noise and pollution on Cocken Road to current residents.
- Noise and dust disruption during build to adjacent estate and along traffic route.
- Extra air pollution would worsen asthma for residents.
- Increase in light pollution from car lights etc.

Design Considerations

- High density of the scheme
- Lack of large house types
- Rear gardens are small.
- Poor layout and scale of design.
- Development has very little green space.
- Properties have very small driveways.
- Parts of the new estate would be car dominated.
- Location of visitor parking would harm views of open space.
- Affordable housing area has limited public space.
- Architectural design not in harmony.

Conflict with policy/strategy

- The proposal is in conflict with CDP policy 6 criteria and policies 10 , 26 ,29 and 40.
- Conflict with the NPPF.
- Proposal contrary to DCP Health Policy HP9.
- Conflict with Green belt policy of CDP.
- This would be against national policy (HMRC 25 Year Environment Plan 2018)
- Chester-le-Street local plan did not identify Great Lumley as suitable for development
- Proposal is contrary to objectives 2,4,7,9,11, 16, 18 of the CDP.
- Contrary to government policy document Gear Change
- Development goes against DCC's Transport Local Plan.
- Conflict with landscape strategy

Other Issues raised

- Depreciation in house values due to social/affordable housing nearby
- There has been difficulties with getting the developers to meet obligations on another site at Great Lumley.

- This would set a precedent for further development opposite the site on the playing field and in other areas.
- Similar developments have been refused elsewhere in the County.
- Community consultation documents are not comprehensive and do not represent views.
- The footpath will lead to ASB.
- The scheme will not provide employment for local contractors.
- Lack of consultation for whole village.
- Loss of view , right to light and impacts to property value.
- PROW will no longer be safe to walk dog off lead.
- Consultees recommend against the scheme.
- There is already plenty of affordable housing in the village.
- Land is outside of settlement boundary.
- Current SuDS on other housing development is full of litter.
- The land is greenbelt
- Design Review was mainly negative.
- The last housing development was of no benefit to the village.
- No record of Parish Council's having been consulted.
- Negative affect on health and wellbeing.
- Pathways should be upgraded in a more sympathetic manner than with tarmac.
- Impacts to budget for Parish Council
- Estimates in increase in population are 2 people per house but there will be more.
- The fields flood regularly and may not be able to cope with run off.
- Further potential for flooding in lower lying areas such as Chester-le-Street and impacts to water quality.
- How will water gas and hydro requirements be met?
- Development will lead to ground contamination from building materials.
- Subsidence/damage could be caused to current properties due to location of mine shafts.
- Trial trenching has yet to be undertaken.
- Impacts to Finchale Priory.
- This will increase the village population by more than 10%.
- Another increase in population will over stretch police and hospitals.
- Would lead to coalescence with other villages in Sunderland.
- Loss of access to the countryside.
- Lack of Eco friendly measures.
- There should be a footpath from Brignall close through to the PROW.
- Development should be located next to or adjoining the last development .
- 70% of the respondents to the community consultation thought that the location for this proposal was unsuitable.
- Planning permission has been refused in the past to develop the site.
- Third parties will not allow sale/access to land for hedge removal to facilitate access.
- Neighbouring residents were told that the land was unsuitable to be built upon.
- The properties will be too expensive for local people to afford.
- Increase in rubbish.
- The finished state of the last Bellway development in the village is less than satisfactory.
- Increase in ASB from social housing .
- There is limited economic benefit to the village or businesses in County Durham, being nearer to Sunderland Shopping Centre's than Durham,

- Residents will have to go further and further outside of the village to exercise /walk dogs etc.
- There are other available brownfield sites within Chester-le-Street.
- Lack of approved surface water management in place.
- Locating a SuDS next to a play area where views are obscured by trees is dangerous.
- Any footpath widening would impact on private properties via loss of hedgerow resulting in security issues as well as loss of habitat.
- Residents may have rights of access claim.
- Lack of review by Council's Low Carbon Team.

Two letters of support have also been received who support based on the following reasons:

- The proposal will bring prosperity which leads to investment.
- Families relocating will likely retain their current school/GP places so this is not a problem.
- Such housing will bring a social uplift to the area
- The amendments have addressed the original issues
- concerns about loss of bus stop not justified as it is barely used.

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

<https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

98. The development proposal represents an exciting opportunity to deliver a broad range of high-quality new homes at Great Lumley, which is a sustainable and attractive market location.
99. Over the course of this application, the Applicant has worked proactively with the Council. We have listened to the feedback received from officers, consultees and the community and responded positively by amending the scheme accordingly.
100. The Applicant has also embraced the Council's Enhanced Design Review Service which has been a positive experience and it has genuinely helped to get the proposal to a stage where there are no outstanding issues relating to the design of the layout or the proposed house types. As a result, the proposed scheme before Committee has evolved significantly since the original submission, seeing a reduction in quantum of development, improved relationship with open green space and enhanced offsite highways works to improve footpaths and accessibility to the various services and facilities in the settlement, including new bus stops to the north of the site and a commitment to extend the existing bus service. Whilst this requires the removal of some hedgerow, the Applicant has taken every measure to ensure that the only removal is of low value and the proposals provide a net gain in biodiversity overall.
101. The Applicant has worked with the Council to address comments from consultees and there are no outstanding issues or consultee objections to the proposals. In addition, the Applicant is committed to securing all planning obligations and financial contributions which have been requested.
102. The scheme has been presented before Design Review Panel at various points in the application, with significant improvements between the first and most recent scores.

Whilst there are two red scores that remain on the most recent review, the Applicant has worked to address through a further revised submission, which is the scheme before committee. The more recent comments from Highways Development confirm no outstanding issues and it is therefore the Applicant's view that these scores should be amended to either amber or green as a result.

