



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03157/FPA
FULL APPLICATION DESCRIPTION:	Erection of 73 dwellings with associated landscaping and garaging
NAME OF APPLICANT:	Cheviot Holdings Limited
ADDRESS:	Land To The West Of Fulforth Way Sacriston DH7 6AH
ELECTORAL DIVISION:	Sacriston
CASE OFFICER:	Nick Graham Planning Officer Telephone: 03000 264 960 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Sacriston is a large village that sits on a crossroads of the B6312 and B6532, approximately 3 miles south west of Chester-le-Street, Based around the Charlaw and Sacriston Collieries, the village was most recently extended in the late 20th Century by Local Authority built housing on the east of Front Street and latterly estates of private residential development within the same area.
2. The application site is some 2.55ha in size and sits to the north west of the village within the designated settlement boundary, as indicated on the Chester-le-Street District Local Plan Proposals Map. There is no relevant planning history at the site, however the last known use is considered to be agricultural / grazing land provisionally graded at Level 3, with the former Colliery Baths building located to the north east of the site, adjacent to Lingey Close and Acorn Close. The southern boundary of the site is shared with a modern residential development on St Cuthbert's Meadow, and its eastern boundary with 1970s Local Authority built housing.
3. Fulforth Wood bounds the site to the west, part of which is designated Ancient Woodland, with Charlaw Industrial Estate located to the north. A field gate currently accesses part of the site from the northern boundary. The site levels fall away gently

from west to east towards the woodland. A Public Right of Way bounds the site to the west, which a bridleway intersects to the north. Part of the site, particularly to the north and east, is designated as Amenity Open Space within the Council's Open Space Needs Assessment (OSNA), which would be lost as a result of the proposal. Sacriston is identified within the County Durham Settlement Study 2012 as a 'Smaller Town and Larger Village'.

The Proposal

4. The application proposes a residential development of 73 houses, along with associated landscaping and garaging at the site. Three vehicular access points are proposed, at Lingey Close to the north, Acorn Close to the east, and St Cuthbert's Meadow to the south. A single road would intersect the site on a north-south line, with cul-de-sacs and the access to Acorn Close taken off this. The woodland to the west of the site is retained, with the housing layout led by the topography of the site. A set-back site frontage onto Lingey Close integrates the development into the adjacent housing estate.
5. The dwellings include a mix of detached, semi-detached and terraced properties. Twenty-four of the dwellings would have 2 bedrooms, thirty-one would have 3 bedrooms and eighteen would have 4 bedrooms. No affordable housing is proposed at the site on viability grounds. Associated garaging accompanies some of the house types, whilst an extensive landscaping scheme is proposed, particularly between the proposed development and the 1970s housing at Acorn Close, Fulforth Way, and Derwent Close, with a large area of public open space provided within the site.
6. The application is presented to Committee as it is classed as major development.

PLANNING HISTORY

7. There is no relevant planning history at the site.

PLANNING POLICY

NATIONAL POLICY:

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

11. The following elements of the NPPF are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
13. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes* - housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
15. *NPPF Part 7 – Requiring Good Design* – the Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 11 – Conserving and enhancing the natural environment* - the planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
18. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.

19. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
20. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

LOCAL PLAN POLICY:

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

for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.

RELEVANT EMERGING POLICY:

29. *The County Durham Plan* – Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. The *Highways Engineer* noted the Lingley Close / B6532 junction was highlighted to be considered for a protected right hand turn arrangement from Front Street onto Lingey Close. Amendments to the internal highway layout were requested in regard to the access points to the site, parking standards and locations, and road widths, with amendments being made in relation to the location of visitor parking spaces, drive lengths and turning heads. A contribution for the protected right hand turn has been secured via a Section 106 agreement and the Engineer has subsequently noted no objections to the highways and parking arrangement, with the findings of the Transport Assessment also considered to be acceptable.

INTERNAL CONSULTEE RESPONSES:

31. The *Contaminated Land Officer* has noted the Phase 1 Report submitted is largely sound and agrees a Phase 2 investigation is undertaken including gas monitoring, and an appropriate condition requiring Phases 2-4 site investigations to be undertaken is recommended.
32. The *Tree Officer* has noted the Arboricultural Report submitted is satisfactory and complies with current standards, and that hedges must be protected in line with the report's findings, and fencing erected in line with the British Standards 5837 2012.
33. The *Education Officer* considers the development could produce an additional 22 primary school pupils, and 9 secondary school pupils, and there are sufficient spaces at schools in the vicinity at both levels to accommodate future pupils from the development.
34. The *Drainage Engineer* noted the original Flood Risk Assessment and Drainage Strategy, and requested amendments to the site layout to incorporate surface water run off measures. Subsequently, amendments were made to the landscaping

scheme including the incorporation of a swale. The Engineer subsequently noted the swale and raised no objections to the proposal.

