

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02426/OUT
FULL APPLICATION DESCRIPTION:	Outline application including means of access (all other matters reserved) for up to 161 dwellings. (Amended description)
NAME OF APPLICANT:	Story Homes
ADDRESS:	Land To The South Of 100 To 106 Dean Road Ferryhill DL17 8ES
ELECTORAL DIVISION:	Ferryhill
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 a rectangular shaped parcel of land located to the south eastern edge of Ferryhill to the north of the County. The site extends to approximately 11.10ha in area and comprises greenfield land in an arable use. A number of disused buildings are present in the north western corner of the site. An approximate 10m level change is evident across the site falling in a southerly direction.
2. To the northern boundary of the site are the residential properties 74-114 Dean Road, 1-14 Southside and the detached property of Harvest View are located. Located to the east of the site the residential properties of 93 - 99 Darlington Road and the highway the A167. To the south open countryside is present, whilst to the east the residential properties of 73-74 Dean Park are located. The site is served by existing field vehicular accesses onto Dean Road and onto the A167. A public right of way (Footpath No.7 Ferryhill) is located adjacent to the eastern boundary of the site.
3. The site is located 1.1km to the west of The Carrs SSSI. Ferryhill Cut and Ferryhill Stell & Grassland Local Wildlife sites are located approximately 1km and 1.5km to the east of the site respectfully. Mill Wood Local Wildlife site is located 2.3km to the south west of the site. The Grade II* listed building of Little Chilton Farmhouse is located to the south east of the site. The Grade II listed buildings of St Luke Ferryhill and associated former vicarage are located 520m to the north of the site within Ferryhill Town Centre.

The Proposal

4. This application is an outline planning application seeking approval for the erection of up to 161 dwellings and the means of access to the site. All other matters remain reserved. As originally submitted the application proposed 141 dwellings and a retail food store. The scheme has been amended to up to 161 dwellings. This has been due to concerns raised by officers regarding the retail element of the application and its impact on the town centre.
5. It is proposed that the sole vehicular access for the proposed development would be taken off the A167 on the western site boundary, creating a priority T junction with a protected right turn into the site and a pedestrian/cycle crossing island. The existing 40mph is proposed to be relocated further south on the A167 along with a traffic island gateway feature and count down road markings. A new northern bound bus stop layby is proposed to be created to the north of the site entrance. A pedestrian/cycle access is proposed to be created to the north eastern corner of the site.
6. An indicative masterplan and Landscape Visual Impact Assessment have been submitted setting out that the dwellings would be arranged around a series of cul-de-sacs and private shared drives taken off a main distributor road. The submitted information indicates active frontage onto the A167, whilst landscape screening would be established along the southern boundary, along the main distributor road whilst retaining an existing hedgerow which runs centrally across the site in a north south orientation. Areas of open space and a SUDs drainage system would be located adjacent the southern boundary. 10% of the dwellings proposed would be offered on an affordable basis.
7. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

8. 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

9. 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’.
10. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment

section of the report. The following elements of the NPPF are considered relevant to this proposal.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. 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:

The Sedgefield Borough Local Plan (SBLP) 1996

20. *Policy E1 – Landscape Protection and Enhancement.* Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
21. *Policy E15 – Safeguarding woodlands, trees and hedgerows.* Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Policy H19 –Provision of a range of house types and sizes including Affordable Housing.* Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.
23. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space.* Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
24. *Policy L2 – Open Space in New Housing Development.* Sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
25. *Policy L9 – Footpaths, Cycleways and Bridleways in the Countryside.* Seeks to promote the provision of safe, attractive and convenient networks of footpath, cycleways and bridleway routes.
26. *Policy T1 – Footways and Cycleways in Towns and Villages.* States that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
27. *Policy D1 – General Principles for the Layout and Design of New Developments.* This policy establishes six principles to be applied to the layout and design of new development, including a comprehensive and co-ordinated approach, attention to the design of buildings and their spatial relationship to open space, landscaping and

boundary treatment, and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

28. *Policy D2 – Design for People.* This policy details that the requirements of users of a development should be taken into account in its layout and design, with particular regard paid to access, safety and security and the provision of appropriate facilities.
29. *Policy D3 – Design for Access.* This policy provides that development should make satisfactory and safe provision for use by all modes of transport, detailing eight criteria which will need to be included in new development as appropriate. These include cycle parking facilities, measures to minimise conflict between pedestrians, cyclists and motor vehicles and adequate car parking provision.
30. *Policy D5 – Layout of housing development.* Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
31. *Policy D8 – Servicing and Community Requirements of New Development.* Sets out that developments are required to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements.
32. *Policy D9 – Art in the Environment.* Encourages the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

33. 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.

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> (Sedgefield Borough Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. *Ferryhill Town Council* – Object to the development on the grounds that the site access proposals are not in accordance with acceptable standards. This would lead to potential safety hazards as the access is direct from the A167 in a dip that has traffic travelling at up to sixty miles per hour and the access is also across a main

public footpath that is used by many including school children using it as a safe walking to school route.

