

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

The Proposal

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

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

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

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

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

LOCAL PLAN POLICY:

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

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

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

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

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

RELEVANT EMERGING POLICY:

The County Durham Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

NON-STATUTORY RESPONSES:

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

PUBLIC RESPONSES:

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

Objections

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

Support

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

APPLICANTS STATEMENT:

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

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of Development

The Development Plan

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

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

The NPPF

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

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

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

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

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

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

Five Year Housing Land Supply

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

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

Assessment having regards to Development Plan Policies

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

Locational Sustainability of the Site

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

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

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

Landscape and Visual Impact

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

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

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

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

Layout and Design

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

Highway Safety and Access

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

Ecology

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

Residential Amenity

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

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

Flooding and Drainage

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

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

Ground conditions

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

Heritage Impacts

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

Other Issues

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

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

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

Planning Obligations

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

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

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

Planning Balance

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

Benefits

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

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

Impacts

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

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

CONCLUSION

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

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

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

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

RECOMMENDATION

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

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

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

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

2. Application for approval of reserved matters of the development shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved. In case of approval of reserved matters on different dates, development must be begun not later than the expiration of two years from the approval of the final reserved matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The agreed scheme should include but not necessarily be restricted to the following;
i. Detailed designs of any sustainable urban drainage system infrastructure including any associated works and landscaping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 dB LAm_{ax} in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-Commencement

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

Completion

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

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

receptors in accordance with Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

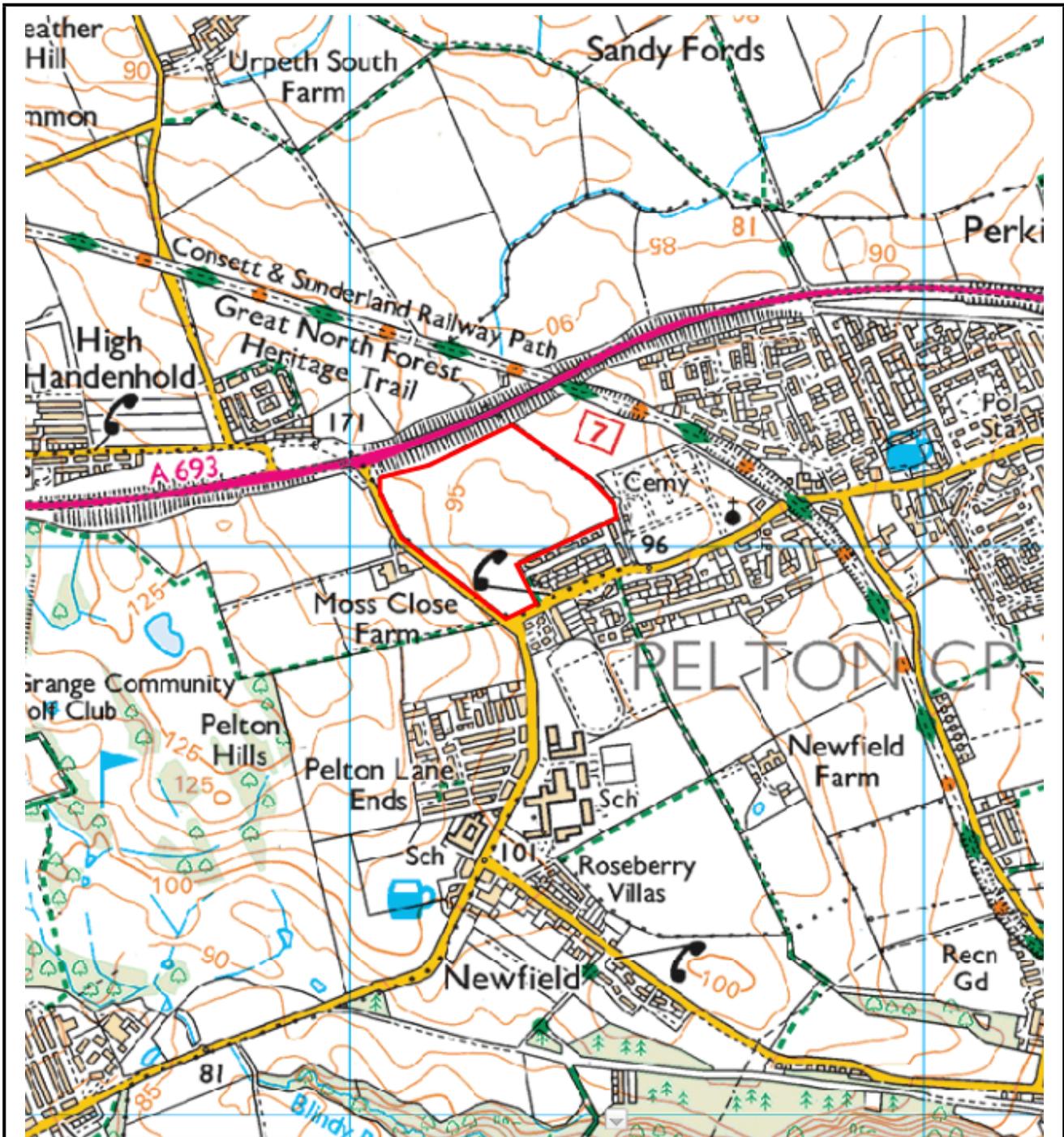
Chester-le-Street Local Plan 2003

The County Durham Plan (Submission Draft)

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>(DM/16/04048/OUT) Outline application including means of access for the erection of up to 190 dwellings, Land at The East Of Moss Close Farm Pelton DH2 1PG</p>	
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	<p>Date 24th March 2017</p>	<p>Scale Not to scale</p>