

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03019/OUT
FULL APPLICATION DESCRIPTION:	Hybrid application, outline development 3.8ha of land (approximately 116 dwellings) (all matters reserved) and full planning application for the erection of 84 dwellings with associated access, infrastructure, landscaping and car parking and access.(amended description)
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land On The North East Side Of Cross Lane, Sacriston
ELECTORAL DIVISION:	Sacriston
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 located to the north eastern edge of Sacriston to the north of the County. The site extends to approximately 10.1ha in area and comprises greenfield land in an agricultural use, consisting of an arable field and a woodland copse. An approximate 11m level change is evident across the site falling in a south easterly direction.
2. The site is served by an existing field vehicular access onto Cross Lane which also forms the south western boundary of the site along with a mature hedgerow which beyond an existing residential development of Deneside lies. To the east a wooded area which lies Black Burn Beck, beyond which lies Northumbrian Water sewage treatment works. To the north open agricultural fields are present along with a small wooded copse and the farm steading of Nettlesworth West House Farm. A farm access track is located to the western boundary beyond which lies residential housing estate of Daleside. The farm access track is also a designated Public Right of Way (Footpath No. 4 Kimblesworth & Plawsworth) while a second Public Right of Way crosses part of the northern boundary of the application site (Footpath No. 6 Kimblesworth & Plawsworth).

3. The Site is located 1.1km to the south west of Waldrige Fell SSSI. Howlmore Gill Local Wildlife site is located 60m to the east of the application while Sacristion Woods is located 495m to the west. Plawsworth Conservation Area lies 1.9Km to the east of the site. The north Durham green belt lies 1km to the east of the site.

The Proposal

4. This application is a hybrid planning application seeking approval for the erecting of 84 dwellings (detailed planning permission) and 116 dwellings (outline planning permission). The scheme has been amended since it was first submitted from 75 dwellings (detailed planning permission) and 125 dwellings (outline planning permission).
5. The development is intended to be developed in two phases. The first phase would provide for 84 dwellings, a new access into the site, open space and a SUDS drainage scheme all for which a detailed planning permission is sought.
6. The dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road which would provide access into phase two and then to a secondary vehicle access on Cross Lane. The layout has been designed to provide an active frontage onto Cross Lane, whilst retaining an existing hedgerow. Corner turning units are proposed to be utilised in key locations thought the site. The dwellings would be constructed from brick with rendered panels and pitched roofs predominately 2 storey in nature. There would be a mix of 3 and 4 bed detached (62) and semi-detached (22) properties, 12 of which would be offered on an affordable basis (15%). Areas of open space would be provided centrally within the development and to the western boundary.
7. The second phase of the development proposes up to 116 dwellings in outline with all matters reserved with the exception of access. An illustrative master plan sets out that the dwellings would be laid out in a series of cul-de-sacs with small areas of open space provided to the northern boundary and adjacent to Cross Lane. Access to this phase would be taken off vehicular links from the first phase and a secondary vehicular access onto Cross Lane. 15% of the dwellings in this phase would be offered on an affordable basis (up to 17).
8. A Suds drainage scheme incorporating the provision of detention basins within a wooded copse and agricultural land further to the east of the proposed housing is also proposed. This would store water in 1 and 100 year flood events and achieve a water quality betterment.
9. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

11. 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’.
12. 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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.

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

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; 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 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.

24. *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.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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

34. 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:

35. *Highways Authority* – It is advised that proposed highways layout and the access on to Cross Lane is acceptable, visibility splays of 2.4m X 120m in both directions would need to be maintained. A pedestrian refuge island on the south east side of the site should also be provided along with a 1.8m wide footway from the proposed access to the rear of no.85 Daleside. It is advised that the parking standards are acceptable across the site. The level of traffic generated from the site, in combination with that from other proposed developments in the area has been modelled through a transport assessment. Following amendments to the assessment it is considered that the submitted report is sound and would not have a cumulative impact on the highway network, particularly at Sacriston crossroads and at the A/167 Nettlesworth roundabout.
36. *Highways England* – Offer no objection.
37. *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.
38. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. Concerns are raised regarding the potential noise and odour impact from an adjacent sewage works consideration should be given through formal assessments of the impact of these works on future residents.