35. *Highways Authority* – No objection is raised subject to appropriate mitigation works. It is advised that the preferred access arrangement onto the A167 would be the formation of a roundabout, to provide access onto the site and then connecting to the adjacent Dean Park development. This would bring wider benefits given the constrained alignment and visibility of the Dean Road/A167 junction. However, subject to setting out appropriate site visibility slays (which require the removal of a highway verge tree) and mitigation detailed highway improvement works (including creating a priority T junction with a protected right turn into the site and a pedestrian/cycle crossing island, the relocation of the 40mph speed limit, a traffic island gateway feature and count down road markings) no highways objections are raised following amendments to the access arrangements. A Transport Assessment has been submitted and reviewed and subject to implementing mitigation works at Rushyford Roundabout (through a £45,143 committed sum secured through a S106 agreement). It is identified that there would be a residual highways impact in that additional queues at the Thinford Roundabout which could not be mitigated due to the complexities of the junction and costs involved. However overall the development would not have a severe cumulative impact on the wider highway network.
36. *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.
37. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
38. *Drainage and Coastal Protection* – Advise a conditional approach to deal with 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 prior to submission of any reserved matters application.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* – Advise the starting point for determining the acceptability of planning proposals is the Development Plan (SBLP). The Plan is absent and out of date in respect of how to appraise housing applications within main towns like Ferryhill. This is on account that Policy H1 was not saved.
40. 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. Therefore, in the absence of up to date adopted development plan policies on housing supply the NPPF, and in particular Paragraph 14, is relevant. As such this proposal should be assessed in the context that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole and the remaining relevant saved policies of the SBLP.
41. The NPPF seeks to boost significantly the supply of housing, and the delivery of housing (including affordable housing) would count in favour of any scheme, and would be afforded weight in the planning balance in light of the current position in respect of the 5-year housing land supply position. The site itself is considered to be

well related to the town of Ferryhill. Overall it is considered that the housing would represent a sustainable urban extension to the settlement.

42. *Landscape* – No objections are raised in relation to the landscape impact of the development. Officers advise that the site is not in a locally or nationally designated landscape although it is within a wider Landscape Improvement Area in the County Durham Landscape Strategy. It is noted that the site is visible from the A167, which passes immediately to the west, and from a public footpath, which passes along the eastern boundary. On the approach to Ferryhill on the A167, the southern boundary of the site would mark the village's southern limit. It is advised that the Landscape Visual Impact Assessment is considered sound and Revision D of the Illustrative Masterplan shows a scheme that is potentially acceptable in landscape terms. Design modifications would however need to be made at the reserved matters stage including the production of a tree protection plan to inform the layout, along with a fully detailed planting scheme to provide screening on the southern edge and east west through the centre of the site.
43. *Landscape (Arboriculture)* – Officers raise no objection advising that there is no significant arboricultural conflict with the proposed development. There is the potential for the loss of hedging around the site and it is likely that this would have a negative impact but the trees on the site, on the eastern and southern boundaries, should be sufficient distance from the development for any significant damage to occur and also to limit any future pressure to prune etc. It is however, recommended that should the application be approved, details of protective measures will be required pre development commencement to ensure that there is no unnecessary damage to the trees, during the construction of the internal roads on the eastern boundary of the site and the installation of the SUDS on the southern boundary.
44. *School Places and Admissions Manager* – Advise that a development of 161 houses could produce an additional 48 primary pupils and 20 additional secondary pupils. There are sufficient primary and secondary school places available to accommodate pupils from this development.
45. *Housing Delivery* – Advise that the proposed 10% 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.
46. *Ecology* – Raise no objection. Officers advise that the submitted ecology assessments are sound and officers verify the conclusion that there are no protected species on site. Given the minimal mitigation proposed on site it is recommended that an offsite contribution of £32968 is sought to deliver targeted biodiversity enhancements in the area.
47. *Environmental Health and Consumer Protection (Air Quality)* – No objections are raised. No mitigation measures are required in relation to air quality following completion of the development other than the adoption of a travel plan. However it is advised that dust management plan should be adopted during the construction phase.
48. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
49. *Environmental Health and Consumer Protection (Pollution Control)* – Raise no objection recommending a conditional approach to detail the mitigation measures indicated in the submitted noise impact assessment that would need to be

incorporated to safeguard future residents from noise sources. It is also recommended that conditions are requiring the submission of a construction methodology and restricting working hours on site to protect the amenity of neighbouring residents.

50. *Design and Conservation* – Offices raise no objection providing design advice on the submitted masterplan which officers consider would need to be modified to achieve an acceptable layout at the reserved matters stage. It is advised that there are no heritage related impacts associated with the development.
51. *Archaeology* – Although not objecting officers advise the results of a geophysical survey have identified possible archaeological features as well as the remains of a ridge and furrow field system. The results of the survey need to be tested through trial trenching, both the possible archaeological remains and the blank areas. The desk-based assessment, also submitted by the applicant, identified the remains of buildings associated with a WWII miners' hostel. These remains should be recorded through measured survey prior to them being removed. This work should be carried out in support of the reserved matters with a scheme of recording to be agreed by condition.
52. *Access and Rights of Way* – No objections are raised. It is noted that there are registered rights of way adjacent to the proposed development site. Officers consider that opportunities for improving the surrounding public rights of way network should be secured.
53. *Sustainable Transport* – No objections are raised. Officers identify that the proposed Great North Cycle Way would pass the site which would help facilitate future residents accessing services in amenities in Spennymoor and in Newton Aycliffe. However, it is highlighted that there are solutions required (through highway improvements etc.) in order for the route to be full connected through the Ferryhill area and the sustainability benefits relied upon. Given the limited employment and amenity facilities in the area it is considered likely that future residents would need to access larger settlements, to encourage and deliver sustainable transport a contribution of £36,200 is sought to help deliver connections and improvements to the route. A conditional approach to securing amendments and delivery of the submitted Travel Plan is recommended.
54. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation

NON-STATUTORY RESPONSES:

55. *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:

56. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

Objection
57. 19 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 Ferryhill 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.
- Concerns are raised regarding the retail store and appropriateness of this element in this location.
- The need for the houses is questioned, there should be a focus on redeveloping Ferryhill rather than new builds.
- The lack of public transport links is highlighted.
- The lack of an up to date policy in relation to housing is highlighted, advising that the application should not be determined until such time there is.