103. The Applicant has demonstrated that the development proposal accords with the criteria in Policy 6 in the County Durham Plan which relates to development on unallocated sites in so far as:
- a The site is immediately adjacent to the existing settlement and the proposal is compatible with adjacent land uses;
 - b It would not result in coalescence with any other settlements, nor would it result in ribbon or backland development;
 - c The site is not subject to any formal designations relating to recreational, ecological or heritage value. The development will deliver a net gain to biodiversity and the landscape strategy responds positively to the landscape context, embracing the two public right of way routes;
 - d The proposal is an appropriate extension to the settlement and it will enhance the southern and eastern approaches to Great Lumley with outward facing development;
 - e There are no objections from DCC Highways or National Highways in relation to highways safety or impact on the network;
 - f The proposals enhance walking routes to nearby services in Great Lumley and also improve public transport offering through two new bus stops;
 - g The proposals would not lead to a loss of neighbourhood facilities and would in turn further support them;
 - h The site falls in Flood Zone 1 and therefore development on this site is suitable in accordance with the NPPF;
 - i There are no known previously developed sites that would provide an equivalent opportunity in the locality for the development proposed; and
 - j The provision of additional homes will act to support local shops and services to maintain a strong local community.
104. Additionally, the proposed development would provide the following benefits to Great Lumley:
- Provide a wide variety of high-quality new homes, including 15 bungalows;
 - 22 affordable homes including affordable rent, discounted market value and first homes;
 - Health – a contribution of £71,484 as request by the CCG will be provided through the S106 agreement to increase GP surgery capacity;
 - Education – a contribution will total £768,288 (£470,496 towards primary education and £297,792 towards secondary education) will be provided through the S106 agreement;
 - Offsite highways works to improve the road and pavement width along Cocken Lane and the junction with Cambridge Drive, as well as along Front Street;
 - Public Transport – The re-routing of either bus service 71 or 78 along Front Street with two new bus stops proposed north of the site funded by Bellway Homes;
 - PROW – a contribution as requested by the Rights Of Way Officer of £70,000 to fund surface improvements to bridleway no.16 and no.19 through the S106 agreement. The proposals also include upgrading footpath no.14 that runs north-south through the site; and
 - Provision of over 25,000sqm of public open green space.

105. The proposal satisfies all other relevant policies in the County Durham Plan and is therefore in accordance with the development plan. We therefore kindly request that members are minded to approve this planning application.

PLANNING CONSIDERATIONS AND ASSESSMENT

106. 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, residential amenity, ecology, layout and design, heritage and archaeology, flooding and drainage, infrastructure and open space provision, addressing housing needs, developer contributions, contamination and land stability, other considerations and public sector equality duty.

The Principle of the Development

The Development Plan

107. 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.
108. 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.
109. The CDP is an up to date development plan and therefore paragraph 119d is not engaged. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date

development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

110. The application site is an unallocated and undeveloped site located outside of the main body of existing development of the village of Great Lumley and is therefore technically classed as in the countryside. Policy 10 of the CDP 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. There is no neighbourhood plan for the area and none of the exceptions apply in this case therefore the proposal would only be permissible should another CDP policy allow it.
111. The main relevant policy would be Policy 6 of the CDP. This policy allows for 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 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.
112. In terms of townscape and landscape implications the key considerations are the physical and visual relationship of the site to the existing built up area of the settlement and whether the development is appropriate to the scale, design, layout, and location to the character, function, form and setting of the settlement. As the development

would extend the settlement both eastwards and southwards into the open countryside, the issue is whether the development of the site would be a well-related and natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built-up areas as well as other judgements, such as its sustainability in terms of location and access to sustainable transport options.

113. The site is outside of the built up area and despite adjoining the urban form of the settlement on two sides it would not be considered physically or visually to be well related given the scale, location away from central facilities and services, poor interconnectivity with the neighbouring development and as it would alter the regular edge of settlement form and the open rural setting of the settlement, particularly to the south from where it is most visible. It is considered therefore that there would be conflict with the principle of Policy 6 and criteria c and d, and by default also Policy 10. There would also be conflict with the design principles criteria l) and o) of policy 10 as the proposal would give rise to unacceptable harm to the intrinsic character of the countryside which cannot be adequately mitigated or compensated for and as it would impact adversely upon the setting, important vistas of the settlement and form of the settlement which cannot be adequately mitigated or compensated for. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.

Housing Land Supply

114. 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.
115. 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. The issue of housing supply there carries little positive weight in the planning balance.

Relationship with settlement and impacts upon character of the area

116. CDP paragraph 4.110 in support of CDP policy 6 explains that 'when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built up area of the settlement will be a key consideration'. Furthermore, criterion d. of CDP policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
117. Great Lumley is medium sized 'squarish' settlement consisting in the main of housing estates to the east of Back Lane and to either side of Front Street and Cocken Lane with facilities located at Front Street in the centre.
118. The southern edge of Great Lumley is clear with residential development at Stainmore Drive and Cambridge Drive on the opposite side of the road forming a strong linear boundary to the village with an open countryside setting beyond. The boundary is clearly visible from the Cocken Lane roadway and the Bridleway (16) that runs from Cocken Lane to the countryside to the East and the PROW footpath (no 14) that runs from the bridleway to the North and PROW footpath (15) east of the site.

119. The eastern edge Great Lumley is less well defined and regular, on the southern side of Front Street it is defined by the rear of properties of Brignall and Nenthead Close which can be seen fleetingly from the Front Street roadway where the roadside hedging sparse and in close views from Public Rights of Way (Footpaths 14 and 15 and bridleway 16). The boundary on the northern side is considered to end at the edge of the Rivers Estate, beyond which there is a vicarage and another property set back from the roadway and the Lumley Treatments works which are behind significant woodland screening. The eastern village boundary therefore has a mix of open countryside and woodland as its setting.
120. The development site abuts both the southern and eastern boundaries of the village and has the character and appearance of open countryside with open arable fields reflecting the traditional field patterns dating back to 1860s with trees and hedgerows on roadside boundaries. The site has visual qualities of an arable landscape which has been left uncultivated for some time and is pleasant and can be enjoyed in views from buildings, Cocken Lane and Front Street roadways and a bridleway south of the site, a public right of way that runs centrally through the site and other public footpaths both east and west of the site. The predominance of field hedgerow boundaries mean that the site is readily perceptible from these adjacent views.
121. Some limited development has taken place over time in Great Lumley. The proposal would represent an increase of roughly 10% above the number of existing dwellings. Previous developments represented smaller percentage increases in the village size and the most recent development was mostly within the village's eastern boundary identified above in a more discreet location. This proposal would represent a large extension, extending the southern edge of the settlement by some 100m and the eastern edge by some 144m forming a spur protruding into the countryside from the south and east visible from two main roads in and out of the village but in particular from Cocken Lane, and also from the bridleway and footpaths west, south and east of the site.
122. The proposal would result in the loss of a significant stretch of roadside hedgerow on Cocken Lane for highways requirements. Whilst this would be replaced with new native species hedgerow deeper into the site to reduce the scheme's visual impact, the proposed houses would nevertheless be clearly evident from a number of vantage points both when entering and leaving the village for several years whilst the landscaping takes time to mature, even once mature it is likely that the upper levels would be permanently visible from this roadway. This would appear out of keeping with the undeveloped rural character of the surroundings on the opposite side of the roadway.
123. Along Front Street, there is a similar situation, albeit the impacts are not as extensive given that a lesser extent of hedgerow removal is required and proposed tree planting is more extensive to screen the property frontages over time.
124. The proximity of the new built development to the current housing would mean that there would be harm in terms of the visual amenity for current neighbouring residents of properties at Stainmore Drive, Brignall Close and Nenthead Close which would be permanent. However this impact would be expected on any new development on a greenfield site on the edge of settlement.
125. To the south of the site is a bridleway (16) and a PROW (FP14) runs through the site. From these paths it is currently possible to view the existing dwellings, in addition to the undeveloped nature of the site. The proposed development, and resultant increase

in built form would change the nature of these path to one of a more suburban character given that the buildings and roadways would be readily apparent.