35. The *Landscape Officer* noted no objections in principle to the proposal, and that the original landscape plan had much improved upon the submission at the pre-application stage. An amended landscaping scheme was submitted incorporating a swale, and the Officer subsequently noted the scheme was acceptable subject to the swale details being agreed by condition.
36. The *County Archaeologist* originally requested a field evaluation the site. A magnetic survey was undertaken, and trial trenching was recommended to test the results of the survey; it was agreed that such works could be conditioned as part of any approval granted.
37. The *Affordable Housing Officer* has noted no affordable units are proposed within the development and a financial viability assessment was submitted in order to the Council for consideration, to ascertain the acceptability of affordable housing provision, however at the time of the report being finalised the full response had not been received due to additional information being required.
38. The *Sustainability and Energy Officer* noted the site has reasonable connectivity to facilities and services within Sacriston, and no objection is raised to the location of the development subject to the outstanding issues raised by other consultees being addressed, and a suitable condition relating to embedding sustainability and reducing carbon within the development
39. The *Public Rights of Way Officer* noted no objection in principle to the proposal and questioned the link of the nearby bridleway to the development site. Following confirmation this would not be affected the Officer raised no other issues and a Section 106 contribution was requested in relation to surface and infrastructure improvements on the nearby Public Rights of Way network.
40. The *Environmental Health Officer* undertook a review of the scheme in relation to the Council's Technical Advice Notes (TANS). Given the proximity to Charlaw Industrial Estate to the north of the site, a Noise Impact Assessment was submitted and the methodology undertaken was considered appropriate. However further information was requested and provided regarding the monitoring period. Subsequently, the Officer considered the information to be acceptable and raised no objections to the proposal.
41. The *Design and Conservation Officer* noted the improvements of the scheme from the pre-application stage, and particularly in context with the Building for Life principles, however the proposed buff brick material was questioned in relation to the overall aesthetics of the area.
42. The *Spatial Policy Officer* has noted the site is consistent with the NPPF-compliant elements of the Chester-le-Street District Local Plan, however as a five year housing supply cannot be demonstrated, a balancing exercise in the context of Paragraph 14 of the NPPF should be undertaken to determine the acceptability of the proposal. In this regard, the site offers opportunities to boost housing supply in a sustainable location which outweighs the potential dis-benefits in this instance, and the scheme can be supported in principle. Although the developer's open space proposals are noted, the Council's Open Space Needs Assessment (OSNA) demonstrates an

undersupply of allotments, parks and gardens and outdoor play space within Sacriston. Financial contributions towards public open space improvements within the village should be requested.

EXTERNAL CONSULTEE RESPONSES:

43. *Northumbrian Water* has noted in regard to surface water, no issues are raised as surface water would be discharged to the culverted watercourse. In regard to foul water, it is noted the existing network within the vicinity of the site is currently unable to accommodate any additional flows as there is a risk of flooding predicted downstream. Therefore, a condition is requested as part of any approval granted requiring a detailed scheme of foul water disposal to be submitted and agreed prior to any works commencing on site, which is considered acceptable.
44. The *Coal Authority* has noted the recommendations of the submitted Mining Risk Assessment Report, and concurs that intrusive site investigation works should be undertaken, with a planning condition requested in this regard, along with the requirement for any remedial works to be undertaken prior to works commencing, which is considered acceptable.
45. The *Durham Constabulary Police Architectural Liaison Officer* has noted the crime risk assessment is moderate with the main concerns being anti-social behaviour and thefts from garden sheds and unattended motor vehicles. The layout of the site is considered acceptable aside from the triangle of land to the west of the site adjoining Acorn Close, which has the potential for young people to congregate, resulting in potential nuisance behaviour. This could be mitigated against through a planting scheme and including footpaths within the adoptable street plan ensuring they are lit to an appropriate standard.