39. *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, maintenance regime and subsequent delivery of the scheme.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial 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. The proposal conflicts with the Local Plan insofar as it would be located outside of the settlement boundary for Sacriston. 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.
41. 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 which, they would nonetheless be rendered 'not up-to-date' on account that a 5-year housing land supply cannot be demonstrated.
42. 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. There are no specific policies from the NPPF which indicate the development of this site should be restricted.
43. The site itself is considered to be well related to Sacriston and could be considered to represent a sustainable urban extension to the settlement if the landscape impact is within acceptable parameters and other specialist issues can be addressed in terms of promoting pedestrian and cycle movements and sustainable patterns of travel. No objections in principle to the scheme are raised.
44. *Landscape* – No objections raised in relation to the landscape impact of the development, advice is offered in relation to layout and use of appropriate boundary treatments. Concerns are raised regarding the impact of the proposed SUD's detention basis in the copse adjacent to the development and advise that alternatives should be considered.
45. *Landscape (Arboriculture)* – Advise that the Arboricultural report supplied is satisfactory and meets current standards; the proposals would unlikely give rise to significant effects on trees, where construction does come close to existing trees and hedges protection measures must be in place as described within section 5 of the report

46. *School Places and Admissions Manager* – Advises that a development of 200 houses could generate an additional 60 primary pupils and 24 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. It is considered that existing schools in the area can accommodate the pupils that would be generated by this development, taking into account other approved developments.
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 the submitted ecology assessments are sound and officers verify the conclusion that there are no protected species on site. Following the introduction of mitigation in relation to the impact on Waldrige Fell SSSI and surrounding local nature reserves, no objections are raised. Conditions are recommended to be attached to secure delivery and further detailing of the mitigation.
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)* – Officers consider that the indicated noise mitigation measures would be adequate to safeguard the amenity of future residents. These would need to be fully detailed and secured by condition. It is also noted that the applicant has undertaken an odour assessment which concludes that there are possibilities at certain times of the year future residents may experience odour generated from the adjacent Sewage Treatment Works in certain wind and temperature conditions. However the report concludes that given the likely frequency of occurrences (approximately 15 days of the year) on this basis it is likely that a statutory nuisance would not arise. It is also identified that there are existing residential properties in the proximity of the sewage works which place an existing degree of restriction on the operator, which is controlled by an Environmental Permit. It is highlighted that there may also be times of the year when smells generated from the adjacent farm and cause a nuisance. However, there are non-involved properties at this farm and again existing housing is in close proximity. It is also recommended that conditions are required 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 lack of listed buildings and conservation areas in the vicinity of the site. It is however highlighted that the existing farm buildings adjacent the outline element of the scheme are attractive in their own right and should be offered a degree of standoff from the development. Design advice is offered on the indicative layout which would need to be picked up in any reserved matters application.

53. *Archaeology* – Advise following the submission of a geophysical survey of the site which does not indicate extensive archaeological remains, however a conditional approach to secure trial test trenching is recommended.
54. *Access and Rights of Way* – Identify that there are registered rights of way within the proposed development site. Officers consider that opportunities for improving the surrounding public rights of way network should be secured.
55. *Sustainability* – Advise that the proposed site was subject to a Sustainability Appraisal as part of previous work to inform the selection of housing allocations for the County Durham Plan and was subsequently allocated. Whilst the site is within walking distance of the town centre and associated facilities, it suffers from severance due to Cross Lane & Black Burn. Therefore good links and paths to the town centre are essential to minimise this impact.
56. *Sustainable Transport* – Recommend a conditional approach to securing amendments and delivery of the submitted Travel Plan.

NON-STATUTORY RESPONSES:

57. *Police Architectural Liaison Officer* – Advises that the crime risk assessment of the proposed development is low, while no issues are raised regarding the proposed layout. It is advised that an appropriate scheme of lighting should be developed.

PUBLIC RESPONSES:

58. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 14 letters of objection from local residents have been received in relation to the development as summarised below.

Principle/Sustainability of development

- Development would be contrary to local plan policies, the starting point for the determination of planning applications.
- Objections were raised regarding the proposed allocation of the site in the County Durham Plan, these objections need addressed. Approval of this application would be premature to the resubmission of the plan.
- Brownfield sites should be prioritised, other sites are available within Sacristion that would achieve this objective.
- The application has not demonstrated that the development would meet an unmet housing need in the area.
- Capacity of health facilities including GP's.
- Capacity of surrounding schools.

Highways

- Increase in traffic, particularly at Heugh Edge Junction/Plawsworth Road due to proximity of bus stops and onto Cross Lane itself.
- Speeding is evident on Cross Lane, parked cars cause cars to drive on the opposite side of the road.

Residential Amenity

- A rat problem is evident in the area, concerns are raised regarding the potential for the development to make the situation worse.
- Potential impact of construction traffic on highway safety and residential amenity.
- Consideration should be given to alternative access points along Cross Lane.
- Increase in noise and light pollution along with loss of views over countryside.

Other Issues

- Flood risk of the development downstream.
- Capacity of sewage treatment in the area.
- Impact on existing electricity and water services.
- Visual impact on open countryside.
- The breeding bird survey concludes that there would be no impact on breeding birds, an independent assessment is required.
- Complete wildlife reports are required to assess the impact of the development on newts, rabbits, deer etc.
- Loss of agricultural land.
- Impact on Public Right of Way Adjacent to the site.