126. Uninterrupted views of open fields and countryside beyond the site are afforded currently from the PROW (FP14) within the site and across the site from Cocken Lane with views also possible from the eastern part of the bridleway south of the site. The Landscape strategy and site layout has been designed to still allow for views eastwards to pasture land from Cocken Lane, the bridleway and from the southern part of the PROW which is welcomed, however the development would still be transformative as such views would also include items of infrastructure associated with residential development and even more so in respect of users of the central PROW with housing on either side for much of its route through the site .
127. All of these above factors would mean that the development would significantly erode the open countryside setting of the settlement that currently exists, particularly to the south of Stainmore Drive, and create an extension with little bearing on the current relatively well defined extent of the built up part of the settlement in this part of Great Lumley with there being no such built form visible on the opposite side of either road and given the distances to the centre. It would relate poorly to the existing configuration of the settlement both physically and visually. As such, the development would be in conflict with the principle of policy 6. The proposal would also result in the loss of open land that contributes to the rural character of the area which despite extensive landscaping cannot be adequately mitigated or compensated for contrary to criteria c of policy 6 of the CDP. The proposal would not be appropriate in terms of scale and location to the form and setting of the settlement.
128. The proposal would also conflict with CDP Policy 10 which requires there to be no unacceptable harm to the intrinsic character of the countryside which cannot be adequately mitigated or compensated for (criteria l) and to not impact adversely upon the setting or form of a settlement which cannot be adequately mitigated or compensated for (criteria o).

Impacts upon wider Landscape and Trees and consideration of landscape strategy

129. 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.
130. Similar requirements are outlined in Policy 29. Criteria l 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.
131. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows and requires suitable replacement planting be provided if they are lost.
132. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance.
133. Parts 12 and 15 of the NPPF promote good design and Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
134. The site forms an attractive area of rural countryside whilst it is not designated as an Area of Higher Landscape Value (AHLV). It is a Landscape Improvement priority area with a strategy of enhance.

135. In wider landscape terms than the immediate setting it is accepted that the existing mature tree belt along the southern side of the site would screen the development from wider views from the south. The proposed planting of the shelter belt to the east has the potential in the long term to break up or even screen the development from the east. However, even with planting and acknowledging that landscaping does not need to be as tall as the building it intends to mask depending on the vantage point, the landscaping would still take a considerable time to mature to an extent where it could be effective in mitigating the visual intrusion.
136. The fact that these parts of Great Lumley have a setting which is open character is due to the fact the previous developments did not include landscaping to the edges which has resulted in quite a harsh settlement edge which is more prevalent along Cocken Lane. It is accepted that these proposals would soften the appearance of the settlement edge in views looking towards the village which would be some improvement visually but this would come at a cost of a significant loss of open land which would outweigh this benefit.
137. Roadside hedgerow features and roadside trees would also be lost in addition to the development carving out a segment of open countryside which characterises the area. The loss of the hedgerows and trees would conflict with CDP policy 40 unless the benefits of the proposal outweigh the harm and therefore this needs to be weighed in the planning balance.
138. The Landscaping on the boundaries and within the site , including planting in the SuDs area and the incorporation of tree lined streets is acceptable in terms of landscape design requirements. Conditions can ensure that there would be appropriate long term management.
139. In summary, the proposal would result in a significant adverse change to the character of the site from an open field to a large housing estate. The impact is limited to the immediate setting of the site and rapidly reduces with distance due to existing and proposed screening. The development would have a very limited impact on the wider landscape and the scheme would not be prominent in longer distance views.
140. Clearly the adverse landscape and visual impacts of the proposal are highly localised and account has been taken of the proposed planting and landscaping improvement that would assist to soften the appearance of the development in the longer term.
141. The proposal would therefore conflict with County Durham Plan Policy 40 in respect of the loss of hedges and trees. Whilst the tree planting would take some time to have a meaningful impact on the visual effects of the development this would go some way to addressing CDP policy 39's requirement to incorporate measures to mitigate adverse landscape and visual effects. Nevertheless the development would result in moderate but unacceptable harm to the character and quality of the landscape overall contrary to CDP Policy 39.

Locational Sustainability of the Site

142. 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.
143. 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.

144. 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.
145. 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.
146. 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. Great Lumley is placed 45th in a table of 229 settlements in terms of service provision. Today Great Lumley is recognised as a village with access to a good amount of services including a primary school, GP surgery and pharmacy, community centre, churches, 2 convenience stores, takeaways, independent shops and a play area and a football pitch. The site is also around 2.3 miles from Chester-Le-Street town centre boundary which contains an array of amenities and services including shopping, leisure facilities and a transport hub
147. Even though Great Lumley is 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 in a sustainable manner.
148. It is noted that both distances and some services detailed within the Transport Assessment are disputed by local residents. However, Officers have undertaken their own assessment in relation to distances to services and amenities with measurements taken from the most central part of the site along the shortest route (Cocken Lane).
149. The proposed properties within the middle of the site lie within approximately 715m of the Lumley Junior School, 904m of the Doctor's surgery and pharmacy, 972m of Great Lumley Community centre, 787 m to a small local shop and takeaway and 1234m to two larger convenience stores and 1460m to a nursery school.
150. In terms of distances to services and amenities, only the school and small local shop fall within an acceptable range however all other distances are generally considered over acceptable limits 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' and The Department for Transport's 'Manual for Streets'. In general, a walking distance of around 800m or 10 minutes' walk is accepted as being an acceptable range. Most of the services exceed this range as detailed above which conflict with CDP policies 6,21 and 29 and part 9 of the NPPF.
151. It is however not only distance that influences transport choice. The CIHT planning for walking states that "the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating".