PUBLIC RESPONSES:

46. 457 neighbours have been consulted by way of direct notification, site notices were posted, and a press notice was published in the Northern Echo. Seventeen letters of objection have been received. The objections are as follows –

-Persimmon Homes advised when we bought our home at St Cuthberts Meadow that further homes would be likely to be built in the adjacent field but there would be no access via our estate (access would be via Lingey Close). The proposed access arrangements are to avoid the new properties being accessed via the scrap yard. It would be possible for a development of this size to be accessed from a single access road.

-The current hill down St Cuthberts Drive is hazardous to navigate with speed bumps, parked vehicles and children playing. Visibility in places is extremely poor. 73 new dwellings will almost certainly amount to 140+ more cars using the access route plus additional servicing vehicles.

-Access arrangements will increase crime and personal safety. A rat run will be created resulting in an escape route for criminals.

-The junction onto Front Street is already busy and is directly opposite a primary school, traffic at this junction will increase. Cars parking on the curbs cause highway

and pedestrian safety issues. Existing parking problems on access roads lead to narrowing of roads.

-The access road is not suitable for additional dwellings due to highway safety issues.

-A pedestrian crossing at the top of the estate should be provided if pedestrian flow is to be significantly increased.

-Danger to children playing.

-Disregard by the developer of residents' concerns regarding highways and other issues.

-Alternative access arrangements should be investigated.

-Concerns regarding the traffic monitoring undertaken.

-Planning application 03/00547/OUT stated the proposed vehicular access point from St Cuthbert's Drive shall serve only the 30 dwellings and that any future development of the land adjoining the current application site shall not be accessed by vehicle from St Cuthbert's Drive and shall be served by an entirely separate vehicular access - we would hope that this would be adhered to.

-A separate access should be provided for construction traffic as the existing access roads could not cope with construction traffic, vehicular access to existing properties would be disrupted and there would be impacts on residential amenity from construction vehicles and activities.

-The design of the properties does not fit in with other properties in the area.

-Loss of light to existing properties making them dark. Loss of view, devaluation of house prices and contaminated land issues.

-Flooding - the site is a natural flood plain therefore flooding in the area could result.

-Impact on wildlife.

-Concerns about number of available school places.

-Problems accessing information on the Council's website.

-Concerns regarding another planning application on St Cuthberts Drive.

APPLICANTS STATEMENT:

47. The proposed designs have progressed over the past twelve months to both optimise and improve the site, community and wider locality. The design principle focuses on re-establishing a village setting within Sacriston whilst delivering high quality housing and considered landscaping.

48. As a new developer, the applicant is keen to be acknowledged as a leader in improving the quality of new-build housing in the north-east, their ambition to deliver

housing of the highest architectural quality is at the heart of this scheme. The development seeks to deliver a standard of living which exceeds standard developer housing, achieved through introducing superior materials, providing structured open space and the creation of character areas which encourages a greater sense of community.

49. The community consultation provided invaluable feedback, which led to the introduction of enhanced green spaces to improve child safety, ensuring traffic could be controlled and dissipated, and increasing parking provision. The scheme will also assist with necessary improvements to the local road network. The majority of the local residents liked the aesthetic provided by the houses and supported the scheme.
50. The development aims to bring an uplift to the area, providing links to ancient woodland and bridleways whilst providing quality housing for all. All houses will have spacious gardens, pleasant outlooks and great levels of natural daylight within the properties. We believe that the application has progressed to ensure that we have designed the best possible proposal for this site.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, affordable housing provision and viability, design and layout, the impact on amenity of adjacent residents and future occupiers, open space provision, highway safety and access, ecology, landscape and arboriculture, flooding and drainage, archaeology, land contamination, sustainability, coal mining risks, designing out crime, education provision and the section 106 agreement.

Principle of development

The Development Plan

52. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester-le-Street District Local Plan remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

The NPPF

- 53.** Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.
- 54.** The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
- 55.** Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as the relevant policy for the supply of housing within the Chester-le-Street District Local Plan is out-of-date, and, additionally in this instance, silent as it refers to proposals being directed towards previously-developed land, which is not the case within this proposal.

Five Year Housing Land Supply

- 56.** The Council, at present, is unable to demonstrate a 5 year supply of deliverable housing sites and a consequence the policies for the supply of housing are out of date. The guidance at Paragraph 49 of NPPF states that it is not the case that every housing site should be approved, determination of the application must revert to Paragraph 14 as outlined above.