Highways

- The access on to the A167 is unacceptable.
- There are currently high speeds along this section of the A167 with a history of accidents.
- The junction with Dean Road and the A167 is dangerous, the proximity of the proposed access would make the situation worse.
- Concerns are raised regarding the potential of using Southside for construction access or as a short cut once the development is built, this should be prevented through fencing or some other form of barrier.
- The capacity of Dean Road to accommodate additional traffic safely is questioned.
- There are already congestion issues which the development would add too.

Residential Amenity

- Potential impact of construction traffic on highway safety and residential amenity.
- Appropriate conditions should be attached if approval is given to limit the construction impact.
- Loss of outlook for existing residents.
- Loss in value of existing homes.

Other Issues

- Clarification is sought on where the council tax receipts would be spent, this should be spent in Ferryhill.
- Concerns are raised regarding the likelihood of the indicated landscaping being delivered.
- The historical significance of the site is highlighted along with potential archeological remains.
- The potential ecological impact of the site is highlighted.
- Loss of a recreational facility for dog walkers.
- The lack of consultation is highlighted.

58. In addition the following objections have also been received.

59. *Cllr Brian Avery* - Objects to the proposal, advising that the proposed access would be dangerous due to the level of traffic through Ferryhill, the experienced speed number of HGV's and the layout of the road network.
60. *Ferryhill Community Partnership*, raise objections to the application highlighting that the Sedgefield Borough Local Plan promotes Greenfield sites, the exit from the site onto the A167 would be dangerous, the inclusion of a retail store would impact on the town centre, the development would affect the outlook of residents and the development of these site would be at the expense of the redevelopment of existing brownfield sites.
61. *Dene Bank Residents Association* has submitted a letter objection highlighting the number of vacant houses within Ferryhill, the number of let properties and the perceived lack of investments into the village over the years.
62. *Ferryhill Community Action Group* object to the application, setting out concerns around the suitability of the access and impact on highway safety, lack of public transport links, impact on schools and GP facilities. The proposed mix of affordable housing (rented) is questioned while it is highlighted that there are large number of brownfield sites which should be developed first.

Support

63. Three letters of support for the development has been received from local residents, highlighting the benefit of new housing for young families is highlighted and that new developments are positive subject to concerns around highway safety be addressed.

Other representations

64. *Durham Bird Club* identify that there are species of interest on the site, appropriate mitigation should be secured to compensate for habitat loss and maintain these species.
65. *Durham Cycling Club*, highlight that there are cycle links in the vicinity of the site, however these are constrained due to the highway network. It is advised that opportunities for improving these links are taken.

APPLICANTS STATEMENT:

66. The development is considered to be in a sustainable location, situated as it is directly adjacent to residential development on the southern edge of Ferryhill. As such, the site is considered to represent a logical extension to Ferryhill – indeed, the Council's spatial policy team have confirmed that 'the site itself is considered to be well related to the town of Ferryhill and overall it is considered that the housing would represent a sustainable urban extension to the settlement'.
67. The site was, in fact, subject to an allocation for up to 200 dwellings in the now withdrawn County Durham Plan which provides a clear indication that the Council consider it to be a suitable location for residential development.
68. The Government's National Planning Policy Framework (NPPF) identifies a clear growth agenda which is focused on the need to 'boost significantly' housing supply. In addition, the Council is currently unable to demonstrate a five-year housing land supply and, as such, it falls for the application to be determined against paragraph 14 of the NPPF which states that, in the absence of relevant up to date development

plan policies, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessing against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.

69. The applicant has engaged thoroughly with the local planning authority, both through the pre-application process and since submission of the application. Indeed, it was on the advice of the Council that the retail element of the original scheme was removed from the proposed development as a result of the Council's updated retail needs assessment which confirmed that there was no longer a requirement for convenience retail in Ferryhill.
70. In light of this, the Council is satisfied that the proposal before them, first, does not create any adverse impacts that would outweigh the benefits of granting consent and, secondly, represents sustainable development in the context of the NPPF.
71. With specific regard to the benefits of the scheme, the proposal will deliver significant economic and other benefits to the residents of Ferryhill. In economic terms, the development will create approximately 650 full/part-time jobs and circa £2.5 million in council tax receipts and New Homes Bonus. In addition, the scheme will deliver further benefits that will be secured through a S106 agreement which will include 10% affordable housing, £213,480 towards open space and sporting provision, £45,135 towards highway infrastructure capacity improvements, £36,200 towards cycle network infrastructure in the area and £33,000 for offsite ecological mitigation.
72. In light of the above it is the applicant's firm view, which officers accord with, that outline permission should be granted for this application, in order that the Council can deliver much needed housing (including affordable) on this site and, in doing so, contribute to town's wider regeneration.