152. The shorter route via Cocken Lane would be along a new 1.5m wide footway link from the site to the existing footpaths. Highways Officers advise that this footway width is acceptable in highway safety terms despite falling short of the DDC 1.8m wide standard. This is however considered unlikely to be an attractive and stimulating journey for future residents in respect of both the width and in also in respect of the presence of on street parked cars along this route during term times 5 days a week which can also include early evenings. This parking is as a result of the lack of any parking available at the school for staff or parents/carers and visitors.
153. The alternative slightly longer route to the nearest facility (school) via the PROW and the new 1.5-1.8m wide footway onto Front Street would be more pleasant in terms of width and lack of parked cars however this would be some 817m in distance.
154. It is noted that the second closest primary school is some 3km away and it is considered that Walking routes to other schools outside the village are not particularly safe for small children to walk on their own given the lack of streetlighting and the traffic speeds.
155. Given the distance to Chester-le-Street it is unlikely that those services would be accessed on foot rather than by bus.
156. In terms of cycling, the local facilities and services in Great Lumley and employment establishments in the local area would be in reasonable cycling distance for those are able and prefer to cycle. However Great Lumley is lacking in good cycling links and secure storage and the journey to/from Great Lumley via Cocken Lane is problematic in terms of on-street parking associated with the school reducing the width of the Lane to single width for two way traffic during term time. This would not be attractive to cyclists in terms of the visual surroundings and the perceived traffic danger, particularly in terms of the potential for cycling to and from school for instance.
157. Whilst Front Street Roadway would not have similar parking issues the perceived traffic danger from the likely speeds (considered to be above the proposed speed limits) would be unlikely to encourage travel to the local school via bicycle. Routes to other schools outside the village are not particularly safe for small children to cycle given the lack of streetlighting and the traffic speeds.
158. A public right of way (Great Lumley no14 FP) runs north-south through the centre of the site and a PROW (Great Lumley 16 BW) is adjacent to the southern boundary. The proposal involves upgrading the footpath and to link this footpath to a new public footpath to Front Street. This will provide good access to the bridleway to the south and the countryside beyond, albeit a longer route to reach the open countryside for current residents.
159. Whilst Great Lumley has experienced discontinuation of some bus stops there is existing bus stop provision at Windsor Terrace (798m) and Front Street (860m) from which there are regular service throughout the week and into the evenings. These include 2 services covering Consett, Stanley, Chester-le- Street, Seaham and another service to a secondary school. However ,these bus stops fall well outside the maximum convenient walking distance of 400m to bus stops detailed within the Council's adopted County Durham Plan County Durham Building for Life SPD and the advice set out in Planning for Waking by the Institute of Highways and transportation (IHT) in 2015. Furthermore, the problems identified above in terms of quality of the walking journey remain.
160. To address this policy conflict the applicants have proposed the funding of two new bus stops at the northern access point to the site along Front Street and have detailed

that they are negotiating with public transport operators and the Council in relating to diverting 1 of the 2 current services to these proposed bus stops and funding work to enable re-routing. In the event of an approval the re-routing of 1 of the two routes could be secured via 106 funding. If a full service was operating from these two proposed bus stops the site would be within an acceptable 400m walking distance to these stops, and the journey concerns would fall away.

161. Residents have raised concerns over the loss of bus services on Scorers Lane with such a diversion, and the impacts to current residents in terms of sustainability. As there are currently two services on Scorers Lane this is not a significant concern as only one service would require diversion.
162. Residents have raised concerns over accessing the northern bus stop given the current speed limits however it is noted that the proposal involves both a dropped pedestrian crossing point and upgrading of the village gateways and some hedgerow removal to protect pedestrian safety.
163. A Travel Plan has been submitted with which outlines sustainable transport measures to be incorporated such as welcome packs for new residents and a £100 voucher towards a cycle/cycle accessories. A condition would 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.
164. Overall, it is considered that the site has inadequate access to the range of services and facilities within Great Lumley as the majority of these are not within easy reach of the site on foot, with the shorter route being problematic in terms of attractiveness to users given the substandard width involved and the on street parking issues along Cocken Lane. Options for cycling are also poor. In terms of public transport, the funding of two new bus stops and the extension of an existing bus route to serve these two new bus stops can be secured were the application to be approved. This is not counted as a benefit however rather that it is required to make the development acceptable in public transport terms and therefore carries neutral weight. Bearing the above in mind it is considered that the proposal is not acceptable in terms of accessibility when taken in the round.
165. In conclusion, the development would not promote accessibility by a range of methods and would result in conflict with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Highways

166. 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.
167. 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.
168. Concerns have been raised by local residents that local roads and junctions do not have the capacity to accommodate the additional traffic and point out that Cocken Lane is a particular busy route to Durham and The Arnison Centre with on street

parking issues. There are also concerns over the safety of the narrow rural lanes as there have been recent RTA'S and there are concerns over traffic speeds and potential for conflict with cyclists and ramblers who use the local roads.

169. A Transport Assessment has been submitted to consider the potential highway and transport related impacts associated with this proposal and a number of different mitigation options have been explored.
170. The proposed development was estimated to generate approximately 85 two-way vehicle movements and 116 two way movements in both the AM and PM Peak hours respectively and the assessment concluded that this number of vehicles could be accommodated on the local highway network and the strategic highway network without need for mitigation works. The Highways Officer agrees with these findings.
171. The revised TA also assessed the impacts to the A1(M) junction 63 in terms of capacity and safety and concluded that the development would have insignificant impacts on capacity and that the current highway layout is safe to accommodate the additional traffic. National Highways and the Highways Authority accept these findings. Given the above it can be concluded that there will be no significant impact to the safety or capacity of the local highway network or indeed the National Highway Network.
172. The proposed development proposes two new accesses, the first access would be to the north of the site on Front Street and the second access would be to the west of the site on Cocken Lane. These roads provide links throughout the residential area of Great Lumley towards the B1284 (Lumley New Road) and A167 the northwest , Pit House Lane and Black Boy Road (towards the B1284 and A690) to the south east and Cocken Road to the south. In respect of the two new accesses, in response to comments made by the Highways Officer amendments have been made to the positioning, design and visibility splays for the accesses which includes the removal of a notable amount of hedgerow and vegetation. In pure highways terms these works can only be looked at as to whether they would result in an unacceptable impact on the highway safety or result in severe cumulative impacts to the road network based on data and design standards. Highways Officers consider neither would be the case in this instance.
173. The new footway links at Cocken Lane and Front Street and associated works to achieve the links would ensure that safe access for pedestrians can be achieved . The general principle of providing a minim 1.5 metre wide footway link from the site to the village with footway widening measures and minor kerb re-alignments is a fall back in design standard from the Councils footway widths highway design standard which is 1.8 metres wide. Whilst it is not ideal to reduce and accept footways 300mm short of the required design standard it is recognised in rural areas footways vary in width. Also, a more poignant factor is that 1.5m wide footways can accommodate wheel chair users and an adult walking with a small child or two adults one with pushchair therefore the substandard footway widths are accepted in highway safety terms. Concerns have been raised that there are inaccuracies in terms of the roadway widths indicated however Highways Officers have visited the site and have raised no such concerns.
174. The TA originally put forward proposed measures to reduce speed along Front Street including a new speed limits which residents were concerned may lead to congestion in the village however this is no longer the case with upgrades to the village gateways proposed instead.
175. With regards to highway safety within the site, the design has been amended to widen the main accesses and road to 5.5m in width and to increase the visitor parking bays in line with Council requirements. The visitor parking is now better located and