Assessment having regard to Development Plan Policies

- 57.** The application site is located within the defined settlement boundary of Sacriston, as designated on the Chester-le-Street District Local Plan Proposals Map. Sites within defined settlement boundaries can be afforded support for residential development in accordance with Policy HP6 of the Chester-le-Street District Local Plan, subject to the proposal being located on previously-developed land.
- 58.** Whilst the scheme draws some support from Policy HP6 of the Chester-le-Street District Local Plan, this is considered to be a housing supply policy so is out of date

in the context of Paragraph 49 of the NPPF and the 5 year housing land situation described above. The Policy is also silent in respect of the previously-developed land issue. Durham County Council has therefore concluded that it is only partially consistent with the NPPF.

- 59.** When assessed against the second bullet point of Paragraph 14 there are no specific policies within the development plan indicating the proposal should be restricted. Therefore it is necessary to consider the application against the planning balance test and whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts.

The Sustainability of the Site

- 60.** At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the three dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependent.
- 61.** To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
- 62.** In regards to the sustainability of the site, Sacriston is identified as a Larger Village (second tier), acting as a smaller, localised centre, containing an array of services due to its location, and far enough away from the main settlements (Durham City / Chester-le-Street / Stanley) to ensure Sacriston is self-sustaining.
- 63.** Bus services are frequent through the village centre, with four-time hourly Monday-Saturday services to Durham city centre and Stanley town centre, and twice hourly Monday-Saturday services to Newcastle city centre, Gateshead, Consett and Chester-le-Street town centres. Employment opportunities are available within the village and can also be accessed via public transport a short distance away in Durham City, Chester-le-Street and Stanley, as well as directly in Consett, Gateshead and Newcastle.
- 64.** Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this, it also implies that these should not be assessed in isolation. The promotion of growth, development and job creation should not be at the expense of other elements of sustainable development including the protection of the rural landscape and open countryside and promotion of locations that provides good access to services. These matters of detail are considered below.

Affordable housing provision and viability

- 65.** There is a requirement of 15% affordable provision within the north of the County, equating to 12 units. The applicant has noted no affordable housing would be included within the proposal, citing viability grounds. The Council's viability section have examined the financial details submitted for consideration however have

requested further details in order to fully verify the numbers submitted and at the time of the report being written this had not been undertaken. Members will be updated verbally at the Committee meeting in relation to this matter.

Design and layout

- 66.** The proposal has been designed with a central through road linking Lingey Close to St Cuthberts Meadow, and spur road onto Acorn Close. The site sits nearly within a naturally lower land level than the surrounding properties, with the proposed properties centered broadly around a series of cul-de-sacs and courtyards. Terraced properties are proposed on the more linear plot to the north east of the site. Efforts have been made to achieve a design of house style that sets out to pick up on the best examples of the local vernacular.
- 67.** Durham Constabulary has noted the crime risk assessment is moderate with the main concerns being anti-social behaviour and theft, whilst noting the proposed open space area adjacent to Acorn Close has potential for anti-social behaviour, however have noted no objections to the proposal.

Impact on amenity of adjacent residents and future occupants

- 68.** Chester-le-Street District Local Plan Policy HP9 highlights that residential developments should avoid damage to the amenity of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, the scheme would protect the amenity of neighbouring land users and achieve the separation distances required as set out within the Chester-le-Street District Local Plan Residential Estate Design Guidance.
- 69.** The proximity of Charlaw Industrial Estate, to the north of the application site, is noted and further information was requested in relation to the noise impacts of this to the development site, and the Environmental Health Officer has assessed the proposal against the Technical Advice Notes (TANS) and subsequently raised no objections to the findings of the noise assessment subject to suitable construction conditions. The Officer also does not consider the proposal would cause a Statutory Nuisance in terms of noise.
- 70.** Officers have noted the above, the location of the Industrial Estate and the relationship to neighbouring properties, and it is considered the residential amenity of the occupiers of the proposed development would not be damaged by the adjacent Industrial Estate, in accordance with Policy HP9 of the Chester-le-Street District Local Plan.