APPLICANTS STATEMENT:

59. It is imperative for the future fortunes of the County that within the current planning policy climate, following the revocation of the former emerging County Durham Plan and until such a time that significant progress is made on the New County Durham Plan, that new residential development continues to be brought forward and delivered across the region in order to provide for the current and future housing needs of the population.
60. Despite this County wide goal of continuing to meet housing need it is equally imperative that, on a local level, the development sites which supply future housing are appropriate and sustainable by nature. This being particularly pertinent due to the current inability of the Council to demonstrate a 5 year housing land supply and the effect this has in rendering relevant policies for the supply of housing out-of-date and effectively opening the door to the prospective developments in less sustainable locations and sites.
61. Accordingly the applicant felt it appropriate to bring forward this application at this stage as the Council, through Strategic Housing Land Availability Assessment and subsequent Draft Local Plan Sustainability Appraisals and allocations, identified the site as a suitable and sustainable residential development site which should come forward in the short term to deliver much needed housing for the area.
62. The application site was identified as a part of wider site incorporating further land parcels to the north as a draft allocation (H33) within the submission version of the County Durham Plan (April 2014) for the delivery of circa 370 dwellings in the short term. This application provides the opportunity to secure, and begin delivery of, a significant proportion of this allocation whilst ensuring that development is directed to a suitable and sustainable location.
63. The scheme proposes the delivery of 200 new homes providing an excellent range and choice of dwellings to satisfy the current and future housing needs. With a selection of 3 and 4 bed homes proposed, ranging from 739 – 1,275 sq.ft, the

development will meet the needs of a wide range of the market whilst also providing a fully policy compliant 15% of the dwellings as affordable homes.

64. Throughout the planning application process the applicant has worked closely with the Case Officer to address any and all issues and concerns that have arisen from local residents, statutory and internal consultees. Amendments to the housetype selection and site layout has resulted from these discussions ensuring that the proposed development is of the highest quality in design whilst additional information has been provided by the applicant in relation to Air Quality, Noise, Transport, Drainage and Ecology to ensure that the scheme fully mitigates against all impact receptors, such that there are no outstanding objections from any internal or statutory consultees.
65. In conclusion, the application site was and is identified by the Council as a suitable and sustainable residential development site which benefitted from a draft allocation within the submission version of the County Durham Plan. Despite the revocation of the Plan the need to deliver housing across the County, and the principle of delivering this on suitable and sustainable sites, remains central to both National and Local Government objectives. The proposal benefits from no objections from any consultees confirming that the development is appropriate in its design and there are no policy or technical reasons why the development should not come forward.
66. The proposal unequivocally represents sustainable development which in accordance with the NPPF there is a presumption in favour of and there are no adverse impacts which would significantly and demonstrably outweigh the benefits or any specific policies within the NPPF that indicate development should be restricted. The applicant therefore politely requests that members support the officer's recommendation to approve the application such that development of the site can commence without delay.

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=NVHZ7ZGDMFH00>

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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

68. 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.
69. 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

70. 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.
71. 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.
72. 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.

73. 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 sites 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

74. 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.

75. 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 2016. 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)

76. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
77. 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.
78. 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

79. 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.

80. 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 Sacriston. 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 therefore be afforded to this Policy in this instance.
81. 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 also conflict with this Policy. 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 as it is considered out of date.
82. 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.
83. The development of the site for housing would, in principle, be contrary to CDLP policies. However, CDLP policies for the supply of housing are out of date and development within the countryside policies are not fully NPPF compliant. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. 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

84. 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 Sacriston by reinforcing and providing new pedestrian connections. Footpath improvements and the provision of new bus stops on the highway also reinforce links into the centre of the settlement.
85. 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 Sacriston representing a greenfield extension. However, a distance of 500m is evident to the village centre, a distance of 450m is evident to the nearest primary school. The

nearest GP is located 700m away. Sacriston industrial estate is located 1000m away, whilst Chester-le-Street town centre and Durham City Centre containing secondary schools, larger shopping facilities and train stations are located approximately 3.9 miles away.

86. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that Sacriston is a smaller town/larger village as set out in the Council's Settlement Study 2012 acting as a 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 Sacriston 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 200 dwellings is considered to be proportionate to role of the town within the settlement hierarchy and the level of services provided. The walking routes into Sacriston are also on adopted well-lit highways with no significant topographical restrictions.
87. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride and Durham/Chester-le-Street a 25min cycle ride. The nearest bus stop is located 350m from the site entrance which has a frequent service to Durham and Stanley while other bus services connect to Chester-le-Street. Although some portions of the development site lie up to an additional 240m away it is considered that this is offset due to the frequency of services that serve Sacriston as a whole (at times greater than 4 per hour) and overall a range of transport options would be available for future residents, whilst an increase demand from prospective residents may allow an increased bus service in the future. In order to further improve the accessibility of the site, the applicant proposes to upgrade an existing footpath to a multi user cycle/pedestrian walkway extending through an amenity area to the rear of Brookside/ Morningside Close, which links to the town centre. It is recommended to secure deliver of this by planning obligation through a S106 agreement.
88. Overall, it is considered the walking distances, improved pedestrian/cycle links and the frequency of the established bus service would give future residents alternative options to the private motor car to access to services and amenities. However it is recommended that new footways along cross lane are installed, an existing footpath to Sacriston town centre is upgraded to a multi user route and a pedestrian refuge island is created to improve connectivity, in accordance with Paragraph 61 of the NPPF and CDLP Policies T6, T12 and T17 which are considered consistent the NPPF in this respect.

Landscape and Visual Appraisal

89. CDLP Policy NE2 seeks to control development outside of settlement boundaries to safeguard the character and appearance of the countryside. This Policy is considered partially compliant with the NPPF which, although recognising 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 limited weight can therefore be given to this Policy in the decision making process in this respect.

90. The site forms part of a wider arable farm landholding and gently slopes in a south easterly direction toward Black Burn and towards Waldrige Fell. The site is bound by a mature hedgerow to the south west, which beyond lies the existing residential development of Cross Lane/ Deneside. To the east the residential development of Daleside is present along with a Public Right of Way (Footpath No. 4 Kimblesworth & Plawsworth) which provides access to Nettleworth West Farm.
91. The site is generally visible 2km to the east from lower land in shallow views where it forms a small part of visually complex panoramic views, including the built form of Sacriston. These views are limited to a large extent by a series of woodland copse and mature hedgerow within the landscape. 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 Cross Lane and the immediate public rights of way network.
92. It is considered that the effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse. This is always the case for development of this kind on green field sites. The change from open countryside to built development would be appreciated in close views from roads, footpaths immediately bordering the site which currently have an attractive rural outlook. The frontage onto Cross Lane would have a semi urban character, although set back from the roadside and the existing hedgerow retained, the site entrance and dwellings would be notable features. In combination with the required visibility splays a section of existing hedgerow would need to be removed to facilitate the access. This feature contributes to the local character as advised by the Council's Landscape officers. Furthermore, one of the SUDS detention basins to serve the scheme would be located in an established copse which although the quality of the trees themselves are not high, it is an important landscape feature providing screening to the development when viewed from the east. Concerns are raised from Landscape officers in relation to this element of the development, encouraging other options to be explored.
93. The alteration of the copse and removal of approximately 20 immature trees within it, would be regrettable, however due to the topography of the site and design requirements of the surface water drainage system this is the only viable option. Once installed the trees required to be removed (in proximity to the eastern boundary) can to a degree be replanted, whilst additional mitigation planting is proposed in the form of a 10m buffer along the eastern edge of the copse. This would have the result of bolstering the most sensitive side in wider landscape terms whilst the western element of the copse, which is on higher ground, would be largely unaffected with the exception of a service corridor. Conditions detailing up the final replanting and management strategy are proposed.
94. In respect of the impact on the local landscape character, the visual impact would be of a medium magnitude taken in the round. The submitted outline landscape masterplan provides for some mitigation measures that would locally strengthen character including reinforcing existing hedgerows and tree planting. Notwithstanding this, the overall impact on the immediate area would remain adverse given the scale and urban character of the development.
95. Overall, the built form of the development would remain relatively prominent in these localised views from the west, extending the urban character of the settlement in to

the countryside however, this impact would remain localised. In deeper views such as those from east, while the further encroachment of built form may be noticeable the general character of the view would remain similar. It is considered that the overall effect on the wider landscape would be of a low magnitude.

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 relatively small amount of hedgerow would need to be removed to accommodate the required access and visibility splays whilst an existing copse would need to be modified to accommodate the SUDS. However, the combined visual impact is considered localised while views of the site would largely be set against the backdrop of existing housing development, whilst remaining landscape vegetation help to filter these views. The detailed and indicated Landscaping Strategy subject to a detailed design and minor modifications would help mitigate this impact. There would however be residual adverse landscape harm contrary to Local Plan (CDLP 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. 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 relatively low density attractive active frontage onto the south western boundary of the site and Cross Lane. Moving through the development active frontages and corner turner units have been utilised to maintain an attractive street scene. The proposed house types are considered appropriate to the area which does not exhibit a strong local vernacular and are considered reasonably high quality in terms of design. The highway layout promotes a hierarchy moving through the site, allowing both pedestrians and vehicles to navigate around the development.