distributed. Amendments have been made in respect of private shared driveway lengths, turning heads and bin stores to address earlier comments from Highways Officers. The curvature of the main thoroughfare should make the route through the estate less appealing as a shortcut to avoid the on-street parking issues on Cocken Lane as is also the case with the Stainmore Drive through route.

176. Overall, based on the advice of the Highway Authority and the detailed information submitted Officers are satisfied that the development would not have a severe cumulative impact on network capacity and would not be prejudicial to highway safety. The proposal therefore accords with Policy 6 (criteria e) and policy 21 and 29 of the CDP and Paragraph 110 and paragraph 111 of the NPPF.

Residential Amenity and pollution

177. The application has raised a significant number of concerns from neighbouring residents in respect of negative impacts to their residential amenity and health and wellbeing and impacts to views. Members will be aware that the potential impacts of a proposed development on private views is not a planning consideration, however the residents are receptors in terms of the general visual amenity of the area and this has been addressed above.
178. 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.
179. 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. Where there is a significant change in levels, the minimum separation distance will increase by 1 metre for every 1 metre that the floor level of the development would be above the affected floor or ground level of the neighbouring property. 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.
180. The proposed amended layout demonstrates that minimum separation distances between proposed properties and existing including their extensions and taking into account any land levels is achieved.
181. Minimum separation distances between proposed dwellings would be achieved on site. Standards garden lengths are now also achieved on site. Bearing the above in mind the amended proposal is now acceptable in terms of privacy, outlook, light and visual and general amenity.
182. 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.
183. The application is supported by a noise report. The report details that there is the potential for future residents to be impacted by noise from road traffic on the A1 and suggests acoustic glazing and ventilation and acoustic fencing for some properties to achieve appropriate levels. The Environmental Health Officer is satisfied with these mitigation measures and these can be delivered via condition.

184. There is also the potential for disturbance during the construction period however the submitted construction management plan (CMP) submitted alongside the application is satisfactory to deal with construction related impacts (other than dust). Subject to the imposition of a condition requiring compliance with an CMP to address dust the 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. No concerns were raised by Environmental Health in respect of construction traffic noise or general traffic noise.
185. Good quality air is of importance and it is noted that a local resident has concerns as to how residents with Asthma could be impacted, notably air pollution can make asthma symptoms worse as well as causing asthma. An air quality impact assessment has been submitted assessing the impact of the development. Environmental Health have requested that the mitigation measures recommended in relation to dust control also need to also be included within the construction management plan (CMP) and therefore a condition is necessary to ensure an updated CMP is submitted prior to commencement in respect of this matter. No concerns were raised in relation to emissions from traffic on the A1(M) or Cocken Lane. Provided there is appropriate control of dust from the site an acceptable standard of residential amenity shall be achieved at the site with the effect that those with asthma will not be prejudiced by the development.
186. Whilst there are some minor negative impacts both during and post construction the development would not lead to a significant reduction in residential amenity for existing residents or poor amenity for future residents, subject to appropriate conditions. Overall, the scheme would generally comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Ecology

187. 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.
188. The presence of protected species is a material consideration in planning decisions in accordance with requirements of the Wildlife and Countryside Act 1981, the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017(as amended).
189. 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.
190. A Preliminary Ecological Appraisal has been submitted in support of the proposal. The appraisal notes that there are 5 Local Wildlife Sites within 2km of the site, the closest being Brough's Gill Wood LWS which lies approximately 760m to the north west of the site. The site is within an SSSI impact Risk zone for Joes' Pond SSSI. The site is identified as arable fields with hedgerows, scrub and lines of trees. This habitat is

identified as providing foraging opportunities and commuting routes for bats, foraging and nesting opportunities for birds and it also has the potential for commuting for badgers and occasional use by brown hare, hedgehog and common toad. However the site is considered to be of no more than low value for these species. No other protected species were recorded on site.

191. Concerns have been raised by local residents over the timing of the initial surveys however further Separate ecological reports have been submitted in relation to bats and breeding birds. There are also local concerns over the ecological importance of the site. The site is considered to be of no more that local value for foraging and commuting bats who would be impacted by the loss of foraging and commuting habitats and an increase in disturbance to retained habitats around the periphery of the site though an increase in noise and lights. In respect of birds, the site was found to support approximately 56 territories of 24 species, 15 of which are listed as birds of conservation concern and 11 are listed as 'priority species' .The impacts of the proposal are identified as loss of breeding ground nest species, potential loss of breeding species within the boundary features , loss of open foraging areas, increased predation of species being retained and new habitats as a result of an increased pet population associated with the development.
192. The ecological appraisals make a series of recommendations for the proposals in relation to lighting, species friendly landscape planting and hedge retention and enhancement, provision of bat and bird boxes, timing of works, SuDS creation and maintenance, and species-specific habitat provisions. These can be ensured via condition.
193. The Council's Ecologist is satisfied with the report findings and requests conditions to ensure that that 10% of properties incorporate swift boxes and that other mitigation be secured via condition. As there would not be an interference with protected species for which a license would be required, it is not necessary for the LPA to apply the derogation tests.
194. 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 and on the site in accordance with CDP Policies 26 and 41 and Paragraph 174 of the NPPF. The submitted Biodiversity and Management and Monitoring Plan, including a monitoring strategy for a minimum of 30 years, would need to be secured under Section 39 of the Wildlife and Countryside Act 1981.
195. Overall and subject to the imposition of conditions to secure the mitigation strategy and sec 39 agreement to secure habitat creation, management and monitoring 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

196. 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.
197. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments.