Open space provision

- 71.** In terms of open space provision, Policies HP15 and RL5 of the Chester-le-Street District Local Plan require adequate open space and children's play provision to be provided in association with any new housing development. The Spatial Policy team has noted the findings of the 2010 OSNA, and considers that a link to existing facilities within Sacriston should be provided and a contribution should be sought.
- 72.** It is noted the north and west of the site, measuring approximately 5,200m² is currently designated as amenity open space and this would be lost by virtue of the proposal, however it is not considered to be of high quality or value, with the

hardstanding adjacent to Lingey Close within this designation. The Open Space Assessment Report and other plans submitted by the applicant indicates approximately 4,500m² of amenity open space would be created within the boundary of the site, whilst natural play space would be included to the south east of the site. It is also noted further play facilities lie approximately 600m away to the south of the site at the Fulforth Centre via the Public Right of Way.

- 73.** Given the size of the site, approximately 300m² of play space and 600m² of open space should be provided. It is noted the western boundary has been amended through the incorporation of a swale, nevertheless it is still considered adequate open space provision would be provided, greatly exceeding the requirements set out within Policy RL5 of the Chester-le-Street District Local Plan whilst improving the existing offering at the site. The responsibility for the maintenance of this open space is determined at the adoptions stage.

Highway safety and access

- 74.** Policy T15 of the Local Plan requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access points to the development, particularly in respect of the proposed access onto the Hallow Dene estate, as well as the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the junction from St Cuthberts Drive on to Front Street, the main thoroughfare through the village and the increase in vehicle movements. The access to Hallowdene is of particular note from the representations received, with concern a 'rat run' may occur through St Cuthberts Drive and St Cuthberts Meadow were the proposal to go ahead in accordance with the submitted highway layout.
- 75.** It is proposed that the existing field accesses to the of the site would be widened to adoptable standards, whilst connections would also be taken from Acorn Close and St Cuthberts Drive respectively. Internally, it is indicated that the dwellings would be arranged in a series of cul-de-sacs. It is also indicated that there would be pedestrian links through the site and these would complement the established Public Rights of Way that bound the west of the site. The Council's Rights of Way Officer has noted no objections to the proposal, and although a contribution was requested for nearby improvements to the Public Rights of Way network, this was not considered a necessity given the extensive open space improvements proposed within the site.
- 76.** The applicant has submitted a transport assessment in support of the application. In appraising this assessment the Council's Highway's Engineer raises no objection to the scheme subject to the junction at Front Street / Lingey Close being upgraded to include a protected right hand turn leading into Lingey Close. A contribution request towards this junction was made by the Highways Engineer and has been secured via a Section 106 agreement. In this regard, and appraising the transport assessment and expected traffic flows at the site, no objections have been raised by the Highways Engineer.
- 77.** Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding highway layout, parking provision and accessibility could be controlled in any future reserved

matters application. The proposal is therefore considered to comply with Policy T15 of the Chester-le-Street Local Plan in this respect.

- 78.** Ten objections have been received from local residents in relation to a historic planning permission, reference 2/03/00547/OUT, to the south of the site at the St Cuthberts Meadow development, and particularly relating to condition 10 of said approval. Within this condition, it stated that the proposed vehicular access point for the proposal shall serve only the application site and any future development of the land adjoining the current application site (under consideration within this application) shall not be served by vehicle from St Cuthberts Drive and shall be served by an entirely separate vehicular access.
- 79.** However, this permission was never implemented, and the St Cuthberts Meadow development was implemented under reference 2/07/00222/FUL, within which no such condition was imposed. Therefore, there are no restrictions relating to the vehicular access from St Cuthberts Meadow to the application site.
- 80.** A number of comments have been raised in relation to Front Street itself, and the lack of a pedestrian footpath on one side of the road, requiring pedestrians to cross and then re-cross the road. Additionally, the confrontation dealt with by the school crossing patrol officer is raised. Although these issues are noted, they are not considered to be pertinent to this application given their distance and the existing issues, and is not considered to be within the remit of this application to resolve existing issues.

Ecology

- 81.** Paragraph 11 of the NPPF requires that Local Planning Authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
- 82.** The Ecology Section have advised that they are largely satisfied with the results of the survey however it is noted that very little in the form of biodiversity enhancements have been included in the recommendations. In line with the requirements of the NPPF development proposals should aim to retain and enhance the overall biodiversity on a site therefore this application has not meet this requirements. The inclusion of a swale to the western boundary of the site aided the biodiversity gains at the site and although overall there are not considered to be biodiversity enhancements by virtue of the proposal, which is regrettable, no objections have been raised from the County Ecologist, and it is considered the biodiversity of the site would be conserved in accordance with Part 11 of the NPPF.