100. 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 site, secured by condition and would either be delivered at the site entrance or within the public open space.
101. 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

102. 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.
103. The development would be served by a two vehicular access taken off the adopted highway Cross Lane while a new pedestrian footway along the north side of Cross Lane would be created. Off site mitigation works are also proposed which include the upgrading of an existing pedestrian footway across public open space to the town centre to a multi user route. The Highways Authority advise that subject to agreeing the engineering details of the proposed access and subject maintaining visibility splays of 2.4m x 120m in both directions, the development would be served by an approximate means of access and protect the highway safety of other road users, despite objections received. Conditions are recommended to secure the implementation of these works. To ensure connectivity a further condition is proposed to ensure that the proposed footpath extends up to the rear of no.85 Daleside and a pedestrian refuge island is formed adjacent to the south west corner of the site. Internal to the site, it is advised that the highway layout is acceptable and could accommodate relevant service vehicles and that sufficient in-curtilage parking to meet parking standards is provided.
104. Objections have been raised regarding vehicular speeds on Cross Lane, however subject to mitigation measures, including the formation of a gateway feature and pedestrian refuge on the highway adjacent the south east portion of the site no objections are raised from the highways authority in this respect. Furthermore is considered that the formation of active semi urban frontage would encourage lower vehicle speeds.
105. Objections have been raised by local residents 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.

Following amendments to the modelling of the assessment to correctly reflect the developments impacts the Council's Highways Authority agree with the methodology and conclusions of the transport assessment and offer no objections on the scheme.

106. A condition to secure the implementation of an appropriate Travel plan for the site, to encourage alternative forms of transport is recommended as advised by the Councils Sustainable Travel Section.
107. Highways England offer no objections to the application.
108. Overall, subject to conditions, the Highway Authority advise that 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 with CDLP Policies T9, T15 and T17 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 1.1km to the south west of Waldrige Fell SSSI. Howlmire Gill Local Wildlife site is located 60m to the east of the application while Sacriston woods is located to 495m to the 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 eastern boundaries through the creation 10m buffer along the existing hedgerow and copse. Further mitigation is also proposed in order to mitigate the developments potential impact on the nearby SSSI and Local Wildlife sites though the formation of an amenity/dog exercise area to the north of the site and the resurfacing of the public right of way linking the site to the area. The submitted mitigation strategy also proposed to restrict site clearance works to outside of the bird breeding season.
110. Given the lack of impact on biodiversity interests on the site as advised by The Councils Ecology Section and along with the mitigation proposed, the development is considered to conform to Part 11 of the NPPF in this respect. Conditions to secure delivery of the proposed mitigation are recommended.

Residential Amenity

111. CDLP Policy HP9 requires that the design and layout of development 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 detailed and outline indicative site layout demonstrates that separation distances in excess of 21m between habitable room windows to existing properties at Deneside, other properties fronting out onto Cross Lane and Daleside to the east, as advocated in the Local Plan. Overall given these separation distances to neighbouring properties 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. Furthermore issues of headlights shining through windows are not considered matters which would justify the refusal of the planning application as the situation would be comparable to most residential housing estates across the County.
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, including working hours. Conditions to this effect are recommended. Concerns regarding the potential disturbance/increase in rat populations are not considered sufficient to warrant refusal of the planning or require specific mitigation.
115. Internally to the site the proposed dwellings can achieve minimum separation distances set out in the Local Plan, whilst garden areas would be adequate to provide an appropriate level of outdoor amenity space.
116. The development would be located in proximity of a number of noise sources, including the surrounding highway network, a farm to the north of the site and Northumbrian Water Sewage Works a minimum of a 170m from the south west of the site. The applicant has also undertaken an odour assessment which concludes that there are possibilities at certain times of the year future residents may experience odour generated from the adjacent Sewage Treatment Works in certain wind and temperature conditions. However, the report concludes that given the likely frequency of occurrences (approximately 15 days of the year) on this basis it is likely that a statutory nuisance would not arise. It is also identified that there are existing residential properties in the proximity of the sewage works which place an existing degree of restriction on the operator, which is controlled by an Environmental Permit. It is highlighted that there may also be times of the year when smells generated from the adjacent farm and cause a nuisance. However, there are non-involved properties at this farm and again existing housing is in close proximity which place restrictions if the farming use intensified or changed.
117. The Council's Environmental Health and Consumer Protection officer advises 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 and it is likely that at statutory nuisance would not occur placing restrictions on both of these operations. Conditions requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents are recommended. The construction management plan would also control the route for construction related traffic.