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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

73. 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, residential amenity, ecology, flooding and drainage, ground conditions, heritage impacts, other issues and planning obligations.

The Principle of Development

The Development Plan

74. 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 Sedegfield Borough

Local Plan (SBLP) 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.

75. The SBLP was adopted in 1996 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

76. 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.
77. 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.
78. 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.
79. 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

80. 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.

81. 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)

82. 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.

83. 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.

84. 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

85. SBLP Policy H1 set out that within the main towns of the Borough, including Ferryhill, housing will be supported subject to a series of criteria, including it is surrounded by other housing and does not lead to an extension into the countryside. However, Policy H1 was not saved under the 2007 Secretary of State direction and has therefore expired. SBLP Policy H2 allocates housing on the adjacent site (Dean Park) for up to 100 houses, this development has now been built out. Other housing policies within the SBLP relate to specific settlements or ribbon development. Therefore given that Policy H1 has expired and that other housing policies are not relevant to the development, the development plan is considered silent in this respect and the application needs to be assessed in accordance with the planning balance test of Paragraph 14 identified above.

Locational Sustainability of the Site

86. Paragraph 61 of the NPPF sets out that planning decision should address the connections between people and places and the integration of new development into the natural and built environment. In this respect, it is considered that the scheme would integrate itself well into the built environment of 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.

87. In relation to distances to services and amenities the application is accompanied by a travel plan and this assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. It is recognised that the site is located on the edge of Ferryhill representing a greenfield extension. However, a distance of approximately 800m is evident to the town centre, a distance of 860m is evident to the nearest primary school. The nearest GP is located 900m away. Spennymoor and Newton Aycliffe containing secondary schools, larger shopping facilities and employment sites are located approximately 2.9 and 5 miles away respectively.
88. 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 Ferryhill 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 Ferryhill 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 161 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 Ferryhill are also on adopted well-lit highways with no significant topographical restrictions. A proposed pedestrian crossing island across the A167 would offer increased permeability of future and existing residents.
89. In terms of cycle access, the site performs better, with services in the town centre within a 5 minute cycle ride and Spennymoor/Newton Aycliffe a 15 minute cycle ride. The nearest bus stop is located 150m from the site entrance (south bound) which has a frequent service to Durham and Newton Aycliffe while other bus services served by stops closer to the town centre connect to Spennymoor. The scheme proposes to create a north bound bus stop layby and infrastructure which would allow additional access to this service. A designated cycle way lies adjacent to the site entrance which is proposed to be incorporated in the proposed Great North Cycle Way. This would help facilitate future residents accessing services in amenities in Spennymoor and in Newton Aycliffe. However, it is highlighted by the Council's Sustainable Transport officers that there are solutions required (through highway improvements etc.) in order for the route to be full connected through the Ferryhill area and the sustainability benefits relied upon. To encourage and deliver sustainable transport options for the development a contribution of £36,200 towards cycle infrastructure is offered by the applicant, to be secured through a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended). A condition to require the appropriate upgrade to surfacing of the public right of way adjacent to the site and connections to it to be detailed in any reserved matters application is recommended in accordance with SBLP Policy L9.
90. 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 in accordance with Paragraph 61 of the NPPF and SBLP Policy D3 is considered consistent the NPPF in this respect.

Landscape and Visual Appraisal

91. SBLP Policy E1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance of the River Wear Area and protecting landscape features. SBLP Policy D1 required developments to take account of the sites natural features and adopt appropriate landscaping. These policies are considered consistent with Parts 7 and 11 of the NPPF which sets out that good design is indivisible from good planning while also seeking to protect local landscapes.
92. To the northern boundary of the site the properties of Dean Road and Southside and the detached property of Harvest View are located. To the west of the site the properties of 93 - 99 Darlington Road and the highway the A167 are located. To the south open countryside is present, whilst to the east the properties of 74-114 Dean Park are located. A public right of way (Footpath No.7 Ferryhill) is located adjacent to the eastern boundary of the site. The development would effectively extend the built form of Ferryhill to the south, the submitted Landscape Visual Impact Assessment proposed landscape screening along the southern boundary and within the site, whilst maintaining the existing hedgerow within the site.
93. Landscape officers raise no objection in relation to the landscape impact of the development, advising that the site is not in a locally or nationally designated landscape, although it is within a wider Landscape Improvement Area in the County Durham Landscape Strategy. The site is visible from the A167, which passes immediately to the west, and from a public footpath, which passes along the eastern boundary. The effect of the development on the character of the site and its immediate surroundings from these views would be generally transformative and adverse. This is always the case for development of this kind on green field sites. It is indicated that the frontage onto the A167 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 the wider landscape the site would be visible from approximately 1.5miles, set against the backdrop of the existing settlement of Ferryhill which sits higher than the site.
94. On the approach to Ferryhill on the A167, the southern boundary of the site would mark the village's southern limit. Landscape Officers consider the Landscape Visual Impact Assessment to be sound and Revision D of the Illustrative Masterplan shows a scheme that is potentially acceptable in landscape terms. It is however, advised that design modifications would need to be made at the reserved matters stage, including the production of a tree protection plan to inform the layout, along with a fully detailed planting scheme to provide screening on the southern edge and east west through the centre of the site. Subject to this detailing it considered that that the residual visual impact would be of a low to medium magnitude taken in the round principally at the development would be seen in the context and backdrop of the existing settlement and its limited wider landscape views.
95. Overall, the built form of the development would remain relatively prominent in these localised views from the A167 to the western boundary of the site and the PROW from the eastern boundary, extending the urban character of the settlement in to the countryside however, this impact would remain localised. In deeper views from the south, the further encroachment of built form may be noticeable but the general character of the view would remain similar, as the development would be seen against the backdrop of Ferryhill.
96. SBLP Policies E1 and D1 seeks to encourage the maintenance of distinctive landscapes by resisting proposals that would damage the character or appearance