Landscape and arboriculture

- 83.** The landscape masterplan submitted indicates the trees to the western boundary of the site would be retained, with the existing hedgerows to the eastern boundary supplemented with additional boundary hedgerows to the north and intermittent planting within the site. Following amendments to the scheme, a swale has been included to the eastern boundary, with wildflower meadows and play areas interspersed within the open space. Due to the site level differences, retaining walls are proposed running north-south within the site to garden boundaries.

- 84.** The Landscape and Tree Officers have both raised no objections to the scheme, whilst it is noted the Landscaping and Planting Scheme has been amended in accordance with the advice of the Landscape Officer. Therefore, this is considered to be acceptable and in accordance with Policy HP9 of the Chester-le-Street District Local Plan, subject to a condition requiring the planting scheme to be implemented in the first available planting season following the practical completion of the development, and full details of the swale to be provided prior to works commencing.

Flooding and drainage

- 85.** The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
- 86.** In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1. Following amendments to the scheme, a swale was proposed to the western boundary in order to aid Surface Water Run-Off. The Drainage Engineer noted the contents of the assessment and amendments to the scheme. No objections have been received in this regard and it is considered appropriate to condition drainage details are provided prior to works commencing on site.
- 87.** Northumbrian Water note no concerns in relation to surface water run-off, on the basis that the development is carried out in accordance with the Flood Risk Assessment, and raise no objection subject to a foul water disposal condition being imposed as part of any approval granted.

Archaeology

- 88.** In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey, and has undertaken a magnetic survey. In reviewing these documents the County Archaeologist notes that the geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching and such matters can be secured by condition.

Land Contamination

- 89.** The Contaminated Land Officer has assessed the available information and the historical maps. The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring. Therefore a contaminated land condition should apply.

Sustainability

- 90.** The Sustainability Officer has noted that although there are no issues to the locational element of the site, details pertinent to sustainability matters should be conditioned as part of any approval granted, with an expectation that the scheme improves upon the Part L 2013 regulations. The details should include a scheme to embed sustainability and minimise carbon from construction and in-use emissions. It

is therefore considered appropriate to condition such a requirement in line with Part 10 of the NPPF.

Coal mining risks

- 91.** The site falls within the defined Development High Risk Area, and the Coal Authority has noted the findings of the submitted Mining Risk Assessment, raising no objections subject to the findings of the Assessment in terms of site investigations and any remedial works being secured by condition, which is considered appropriate.

Education Provision

- 92.** Given the number of dwellings proposed, the development could produce an additional 22 primary school pupils, and 9 secondary school pupils. It is noted that there are sufficient spaces at schools in the vicinity at both levels to accommodate future pupils from the development and no concerns are raised in this regard.

Section 106 agreement

- 93.** Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
- 94.** The applicant has agreed to make a contribution of £28,830 towards the improvement of the Front Street / Lingey Close junction, including a protected right hand turn leading onto Lingey Close. This is to ensure the proposal meets the highways requirements in terms of being able to safely exit the public highway at Front Street, and to ensure vehicles do not back up and block the highway when heading south.

Other issues

- 95.** Comments have raised concerns in relation to another planning application under consideration close to this site at St Cuthberts Drive, planning reference, DM/16/04013/FPA, for the erection of 24 dwellings, submitted after this application, and the potential cumulative impact of the proposals. Nevertheless, this application must be considered on its own merits and it is not appropriate to consider the effects of both applications when the other application has not yet been determined.
- 96.** Concerns have been raised relating to the impacts on property prices in the area; however this is not a material planning consideration.
- 97.** Comments have been received relating to the consultation process, and querying the online Public Access system for making comment, as well as being provided with a reference number and direct link for comment. 457 letters of direct notification, 4 site notices, and a press notice, all of which noted the application's reference number and the facility to view plans and make comment on the proposal.