118. Northumbrian Water have raised comments relating to potential odour and smell generation from the Sewage Treatment Works, suggesting that the Planning Authority give consideration of these matters before granting planning permission. Dialogue has been held between the applicant, NWL and the Council's Environmental Health officer in relation to this matter and the coping of the odour Assessment.
119. 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 or would place undue onus on existing businesses/operations that would justify refusal of the planning application.

Flooding and Drainage

120. 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.
121. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including detention basins to 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 and a water quality betterment before being discharged to a water course. Subject to securing the finer detail of this approach, the Council's Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk. Northumbrian Water also advises a conditional approach to managing surface water discharge.
122. 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 of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure.
123. Subject to conditions to detail the final surface and foul water disposal and a management strategy, 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

124. 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 Coal Authority recommends a conditional approach to secure further site investigation and mitigation where appropriate.

125. 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 officer (Contaminated Land) advises that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 11 of the NPPF.

Heritage Impacts

126. There are no listed buildings within a 1km vicinity of the application site. However as advised by the Council's Design and Conservation officer, the adjacent farm stead of Nettlesworth Farm is shown on the first edition 1860 map and has some historic and architectural value. Following amendments to the scheme to introduce of public open space between the development and these buildings to maintain a degree of separation, the Council's Design and Conservation officer raises no objections and advises that there are no heritage related issues associated with the development.
127. 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 resulting in no harm to any archaeological interests

Other Issues

128. 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 7.2ha of agricultural land. A site specific investigation into the land classification does not accompany the application. Natural England classification maps for the North-East region do not make any classification of the site. Given the lack of assessment it cannot be determined whether the land is best or most versatile agricultural land. However, even in a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance.
129. In this instance it is considered that the amount of agricultural land (7.2 ha) to be lost is less than significant, even in event that the land is best and most versatile, it is nonetheless an adverse impact which should be given weight in the planning balance.

130. The applicant has submitted Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. The Council's Environmental Health and Consumer Protection officer (Air Quality) advises 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.
131. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.

Planning Obligations

132. 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 planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
133. 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.
134. 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.
135. In this instance the site layout indicates that around 1.5ha 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 £200,000 (calculated from a split of onsite/off site provision based on OSNA typology targets) to be directed at improving local facilities is offered to address the onsite shortfall in relation to play space, outdoor sport and allotment typologies to be secured through a S106 planning obligation..
136. 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.
137. The School Places and Admissions Manager advises that a development of 200 houses could generate an additional 60 primary pupils and 30 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.

138. No response has been received from the NHS in relation to GP capacity within existing facilities in the area.

Planning Balance

139. 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 planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits.

Benefits

140. 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.
141. 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 4.2 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.
142. 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.
143. The development would provide a range of house types including up to 29 affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

144. 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.
145. The development would result in the loss of agricultural land, however given the site of the site (7.2ha) this should not be considered an adverse impact even in the event that the land is best and most versatile.

CONCLUSION

146. 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.
147. 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.
148. 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, the provision of affordable housing and footpath improvements are considered necessary for the development to be considered acceptable and therefore meet the relevant tests satisfying CDLP Policy BE22. However, the provision of Targeted Recruitment Training is not considered to be necessary to make the development acceptable. Whilst the developer has agreed to provide this, it is on a voluntary basis only and cannot be afforded any weight in the assessment of this application.
149. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

- 13 on site affordable units in phase 1.
- 15% on site affordable housing units on phase 2.
- £200,000 towards open space and sporting provision within the Electoral Division.
- Provision of pedestrian/cycle multi user route to Brookside/ Morningside Close.

and subject to the following conditions:-

1. The development hereby permitted in "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016) shall be begun before the expiration of three years from the date of this permission

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

2. No development other than site clearance and remedial works shall take place within the "Outline Application Area" as identified on drawing no. WS-BP (received 01.11.2016) until approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or the case of approval on different dates, the approval of the last reserved matters to be approved.

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 on "Outline Application Area" as identified on drawing no. WS-BP (received 01.11.2016) shall comprise a maximum of 116 dwellings.

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

4. The development hereby approved in shall be carried out in strict accordance with the following approved plans and documents :-

- Phase 1 Detailed Area - Site Layout - WS-001 rev A (received 01.11.2016)
- Outline Area - Block Plan - WS-BP (received 01.11.2016)
- Roseberry (village) - RS-WD06 rev P (received 30.9.2016)
- Hatfield (village) - HT-WD06 rev P (received 30.09.2016)
- Souter (village) - SU-WD16 rev S (received 30.09.2016)
- Chatsworth (village) - CT-WD06 (received 16.08.2016)
- Moseley (village) - MS-WD06 rev L (received 30.09.2016)
- Winster (village) - WS-WD06 rev S (received 30.09.2016)
- Clayton (village) - CCA-WD06 rev F (received 30.09.2016)
- Kendal (village) - KL-WD06 rev B (received 30.09.2016)
- Lumley (village) - LY-WD06 rev L (received 30.09.2016)
- Lumley Corner (village) - LYC-WD06 (received 01.11.2016)
- Standard / Double Garage - SGD-01 rev B (received 16.06.2017)

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

5. Prior to the occupation of the first dwelling hereby approved full engineering details of the access and highway improvement works, including the pedestrian footway along Cross Lane, as detailed on plan WS-BP (received 01.11.2016) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall

including a timetable of implementation. The development shall thereafter be undertaken in accordance with the approved 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.