of the River Wear Area and protecting landscape features and incorporating appropriate landscaping with developments. The development would result in landscape harm, a result of the development an extension beyond the established settlement edge. 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 indicated landscape vegetation would help to filter these views. This harm is not considered contrary to Local Plan (SBLP Policy E1) due to its localised nature, however the impact needs to be considered within the wider planning balance.

Layout and Design

97. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Parts 7 and 11 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance significant weight can be afforded to SBLP Policies D1, D2, D3 and D5 in this respect.
98. In this respect the application is in an outline form, however based on the indicative master plan and reserved matters application it is considered that the proposed number of houses could be accommodated on the site and an appropriate layout could be achieved subject to modifications.
99. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. The applicant has indicated a willingness to provide this on site which could be secured by way of a planning condition.
100. Overall subject to the consideration of any future reserved matters application, it is considered that the scheme could deliver a high quality visually attractive development in accordance with SBLP Policies D1, D2, D3 and D5, and Parts 7 and 11 of the NPPF

Highway Safety and Access

101. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. The NPPF 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. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
102. It is proposed that the sole vehicular access to the site would be taken off the A167 on the western site boundary of the site, creating a priority T junction with a protected right turn into the site and a pedestrian/cycle crossing island. The existing 40mph

speed limit is proposed be relocated. The Highway Authority advises that the preferred and most optimal access arrangement onto the A167 would be the formation of a roundabout, to provide access onto the site and then connecting to the adjacent Dean Park development. This would bring wider benefits and an alternative route into Ferryhill given the constrained alignment and visibility of the Dean Road/A167 junction. However, subject to setting out appropriate site visibility slays (which require the removal of a highway verge tree) and highway improvements detailed above no highways objections are raised. It is advised that a condition would need to be attached to any planning approval to agree the finer detail of the access works, provision of the visibility slays and ensure implementation.

103. Further consideration of the internal road layout and parking provision would be undertaken in any subsequent reserved matters application. However, it is indicated that a sufficiently wide distributor road should serve the development which would allow the potential for a future link to the south of Dean Park to should future need dictate as requested by the Highways Authority.
104. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network, including onto the A167 and the junctions on the A689 to the north of the site (Rushfyord Roundabout).
105. The TA establishes that the impact of the development upon the highway network, would for a large part be acceptable, and not result in an impact such that it could be considered to be "severe". It does however recognise that at present, that the A167/A689 Rushfyord Roundabout is operating over capacity, and that the additional traffic generated by this development would further exacerbate existing problems. Furthermore, it is acknowledged that there are several other development proposals currently under consideration, or that have recently received permission that will also have the potential to exacerbate the issues at this junction.
106. With this in mind, the applicant has agreed a mitigation scheme for the roundabout with highways officers, in order to increase capacity. This scheme takes account not only of this particular development, but also others currently under consideration, or already benefitting from permission and may affect this junction, totalling six separate developments.
107. Following detailed discussions, a methodology has been devised to apportion contribution towards the proposed mitigation works on the basis of the level of additional traffic generated by each development. In this context, it is expected that this particular development would generate an additional 43 vehicle movements at the roundabout at the AM peak, and 48 at the PM peak, out of a total of 649 AM peak, and 642 PM peak additional movements. This results in this development contributing an average of 7.1% of the additional traffic.
108. With the overall mitigation scheme costing £644,781, it is expected that on the basis of a 7.1% contribution, that a sum of £45,143 would be required in order to mitigate the impacts of this development, and that this sum can be secured by a planning obligation secured through S106 of the Town and Country Planning Act 1990. It is recognised that other developments may not come forward reducing the total amount of funding to deliver the necessary works whilst other improvement requirements are secured by condition. However, the Highway Authority advises that they are in a position to underwrite the works, whilst any scheme at time of delivery would be proportionate to the total number of committed developments.

109. In relation to other junctions in immediate proximity of the site it is considered that these would operate satisfactorily without mitigation. It is however identified that there would be a residual highway impact in that additional queues would occur at the Thinford Roundabout. This could not be easily mitigated due to the complexities of the junction and likely costs involved. Nonetheless, it is advised that overall the development would not have a severe cumulative impact on the wider highway network or lead to a loss of highway safety.
110. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to SBLP Policy D3 and Part 4 of the NPPF in this respect.