198. 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.
199. 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.
200. This full scheme has repeatedly been considered against the BfL standard through a series of 12 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. Despite several reviews and amendments, the scheme still scores 2 “reds” and 6 “ambers” and four “greens”. The reds related to connections as the proposal fails to integrate new connections whilst respecting the surrounding rural character and as facilities and services are beyond accepted walking times and along footpaths where hedgerow maintenance may be an issue. The amended proposal would be unlikely to move the proposal from these 2 reds.
201. 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.
202. In respect of climate change, the applicants propose 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.
203. Bearing the above in mind the proposal remains in conflict with Policy 29 of the CDP and Part 12 of the NPPF in respect of BfL requirements.

Heritage and Archaeology

204. 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.
205. 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.

206. There are no designated or non-designated heritage assets within close proximity of the development site. In respect of archaeology, trial trenching has been undertaken which concluded that no further fieldwork is required and a WSI has been submitted. The Council Archaeologist is satisfied with these reports but has requested a condition in respect of securing archiving. 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

207. 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.
208. 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.
209. Local residents are concerned by the potential for flooding on site and to other areas. 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 swales and detention basins to attenuate and treat surface water to allow infiltration ensuring that there would be minimal runoff from the site even in 1 in 30 year storm events.
210. Drainage and Costal Protection (LLFA) advise that the information submitted is in accordance with Council Policy and National Standards in providing a sustainable solution to surface water management and have approved the digital hydraulic calculations. A condition can ensure that the development adhered to the flood risk and drainage strategy and that no development commences before an ordinary watercourse land drainage consent is in place in line with LLFA and Northumbrian Water advice .
211. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station to which Northumbrian Water raise no objections and request a condition to ensure this discharges to a specific manhole.
212. Subject to the above condition the drainage is considered acceptable in accordance with CDP policy 35 and Part 14 of the NPPF

Infrastructure and Open Space Provision

213. 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.
214. 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.
215. 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.
216. 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.
217. 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).
218. 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.
219. Given the scale of the development, it would generally be expected that all amenity space and play space would be provided on-site. A requirement of 4,890 sqm of amenity/natural space and 163 sqm of children's play space would be required for a development of this size which is exceeded on the site.
220. 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 could be imposed proposed to secure the details of the future management and maintenance arrangements.
221. 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 £219,398 towards the delivery of off-site allotments and parks, recreation ground and 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. This would address local residents concerns over the lack of facilities for children and youths.

222. Policy 26 of the County Durham Plan requires development to maintain and protect, and where appropriate improve, the county's green infrastructure network. The policy advises that where green infrastructure assets are affected proposals must incorporate suitable mitigation. In respect of Public Right of Way the policy advises that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Where proposals would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) the policy advises that these will not be permitted unless equivalent alternative provision of a suitable standard is made.
223. It is a positive that Footpath 14 will be retained for connections and upgraded despite the quality of the experience to the users dropping as a result of the development. This footpath will need to be closed and diverted during construction the development. Given the increased pressure on other local footpaths the applicants have agreed to a s106 contribution of £70,000 to fund improvements to bridleway no.16 and bridleway no.19 Great Lumley Parish.
224. 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 45 pupils of primary age and 18 secondary age school pupils. There is insufficient capacity at the local primary and secondary schools to accommodate this need. A total contribution of £470,496 towards primary education provision and £297,792 towards secondary education provision is therefore required. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.
225. Concerns over whether local schools have the capacity to expand further are noted and to address this the s106 would identify a preferred and 'contingency' school expansion project in the planning obligation.
226. Whilst there are concerns that the proposal would result in mixed age teaching for pupils in the local school due to additional children this is unlikely given the additional children will vary in age range and as several factors will influence future residents choice of school.
227. 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 £71,484 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.
228. There are concerns that there no room for the GP surgery and that the surgery has fewer GP's than stated. However there appears to be some space to the rear of the property or the roofscape to expand. The NHS requirements are only based on build costs and the number of GP's at the surgery is a contractual matter between the GP surgery and the NHS.
229. As all the above contributions are required to make the development acceptable they cannot be given positive weight, only neutral weight.

Addressing Housing Need

230. Whilst local residents consider there is no need for more affordable homes in the village this is a policy requirement. 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 First Homes, affordable home ownership and rent.
231. Policy 15 of the CDP and Policy D2 of the DCNP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family.
232. Policy 15 of the CDP also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS).
233. 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.
234. The Council's Affordable Housing team advise that the affordable units should be delivered as 2 or 3 bed houses or bungalows for rent or home ownership. It is advised that housing provided should be a mix of 2 and 3 bedroomed units for both rented and affordable home ownership properties.
235. The developers have submitted an updated affordable housing statement committing to meeting the 15% policy requirements via 7 homes for affordable rental and 15 for affordable home ownership (including 6 first homes). There remain however some minor concerns with the central grouped position of these dwellings. The revised layout includes 15 no. bungalows which now meets the 10% policy requirement of housing options for older persons and these have been better spread throughout the site. These requirements can be secured by s106 legal agreement.
236. In respect to the Policy 15 requirements on M4(2) and NDSS the amended application indicates that 101 of the dwellings would meet the M4(2) standards which meets the 66% requirement of Policy 15.
237. In terms of housing mix, the development would generally provide a range of 2, 3, 4 and 5 bedroomed units including, detached and semi-detached houses, terraced properties and bungalows options in compliance with Policy 19 of the CDP and Part 5 of the NPPF.
238. Overall, the scheme would generally meet the identified housing needs of the County in respect of affordable and accessible homes and is in general compliance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

Developer Contributions

239. 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):

- £470,496 towards primary education provision;
- £297,792 towards secondary education provision
- £71,484 to increase GP surgery capacity;
- £219,398 off-site public open space contribution;
- £70,000 – to fund surface improvements to bridleway no.16 and no.19.
- Contribution towards the delivery of two bus stops and service diversion.T.B.C
- The delivery of 15% affordable housing units on site, equating to 15 units for affordable home ownership, 6 of which will be first homes and 7 units for affordable rent;
- 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.

240. The applicant has indicated their acceptance to enter into such agreements and therefore it is considered that this scheme of 148 units would sufficiently mitigate its own impacts.