The Planning Balance

98. Paragraph 14 of the NPPF is relevant to this application as the policy for the supply of housing within the Chester-le-Street District Local Plan is both out-of-date, and silent, relating to this proposal. Therefore, the acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify not refusing planning permission, the benefits of a proposed development must not be significantly and demonstrably outweighed by the adverse effects.
99. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits of the additional housing supply and potential affordable housing contribution.
100. The overall sustainability credentials of the development in the context of Sacriston and its landscape setting are considered to be acceptable. Development in this location would form a natural progression to the settlement of Sacriston, and along with the proposed landscape works, would improve the landscape setting of the site. The biodiversity requirements would be met, whilst drainage matters at the site have been addressed by virtue of the proposed swale and appropriate conditions. The highways and access implications are considered to be acceptable, whilst the amenity of both residents of the application site and those nearby would not be adversely affected, whilst it is noted a significant open space and play provision has been shown within the site.
101. Residents' concerns, particularly relating to highways matters have been carefully considered, however, on balance, the proposal is considered to be acceptable and in accordance with the NPPF and the Chester-le-Street District Local Plan

CONCLUSION

102. Officers have worked through the planning balance of the development plan assessment, and comparison to the policies in the development plan, and advice and tests as set out within the NPPF.
103. In this instance it is accepted that the development would provide public benefits, including the provision of improved public open space, and play space, the enhanced landscape setting, improved highway safety within the vicinity of the site, and the most significant of which being the boost that the proposal would provide to housing supply and increasing the number and type of residential opportunities within Sacriston, a sustainable location.
104. On balance, it is considered that the adverse impacts of the development, including the loss of amenity open space, does not significantly and demonstrably outweigh the benefits of the scheme and therefore the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 agreement providing:

- £28,830 for the provision of a protected right hand turn at the junction of Front Street and Lingey Close.

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

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

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

Plan reference	Date
Location Plan and Open Space Plan	24 January 2017
Roof Plan (Rev A) 1604_P_101	30 September 2016
Site Section and Levels (Rev A) 1604_P_103	30 September 2016
Revised Highways Masterplan	6 February 2017
Brown House Type Layout Plan (Rev A) 1604_P_BROWN_A01	30 September 2016
Brown House Type Elevations and Section 1604_P_BROWN_A02	30 September 2016
Various Garage Plans (Rev A) 1604_P_GARAGES	30 September 2016
Green House Type Layout Plans (Rev A) 1604_P_GREEN_A01	30 September 2016
Green House Type Elevations and Section 1604_P_GREEN_A02	30 September 2016
Navy House Type Layout Plans (Rev A) 1604_P_NAVY_A01	30 September 2016
Navy House Type Elevations and Section 1604_P_NAVY_A02	30 September 2016
Orange House Type Layout Plans (Rev A) 1604_P_ORANGE_A01	30 September 2016
Orange House Type Elevations and Section 1604_P_ORANGE_A02	30 September 2016
Purple House Type Layout Plans (Rev A) 1604_P_PURPLE_A01	28 November 2016
Purple House Type Elevations and Section 1604_P_PURPLE_A02	30 September 2016
Red House Type Layout Plans (Rev A) 1604_P_RED_A01	30 September 2016
Red House Type Elevations and Section 1604_P_RED_A02	30 September 2016
Red Special House Type Layout Plans (Rev A) 1604_P_RED_A03	28 November 2016
Olive House Type Layout Plans (Rev A) 1604_P_OLIVE_A01	30 September 2016
Olive House Type Elevations and Section 1604_P_OLIVE_A02	30 September 2016
Yellow House Type Layout Plans (Rev A) 1604_P_YELLOW_A01	30 September 2016
Yellow House Type Elevations and Section 1604_P_YELLOW_A02	30 September 2016
Revised Planting Scheme 1 of 2 D161.P002 D	7 February 2017
Revised Planting Scheme 2 of 2 D161.P003 D	7 February 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9 and T15 of the saved policies of the Chester-le-Street District Local Plan, 2009.

3. No development shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions, has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the buildings are in existence.

Reason: To plan for new development in ways which reduce greenhouse gas emissions, and to comply with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

4. No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

5. No development shall take place until details of all surface water drainage proposals, including reference to the Durham County Council SuDS Adoption Guide, a detailed drainage design with respect to attenuation levels meeting the agreed discharge rate into the surface water sewer, and Site Investigations including permeability options to verify the drainage option have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in accordance with the approved plans.

Reason: In the interests of surface water drainage and flooding, and to comply with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

6. No development shall take place until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);

ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);

iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Paragraphs 135 and 141 of the NPPF as the site is of archaeological interest (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

7. No development shall take place until a scheme for intrusive site investigations has been submitted to, and approved in writing by, the Local Planning Authority, in accordance with the Mining Risk Assessment Report (August 2016), and implemented in accordance with the approved details and a report of findings arising from the site investigations submitted to the Local Planning Authority. In the event that remedial works are identified in the report of findings, a scheme of remedial works shall be submitted to, and approved in writing by, the Local Planning Authority, and implemented in accordance with the approved details.