6. Notwithstanding the submitted information prior to the occupation of the first dwelling hereby approved full engineering details of a gateway feature including a pedestrian refuge island and change in position of speed limit signs, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be undertaken prior to the occupation of the first dwelling.

Reason: In the interests of highway safety and connectivity in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and parts 4 and 7 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 and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken 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. Prior to the occupation of the first dwelling hereby approved, full engineering details of a 1.8m wide pedestrian footway, extending from the site entrance along the Cross Lane to the entrance of Daleside, shall be submitted to and approved in writing by the Local Planning Authority. The approved footway shall be installed in accordance with the submitted information prior to the occupation of the 40th dwelling hereby approved.

Reason: In the interests of highway safety and connectivity in accordance with Policies T15 and T17 of the Chester le Street District Local Plan and parts 4 and 7 of the NPPF

9. Within a period of six months of the first occupation of any part of the development a final Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be 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. Prior to the commencement of the construction of the first dwelling hereby approved, sections setting out existing and proposed site levels and the finished floor levels of the dwellings in the "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved information thereafter.

Reason: In the interests of the visual and residential amenity in accordance with Policies HP9 and NE2 of the Chester-le-Street District Local Plan and parts 7, 11 and 12 of the NPPF.

11. Notwithstanding the submitted information, prior to the commencement of the 1st dwelling hereby approved a detailed landscaping scheme for the "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016) shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include the following:

- A plan showing the public/structural landscaping and private/in-curtilage landscaping;
- Any trees, hedges and shrubs scheduled for retention;
- Details soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths; -
- Details of temporary topsoil and subsoil storage provision;
- Details of replacement and additional tree planting to facilitate the SUDS detention basins
- Planting of additional trees along the northern elevation of the copse.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- The timeframe for implementation of the landscaping scheme.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.
- Details of all means of enclosures.

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

Trees, hedges and shrubs planted in accordance with the scheme shall not be removed within five years. Within the area defined as public/structural landscape space any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements within the area defined as public/structural landscape space will be subject to the same conditions.

Reason: In the interests of the visual and residential amenity in accordance with policies HP9 and NE2 of the Chester-le-Street District Local Plan and parts 7 and 11 of the NPPF.

12. Notwithstanding the requirements of condition no. 12 and the submitted information, prior to the commencement of any drainage works, full details of any trees required to be removed, to facilitate the SUDS drainage scheme and details of their replacement, shall be submitted to and approved in accordance with a detailed landscaping scheme. The landscaping scheme shall make provision for additional tree planting at a minimum of 5m in depth adjacent the north eastern boundary of the copse and a timetable for implementation and future maintained regime. The approved landscaping scheme shall be undertaken in accordance with the approved details, including agreed implementation timeframes.

Reason: In the interests of the visual amenity in accordance with policies HP9 and NE2 of the Chester-le-Street District Local Plan and parts 7 and 11 of the NPPF.

13. Prior to the occupation of the first dwelling in the "Detailed Application Area" as identified on drawing no. WS-BP rev A (received 01.11.2016), a detailed

scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme should be based upon the principles set out in the Flood Risk Assessment ref 4676/DS01 compiled by ID Civils Design and 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 interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

14. Prior to the occupation of the first dwelling in the "outline permission" on drawing no. WS-BP rev A (received 01.11.2016) a detailed scheme for the management and disposal of surface water and foul water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

The submitted scheme should be based upon the principles set out in the Flood Risk Assessment ref 4676/DS01 compiled by ID Civils Design and 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 interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.

15. The development shall be carried out in accordance with the mitigation outlined within the Preliminary Mitigation, compensation and enhancement strategy, compiled by E3 Ecology Dated, November 2016.

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

16. Notwithstanding the requirements of condition no.16, full details of the buffer planting, footpath resurfacing and Ecological Mitigation Land set out on the Ecological Mitigation Strategy Plan Ref: WHF-EMSP-001 rev A shall be submitted to an approved in writing before the occupation of the 1st dwelling. The submitted information shall include an implementation programme and maintenance regime. The approved details shall be implemented and completed in full accordance with the agreed details and implementation programme.

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

17. 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.

18. 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 to include timings for implementation and a maintenance regime. The approved scheme shall thereafter be undertaken in accordance with the approved details.