Contamination and Safety

241. 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.

242. Given the site lies in an area of high risk in terms of coal mining legacy and as there would be a sensitive end user of the site, a Phase I and II site investigation report and a coal mining risk assessment have been submitted in support of the application considering the issue of land contamination and stability.

243. 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. Similarly, the Coal Authority request conditions to ensure remediation works are undertaken and checked by a suitably competent person. With such conditions the proposal would accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.

Other Considerations

244. There have been concerns raised by local residents in respect of loss of productive agricultural land. 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.
245. 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 8.1ha of Grade 3 (good to moderate) agricultural land. The report identifies that the land falls into Grade 3b (moderate) capable of producing moderate yields of narrow range crops, principally cereals and grass, or a lower range of a wider range of crops or high yields of grass for grazing or harvesting. As 3b land is not classed as best and most versatile land it is considered that the loss is not significant and therefore does not hold much negative weight in the planning balance.
246. 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.
247. 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.
248. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource 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. In this instance evidence has been submitted that details the coal resource has already been extracted from this site. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
249. 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.
250. Policy 28 of the CDP requires development within safeguarded areas to be subject to consultation with relevant authorities such as the Health and Safety Executive and to only be permitted where it would not prejudice current or future public safety. Much of the site falls within the outer zone of the HSE major hazard sites consultation zone and an area of the north of the site falls within the middle zone. The major hazard site identified is Great Lumley NWL Water Treatment Works. HSE have advised against granting planning permission for the development as the site is within the buffer zone of the water treatment works and as this has historic Hazardous Substances Consent and given the increase in population in close proximity the works.

251. From discussions with NWL it is understood that the hazardous designation is a historic designation in respect of chlorine storage and that the historic use is no longer in place but that records have not been updated or the designation revoked. If the LPA is minded to grant permission Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Ministry of Housing, Communities and Local Government requires the local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government, call-in the application for their own determination.
252. Residents have objected on the grounds that this is not a brownfield site however this does not preclude development.
253. Concerns have been raised about the addition of the pumping station being an eyesore on the edge of the countryside however in time it would be appropriately mitigated by native structure planting.
254. Whilst residents have raised concerns over increased recreational pressures on countryside from the additional population these pressures cannot be considered above and beyond access onto PROW's or accrued rights of access as this would involve trespass onto private land.
255. It is noted that the PROW is not upgraded in a way that is appropriate for cyclists however the PROW is proposed to remain a footpath and is therefore not intended for cycle access.
256. Concerns raised in relation to potential construction traffic routes and parking are noted however this detail can be controlled under a Construction Traffic Management Plan which can be required by condition.
257. It is noted that there is no free public transport to the closest secondary school for children in the village however this will not necessarily lead to significant increases in traffic for these journeys particularly as parents/carers often drop off alongside other trips to work etc.
258. Concerns over lack of street lighting proposed however this would form part of any adoption agreement.
259. Concerns raised in respect of potential damage to roads for utilities and by construction traffic are noted however damage to the public highway is not usually a concern where agreements such as 278 and section 38 agreements are in place.
260. Whilst there are privacy concerns over the potential new footpath through Brignall Drive from the new housing a footpath connection to this estate is not part of this proposal.
261. Comments made about the lack of success in relation to Travel Plans however these are a requirement for developments of this size and the merits of the principle of Travel Plans cannot form part of this consideration.
262. Whilst there are concerns over the propensity of Cocken Lane to flood, suitable drainage for the development can ensure that this does not occur. Any other maintenance issues with the road are a matter for the Highways Authority.

263. Concerns raised in respect of anti-social behaviour and addition pressures to police are not an issue usually presented by new housing development,
264. There is a problem with Japanese Knotweed at the public right of way (bridleway no. 16 Great Lumley) which is sprayed by DCC contractors as part of the annual cutting programme. The application has not identified that the site has Japanese Knotweed, nonetheless a condition could ensure that were any to be identified on site that an invasive weed management plan specific to Japanese Knotweed be submitted and implemented in full.
265. Neighbouring residents have raised concerns over light pollution from car lights etc but given the fencing screening and infrequency of such event this is not considered of significant harm to amenity.
266. Whilst some objections refer to Green belt policy this site is not within the Green Belt.
267. Objection letters refer to many strategies and policy documents that predate the CDP and which will have fed into its policy formulation therefore the CDP is considered more relevant.
268. Depreciation in house values, loss of view and right to light and rights of access, ability of utility companies to connect are not material planning considerations.
269. Comments raised in relation to problems at another site and precedent are not relevant as each application is considered on its own merits.
270. Local residents consider that the scheme will not provide employment for local contractors however in the event of an approval a targeted recruitment condition could be used to address this aspect.
271. Whilst comments have been made in relation to the population of the village not being consulted a wide consultation was undertaken, including a public consultation event by both developers and Durham County Council.
272. It is noted that there are concerns that the SuDS feature will suffer litter however there would be a maintenance plan that would include litter picking.
273. Whilst residents are concerned that Parish Council's do not appear to have been consulted the LPA no longer consult directly but a weekly list is sent to all parishes.
274. Concerns over impacts to budget for Parish Council are noted but this is likely to increase with more council tax receipts.
275. Whilst local residents feel the estimates of 2 people per house to be low this is based on the average for the region of 2.24 and therefore not an unreasonable assumption.
276. It is noted that residents consider the development should be sited elsewhere in the village however we can only consider the application at hand.
277. Planning history can be a material planning consideration however in this instance this carried little weight given the change in national and local plan policy since the previous refusal.

278. 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 consider that equality impacts identified can be addressed.

Conclusion

279. 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). Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

280. 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.

281. It is concluded that the development would significantly erode the open countryside setting of the settlement that currently exists, particularly to the south of Stainmore Drive, and create a settlement extension with little bearing on the current relatively well defined extent of the built up part of the settlement in this part of Great Lumley. Due to its scale and location it would relate poorly to the existing configuration of the settlement both physically and visually and therefore conflict with the principle and criteria d) of policy 6 of the CDP and criteria o) of policy 10 of the CDP.

282. The proposal would also result in the loss of open land that contributes to the rural character of the area which despite extensive landscaping cannot be adequately mitigated or compensated for contrary to criteria c of policy 6 of the CDP.

283. The proposal would also conflict with criteria l) of CDP Policy 10 which requires there to be no unacceptable harm to the intrinsic character of the countryside which cannot be adequately mitigated or compensated for.