Reason: In the interests of the safety and stability of the site and to comply with Part 9, Paragraph 121 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

8. No development shall take place until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, or d, are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all

remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past uses and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 11 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

9. No development shall take place unless in accordance with the mitigation detailed within the ecological appraisal ref. Cheviot_LingeyCl_Eco1.1.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

10. No development shall take place until full details of the swale have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

11. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with Paragraph 141 of the NPPF which ensures information gathered becomes publicly accessible.

12. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP9, HP17 and T15 of the Chester-le-Street District Local Plan.

13. All planting in the approved details of the Revised Planting Scheme 1 of 2 (ref. D161.P002 D), and the Revised Planting Scheme 2 of 2 (ref.D161.P003 D) shall be carried out in the first available planting season following the practical completion of the development.

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

14. The tree works hereby approved shall be carried out in accordance with BS 3998: Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council)

Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.

15. The car parking spaces / garages as approved shall be constructed and available for use prior to the occupation of the dwelling to which they relate.

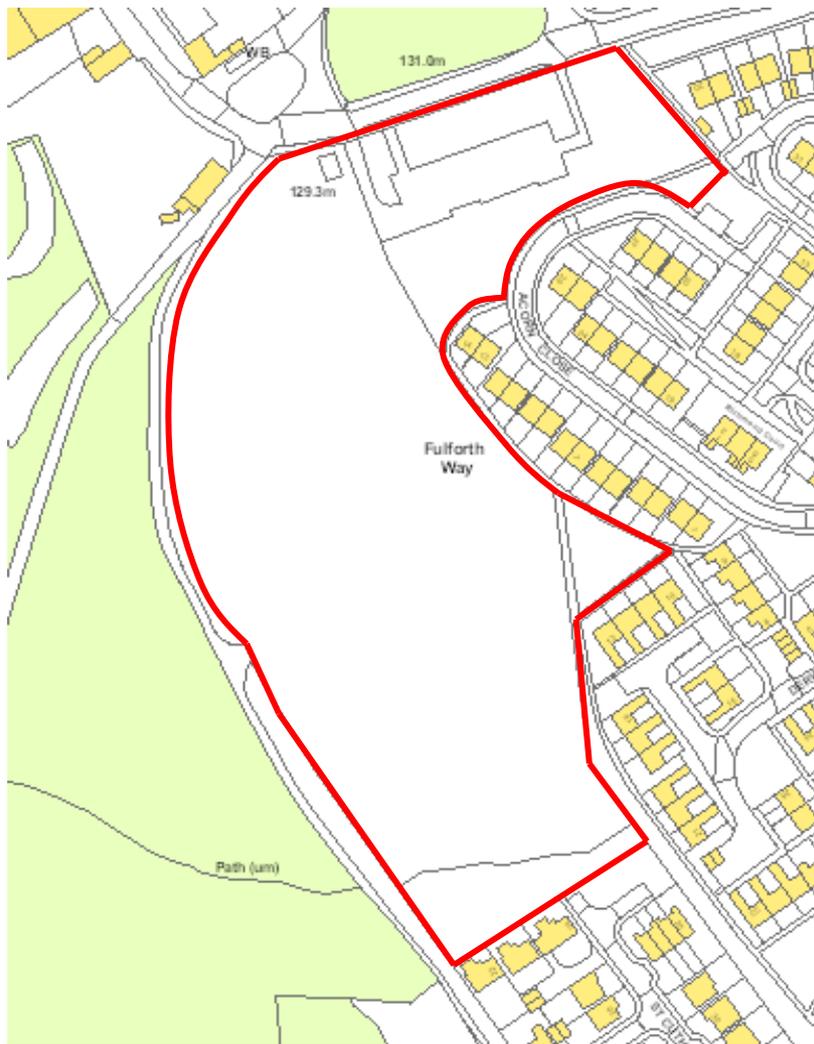
Reason: In the interests of highway safety to comply with Policy T15 of the Chester-le-Street Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Chester-le-Street District Local Plan (saved Policies 2009)
- County Durham Settlement Study (2012)
- Statutory consultation responses



Planning Services

Land To The West Of Fulforth Way, Sacriston,
DH7 6AH

Application Number DM/16/03157/FPA

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Comments

Date 23rd February 2017

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