Residential Amenity

111. SBLP Policies D1 and D3 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
112. The indicative site layout sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved as advocated in the SBLP. Given these separation distances it is considered that there would not be a significant reduction in the amenity of existing residents in terms of overlooking and privacy and outlook. Further scrutiny of this matter and the internal site layout would be given to a reserved matters application for outline elements of the scheme.
113. The development is located adjacent the A167 which is an established noise source through a high traffic flow. The application has been accompanied by a noise impact assessment which sets out that in order to safeguard the amenity of future residents, noise mitigation measures in the form of improved glazing and for a number of properties fronting out on to the A167 would need to be incorporated. Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to implementation adequate levels of residential amenity would be achieved. A condition to secure the detailing and delivery on the mitigation based on the final site layout is recommended,
114. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated.
115. Overall the scheme would comply with SBLP Policies D1 and D3 and Part 11 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents.

Ecology

116. 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 west of The Carrs SSSI. Ferryhill Cut and Ferryhill Stell & Grassland Local Wildlife sites are located approximately 1km and 1.5km to the east of the site respectively. Mill Wood Local Wildlife site is located 2.3km to the south west of the site. An ecology survey has been submitted with the application, which notes the presence of a number of UKBAP breeding bird species being present on the site.
117. Although the application details onsite mitigation, the Ecology officer considers this insufficient to compensate for the loss of habitat and in this instance and request an offsite contribution of £32,968 to deliver targeted biodiversity enhancements in the area. Subject to this off site contribution and conditioning the delivery of other mitigation such as the controlling the timing of works, detailing a low intensity lighting strategy and erection of bird and bat boxes the Councils Ecology Officer raises no objections to the application. The development is therefore considered to conform to Part 11 of the NPPF in this respect.

Flooding and Drainage

118. 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.
119. 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 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 once a layout in a reserved matters application is developed Drainage and Costal 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.
120. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water. No objections are raised regarding the capacity of existing sewerage infrastructure. It is highlighted that there is a sewage pipe which crossed the site which will either be diverted or incorporated into the layout.
121. 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

122. Paragraph 109 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance the application site lies with the Coal

Authority's Coalfield area of high risk, a coal mining risk assessment considering unstable land has been submitted in support of the application. In reviewing this report, the Coal Authority advises that underground coal mining has taken place underneath the site at shallow depth, with potential unrecorded mine workings. The Coal Authority recommends a conditional approach to secure further site investigation and mitigation where appropriate.

123. In relation to land contamination the applicant has submitted a phase 1 desk top study undertaken interactive site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise 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

124. The Grade II listed buildings of St Luke Ferryhill and associated former vicarage are located 520m to the north of the site within Ferryhill Town Centre. The Grade II* listed building of Little Chilton Farmhouse is located to the south east of the site. The Planning Authority is required under S.66 of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed buildings. In this respect there is no indivisibility between the site and the buildings in the town centre due to existing developments and topography. There would be views between the development and Little Chilton Farmhouse. However given the separation distance and the similar proximity of existing housing is considered that there is no impact on its setting. This view is shared by the Councils Design and Conservation Section. And therefore there would be no conflict with part 12 of the NPPF in this respect.
125. In terms of archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect the applicant has undertaken a Geophysical Survey, in reviewing the submitted details the Council's Archaeology officer advises that there are possible archaeological features as well as the remains of a ridge and furrow field system. The results of the survey would therefore need to be tested through trial trenching, The desk-based assessment, also submitted by the applicant, identified the remains of buildings associated with a WWII miners' hostel. These remains should be recorded through measured survey prior to them being removed. This work should be carried out in support of the reserved matters with a scheme of recording to be agreed by condition. This mitigation would satisfy the requirements of Paragraph 128 of the NPPF resulting in no harm to any archaeological interests.

Other Issues

126. NPPF Paragraph 112 states that LPAs should take into account the benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 11.2ha of agricultural land. A site specific investigation into the land classification does not accompany the application. However, Natural England classification maps for the North-East region identify that part of the site (2.4ha) 3a (best and most versatile) whilst the remainder (8.8ha) as 3b (outside of the best and most versatile category).

127. 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. In this instance it is considered that the amount of best and most versatile agricultural land (2.4ha) that would be lost is not significant, it is nonetheless an adverse impact which should be given weight in the planning balance.
128. The applicant has submitted Air Quality Impact Assessment which considered the potential cumulative impact on air quality in the area. Environmental Health and Consumer Protection (Air Quality) officers advise that no mitigation measures are required in relation to air quality following completion of the development, with the exception of implementing a travel plan. It is however advised that dust management plan should be adopted during the construction phase.
129. 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

130. SBLP Policy H19, 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 10% 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).
131. SBLP Policy D8 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 SBLP Policy L1 and L2 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.
132. 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.
133. In this instance the indicative site layout indicates that around 1.1ha of amenity open space and semi natural green space would be made available which includes areas of informal play space. This provision, along with other incidental areas meets a proportion of the identified OSNA targets for the recreation typologies. However, an offsite contribution of £213,480 (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.
134. The School Places and Admissions Manager advises that a development of 161 houses could generate an additional 48 primary pupils and 20 secondary pupils. Taking into account existing surplus in schools which could serve the development (based on The Education Department's Guidelines) and other proposed developments in the area, it is identified that there is sufficient capacity in local

schools to accommodate the additional pupils generated. There is therefore no impact to mitigate in this respect.

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

Planning Balance

137. 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

138. 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.
139. 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.
140. 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.
141. The development would provide a range of house types including up to 18 affordable housing units which would meet an identified short fall within the County.