284. The landscape impact is limited to the immediate setting of the site and rapidly reduces with distance and time due to existing and proposed screening. The development would have a very limited impact on the wider landscape and the scheme would not be prominent in longer distance views. Nonetheless as the site forms part of the wider landscape and landscaping will take time to have meaningful impact the development would result in moderate but unacceptable harm to the character and quality of the landscape overall contrary to CDP Policy 39.

285. In conclusion the proposed development would have a significant adverse effect upon the character and appearance of the surrounding area and due to walking distances and quality of connections fails to provide good access by sustainable mode of transport to local services and facilities. The proposal would also result in significant

hedgerow loss. These matters would outweigh the fact that there would be an appropriate housing mixture and the mitigation offered and neutral impacts. The benefits arising from the development, such as the provision of additional housing, including the provision of affordable homes and the creation of a softer edge to the expanded settlement are significantly and demonstrably outweighed by the adverse effects. The scheme would therefore conflict with the County Durham Plan.

286. Where there is clear policy conflict paragraph 12 of the NPPF advises that permission should not usually be granted. Whilst Local planning authorities may take decisions that depart from an up-to-date development plan, this should only occur if material considerations indicate that the plan should not be followed. Whilst housing supply is a material consideration this carries very little positive weight given the Council can demonstrate a 5 year supply and there are no other material considerations in this particular case to indicate that the County Durham Plan should not be followed.

RECOMMENDATION

287. That the application be **REFUSED** for the following reasons:

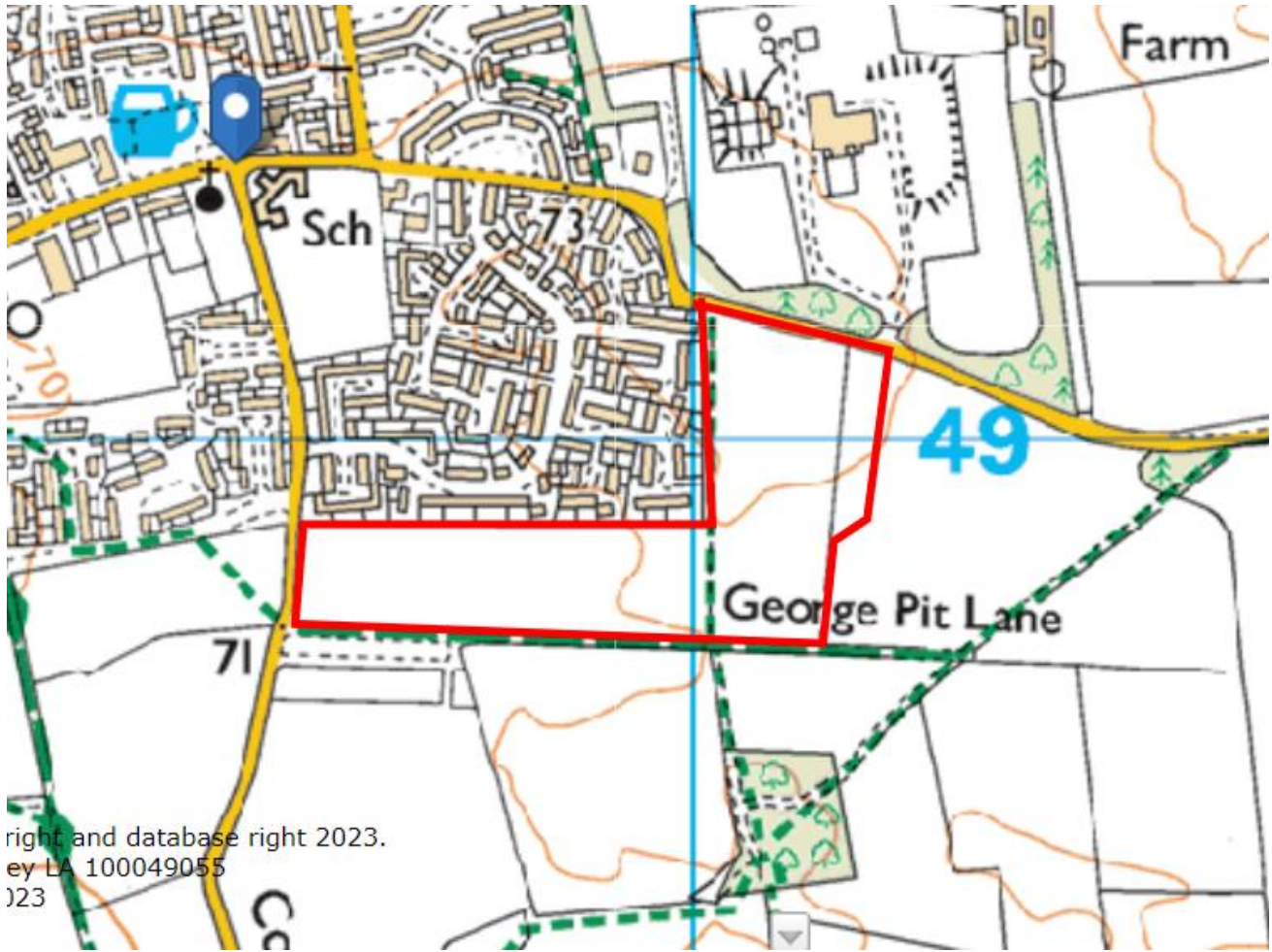
- 1) The development would significantly erode the open countryside setting of the settlement that currently exists and which cannot be adequately mitigated or compensated for in conflict with Policy 6 and 10 of the CDP.
- 2) Due to its scale and location the proposal would create a settlement extension that would relate poorly to the existing configuration of the settlement both physically and visually and therefore conflict with policy 6 of the CDP.
- 3) The proposal would overall result in unacceptable harm to the landscape and the intrinsic character of the countryside which cannot be adequately mitigated or compensated for contrary to policy 10 and 39 of the CDP and part 15 of the NPPF.
- 4) The application fails to demonstrate that it would have good access by sustainable modes of transport to services and facilities in Great Lumley contrary to criteria f of policy 6 of the CDP, policies 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.
- 5) When assessed against the Building for Life SPD the proposal fails to meet an acceptable design standard and is in conflict with CDP policy 29 and part 12 of the NPPF and there are no significant overriding reasons that would justify such a departure from this policy.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

- 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



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Planning Services

DM/22/00584/FPA - Erection of 148 dwellings with associated access, infrastructure and landscaping (amended description)

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6th June 2023

Scale: NTS