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.

19. Prior to the construction of the first dwelling hereby approved a detailed acoustic mitigation scheme based on the noise impact assessment report compiled by LA Environmental PH/EHF/001 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with HP9 of the Wear Valley District Local Plan and Part 11 of the NPPF.

20. No development of any phase shall commence until 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.

21. 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.

22. 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.

23. 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.

24. 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) a Phase 2 Site Investigation and Risk Assessment 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

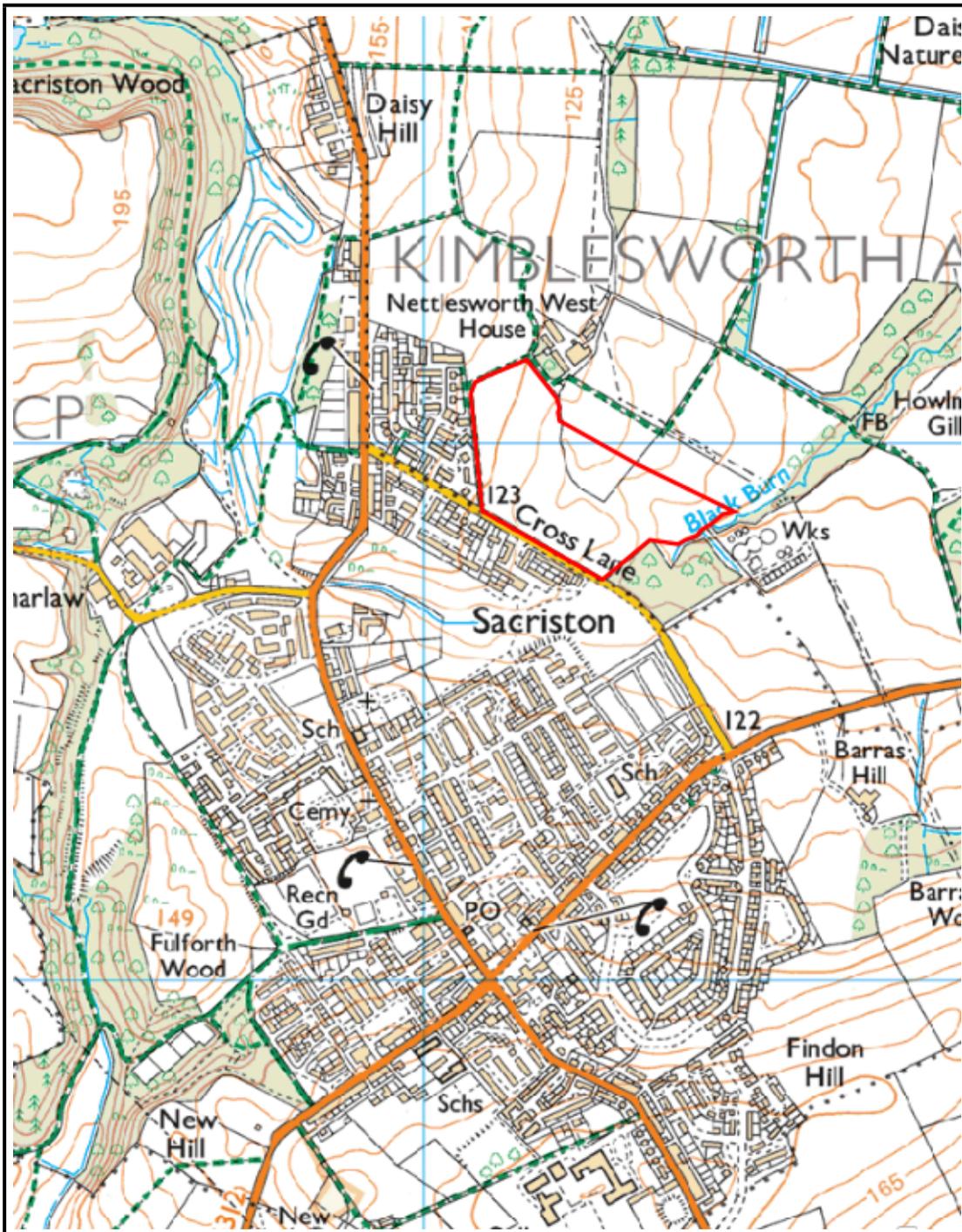
Chester-le-Street Local Plan 2003

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



Planning Services

DM/15/03019/OUT. Hybrid application, outline development 3.8ha of land (approximately 116 dwellings) (all matters reserved) and full planning application for the erection of 84 dwellings with associated access, infrastructure, landscaping and car parking and access.(amended description), Land On The North East Side Of Cross Lane, Sacriston

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Comments

Date June 2017

Scale Not to scale