Adverse Impacts

142. 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.
143. The development would result in a residual highway impact through additional queuing at the Thinford Roundabout. This could not be easily mitigated due to the complexities of the junction and likely costs involved. Nonetheless, it is advised that

overall the development would not have a severe cumulative impact on the wider highway network or lead to a loss of highway safety.

144. The development would result in the loss of 2.4ha 3a best and most versatile agricultural land, however this level of loss is not considered significant.

CONCLUSION

145. On the basis of the Council's housing land supply position and as the SBLP is silent in respect of housing land supply policies, that the presumption in favour of sustainable development is engaged. The residential development is therefore 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.
146. It is identified that the development would result in residual landscape harm developing a greenfield site and extending built development into the countryside, result in a residual highways impact and result in the loss of 2.4ha of grade 3a agricultural land. However, due to the limited visibility in the wider landscape, mitigation proposed and as a severe highway impact would not arise and only a relatively small area of grade 3a agricultural land would be lost, for the purposes of Paragraph 14, this harm would not significantly and demonstrably 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 SBLP.
147. 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, highways mitigation, cycle improvements and off site ecology mitigation are considered necessary for the development to be considered acceptable and therefore meet the relevant tests . 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.
148. 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:-

- 10% Affordable housing
- £213,480 towards open space and sporting provision within the Electoral Division
- £45,143 towards highway infrastructure capacity improvements at Rushford roundabout.

- £36,200 towards cycle network infrastructure in the area.
- £32,968 to deliver targeted biodiversity enhancements in the area.

and subject to the following conditions:-

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") for the relevant phase shall be obtained from the Local Planning Authority in writing before any development is commenced other than demolition and remediation works and site access works. The first application shall include a phasing plan for the site as a whole.

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

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

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

3. The development hereby approved shall comprise a maximum of 161 dwellings.

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

4. Prior to the construction of the first dwelling hereby approved full engineering details of the access and highway improvement works detailed on plan no. ITM7163-GA-004, Rev. H shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall including a timetable of completion. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 4 of the National Planning Policy Framework

5. Prior to the occupation of the first dwelling hereby approved full engineering details of the bus stop lay-by detailed on plan no. ITM7163-GA-004, Rev. H and provision of appropriate bus shelter shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall including a timetable of completion. The development shall thereafter be undertaken in accordance with the approved details and timings.

Reason: In the interest of sustainable transport accordance with Policies D1, D2 and D3 of the Sedgefield Borough Local Plan and Part 4 of the National Planning Policy Framework

6. Notwithstanding the submitted information, prior to the construction of the first dwelling the site visibility splays set out on plan no. ITM7163-GA-004, Rev. H shall be laid out in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the removal of vegetation (including highway verge trees) necessary to achieve the required visibility splays.

Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 4 of the National Planning Policy Framework.

7. Prior to the occupation of the first dwelling hereby approved, a scheme for the resurfacing of Footpath No. 7 (Ferryhill) from Dene Road to the connection with Footpath No. 8 (Ferryhill) and the formation of pedestrian access points within the site boundary to facilitate links from the development to the upgraded Footpath No.7 (Ferryhill) shall be submitted to and approved in writing by the Local Planning Authority. The resurfacing work and provision of pedestrian links shall thereafter be completed in accordance with the approved details prior to the occupation of the 80th dwelling hereby approved.

Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies D1, D2, D3, L9 and T1 of the Sedgfield Borough Local Plan and Parts 4 and 8 of the National Planning Policy Framework.

8. Application(s) for approval of reserved matters of any phase of the development shall be in accordance with the landscape mitigation principles established Landscape Visual Impact Assessment ref D/I/D/104397/801, Issue 3.

Reason: In the interests of the visual amnesty of the surrounding area, in accordance with policy E1 and D1 of the Sedgfield Borough Local Plan and part 11 of the NPPF.

9. Notwithstanding the submitted information, application(s) for approval of reserved matters for any phases of the development shall make provision to ensure that a minimum of 9980sqm of informal play and amenity space can be delivered within the overall development of the site. Full details of which, including the mechanism for the subsequent management and maintenance of these areas in any phases, shall be submitted to and agreed in writing prior to the occupation of the 1st dwelling. The open space areas shall be made available allowing free and unrestricted access by residents of the development upon the completion of each relevant phase.

Reason: In order to supply sufficient amenity space for future residents in accordance with saved Policy L2 of the Sedgfield Borough Local Plan and Part 8 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety in accordance with Policies D1, D2 and D3 of the Sedgfield Borough Local Plan and Part 4 of the National Planning Policy Framework.

11. 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 undertaken 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 D3 and T1 of the Sedgfield Borough Local Plan and Parts 4 and 8 of the National Planning Policy Framework.

12. Application for approval of reserved matters of any phase of the development shall include a detailed scheme for the management and disposal of surface and foul water for that phase to be submitted to and approved in writing by the Local Planning Authority. Thereafter the phases of development shall be carried out in accordance with the approved details.

The submitted scheme(s) should be based upon the 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(s) 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. Details of timings for implementation
- ii. A management and maintenance document detailing how the sustainable urban drainage infrastructure shall be managed and maintained. The development shall be completed 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 National Planning Policy Framework.

13. The phases of the development shall be carried out in accordance with the mitigation outlined within the Ecological Appraisal dated 13/03/2017 and the Breeding birds survey dated 7/3/2017, compiled by E3 Ecology.

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

14. Notwithstanding the submitted information, prior to the occupation of the first dwelling of any phase hereby approved a lighting strategy for the relevant development shall be submitted to and approved in writing for that phase. 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 National Planning Policy Framework.

15. 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 completed in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgfield Borough Local Plan and Part 7 of the National Planning Policy Framework.

16. Notwithstanding the submitted information, application(s) for approval of reserved matters of any phases of the development shall include an acoustic report to be submitted to and approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents

from the transferral of sound from road traffic noise and detail appropriate mitigation measures, based on achieving the following noise levels:-

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

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

45 dB LAmax in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

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

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with D1 of the Sedgefield Borough Local Plan and Part 11 of the National Planning Policy Framework.

17. No development of any phase shall commence until a Construction Management Plan covering that phase 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(s) 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.

18. 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.

19. 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 completed 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 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.

20. 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 National Planning Policy Framework.

21. 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 for any phase before any development commences on that phase 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 for that phase. 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 National Planning Policy Framework.

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.

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

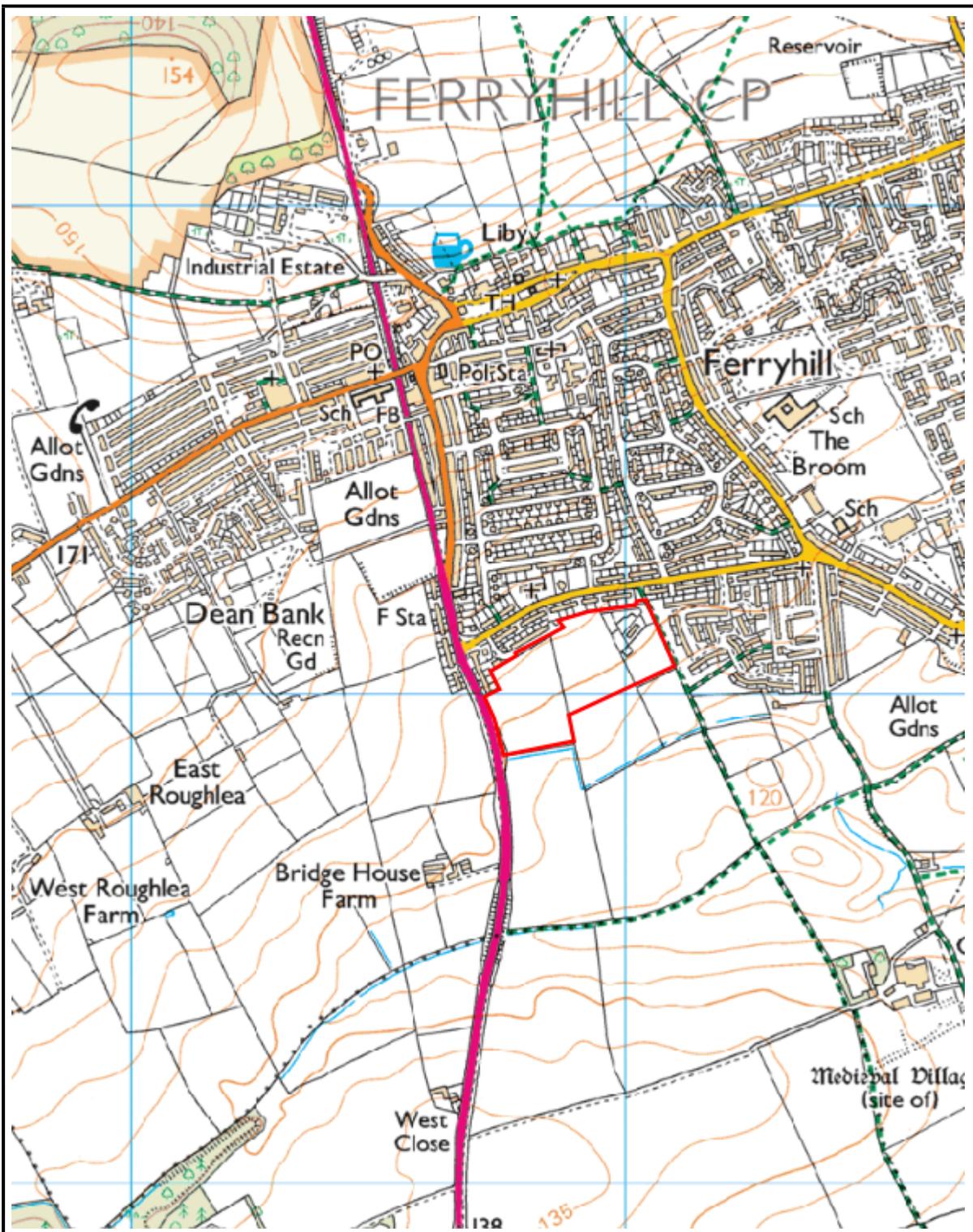
Sedgefield Borough Local Plan

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



Durham
County Council

Planning

Services

DM/16/02426/OUT

Outline application including means of access (all other matters reserved) for up to 161 dwellings. (Amended description)

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Comments

Date July 2017

Scale Not to scale